



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

CMS/Sharks/MOS3/Doc.7.3  
11 October 2018  
Original: English

3<sup>rd</sup> Meeting of the Signatories (Sharks MOS3)  
Monaco, 10 – 14 December 2018  
Agenda Item 7

**REPORT OF THE ADVISORY COMMITTEE**

*(Prepared by the Chair of the Advisory Committee)*

**Composition of the Advisory Committee**

1. As agreed at the 1<sup>st</sup> Meeting of the Signatories (MOS1) and in accordance with the Terms of Reference (TOR) of the Advisory Committee (AC), the AC “should comprise ten persons qualified as experts in migratory shark conservation, science and management. In appointing the AC members, Signatories should strive to achieve a balance among the areas of expertise.” ([CMS/Sharks/Outcome 1.1](#)).
2. The AC members of the should be appointed as representatives of the regions by the Signatories from each region as set out in Annex 2 to the Memorandum of Understanding (MOU), which foresees to nominate two representatives each for Africa, Asia, Europe and South, Central America & the Caribbean and one representative each for North America and Oceania.
3. As of October 2018, all regional positions are filled. The members of the AC Committee, the regions which they represent and the number of terms for which they have already served on the AC is provided in table 1 below.

**Table 1: Members of the AC**

<b>Name</b>	<b>Region</b>	<b>Contact</b>	<b>Term</b>
John CARLSON (Chair)	North America	<a href="mailto:john.carlson@noaa.gov">john.carlson@noaa.gov</a>	2 <sup>nd</sup> term
James ELLIS (Vice Chair)	Europe	<a href="mailto:jim.ellis@cefas.co.uk">jim.ellis@cefas.co.uk</a>	2 <sup>nd</sup> term
Marino VACCHI	Europe	<a href="mailto:marino.vacchi@ge.ismar.cnr.it">marino.vacchi@ge.ismar.cnr.it</a>	2 <sup>nd</sup> term
Enzo ACUÑA	South, Central America & the Caribbean	<a href="mailto:eacuna@ucn.cl">eacuna@ucn.cl</a>	2 <sup>nd</sup> term
Mario ESPINOZA	South, Central America & the Caribbean	<a href="mailto:mario.espinoza_m@ucr.ac.cr">mario.espinoza_m@ucr.ac.cr</a>	1 <sup>st</sup> term
Boaz KAUNDA- ARARA	Africa	<a href="mailto:b_kaunda@yahoo.com">b_kaunda@yahoo.com</a>	2 <sup>nd</sup> term

Name	Region	Contact	Term
Mika SAMBA DIOP	Africa	<a href="mailto:mika_dfr@yahoo.fr">mika_dfr@yahoo.fr</a>	2 <sup>nd</sup> term
Lesley GIDDING-REEVES	Oceania	<a href="mailto:Lesley.Gidding-Reeves@environment.gov.au">Lesley.Gidding-Reeves@environment.gov.au</a>	2 <sup>nd</sup> term
Rima JABADO	Asia	<a href="mailto:rimajabado@hotmail.com">rimajabado@hotmail.com</a>	1 <sup>st</sup> term
Moonyeen ALAVA	Asia	<a href="mailto:executive_director@coast.ph">executive_director@coast.ph</a>	1 <sup>st</sup> term

4. At the 2<sup>nd</sup> Meeting of the AC (AC2) concerns were raised, that the predicted high proportion of simultaneous turnover of AC members, in accordance with paragraph 14 of the TOR, would compromise the effectiveness and efficiency of the AC in the early stages of developing its work. The TOR stipulate that AC members should only serve for two terms, with the possibility of extension by a third term. To ensure the stability and continuity of the AC, the Secretariat has therefore proposed an amendment to paragraph 14 of the TOR in consultation with the chairs of the AC. This issue is further detailed in [CMS/Sharks/MOS3/Doc.14.1](#)

## Meetings

### 1<sup>st</sup> Workshop of the Conservation Working Group (CWG1)

5. The Conservation Working Group (CWG), which was established at the 2<sup>nd</sup> Meeting of the Signatories to the Sharks MOU (MOS2) has been given the task of providing technical guidance to the AC and Signatories.
6. The 1<sup>st</sup> Workshop of the CWG (CWG1) was held in Bristol, UK from 31 October to 1 November 2016.
7. CWG1 was attended by four AC members including Mr. John Carlson (Chair), Mr. James Ellis (Vice-Chair), Ms. Rima Jabado and Mr. Marino Vacchi and nine experts that were selected by the AC from the “List of Experts”, a result of MOS2 ([CMS/Sharks/MOS2/Decisions/Rev.2](#)). In addition, the CMS Appointed Councilor for Bycatch, Barry Baker, attended the workshop to contribute his expertise on bycatch and ensure effectiveness of bycatch mitigation measures across different taxonomic groups.
8. A total of six observers were admitted by the AC to participate at the workshop. This included one Signatory (United States) and three Cooperating Partners to the Sharks MOU (Sharks Advocates International, The Shark Trust and Project AWARE).
9. The CWG discussed the term “Bycatch” for the purpose of the Sharks MOU as requested in the TOR of the CWG (paragraph 4b).

10. Considering the Sharks MOU, specifically the preambular text and paragraphs 4.2, and 5 of the Conservation Plan, the CWG concluded that for the Sharks MOU, bycatch should be defined as:  

*“Sharks that interact with but are not the targets of fishing operations”*
11. In accordance with paragraph 4c of the TOR, the CWG discussed the review and gap analysis of bycatch mitigation measures being employed by fisheries management bodies, which was prepared by Ms. Sarah Fowler as background document for CWG1. The document is provided as [CMS/Sharks/MOS3/Inf.18](#).
12. The CWG agreed that Ms. Fowler and Mr. Baker would continue working together on reviewing bycatch mitigation measures, using the review as a basis for their work.
13. The CWG was tasked to compile relevant biological data of Annex 1 species, review and identify species-specific priority research and conservation needs at the appropriate scale (TOR, paragraph 4d). For this purpose, the CWG used the short time of the two-day workshop and compiled information on species-specific level for all species listed in Annex 1 of the Sharks MOU.
14. CWG1 decided, that this information should be used to develop species fact sheets in cooperation with the IUCN and other experts intersessionally and that these fact sheets should be presented to AC2 and MOS3. It was further decided that the factsheets should contain recommendations for priority research and conservation measures for each species or taxonomic group. The Secretariat was tasked to develop draft factsheets and to present those to AC2 and MOS3.
15. The AC and CWG would like to thank the World Wildlife Fund (WWF) Germany for supporting this meeting.
16. The report of CWG1 is provided as [CMS/Sharks/MOS3/Inf.7](#).

#### 2<sup>nd</sup> Meeting of the Advisory Committee (AC2)

17. AC2 was held from 20 to 24 November 2017 in Bonaire, Netherlands.
18. The meeting was chaired by Mr. John Carlson (AC Chair, North American region) and Mr. James Ellis (AC Vice-Chair, European region).
19. Nine experts from the AC representing all five MOU regions and two additional experts from the CWG (Ms. Michelle Heupel an advisor for the Australian Government Department for the Environment and Mr. Rui Coelho a Research Biologist from the Portuguese Institute for the Ocean and Atmosphere) prepared important expert recommendations to the Signatories on the implementation of the MOU and its Conservation Plan over the course of five days.

20. The meeting also attracted interest from observers from Signatory States (the Netherlands, Saudi Arabia and South Africa), IGOs (UN Environment Regional Seas – Cartagena Convention, The Regional Activity Centre for the Protocol Concerning Specially Protected Areas and Wildlife for the Wider Caribbean Region), international NGOs (Dutch Elasmobranch Society (NEV), Pew Charitable Trust, Shark Advocates) and local NGOs, that actively work on the conservation of sharks and rays in the Caribbean (National Park Foundation Bonaire (STINAPA), Dutch Caribbean Nature Alliance).
21. In accordance with [CMS/Sharks/Outcome 1.4](#) the AC2 examined five proposals for the inclusion of shark and ray species, which were recently added to the CMS Appendices at the 12<sup>th</sup> Conference of the Parties (CMS COP12). Three species, the Dusky Shark (*Carcharhinus obscurus*), White-spotted/Bottlenose Wedgefish (*Rhynchobatus australiae*) and Common Guitarfish (*Rhinobatos rhinobatos*) were recommended for inclusion in Annex 1 of the MOU. The inclusion of the Blue Shark (*Prionace glauca*) and the Angelshark (*Squatina squatina*) was not recommended, as the AC felt that the criteria for listing were not met.
22. In addition, the committee felt that other threatened species, such as the Oceanic Whitetip Shark (*Carcharhinus longimanus*), the Smooth Hammerhead (*Sphyrna zygaena*), the Winghead Shark (*Eusphyra blochii*) and two “look alike” species of the White-spotted/Bottlenose Wedgefish (*R. australiae*, *R. laevis* and *R. djiddensis*) should be considered by the Signatories for listing to strengthen international conservation action for those species.
23. Except for the Winghead Shark (*Eusphyra blochii*), Signatories submitted proposals for these additional species. The AC then reviewed those intersessionally after the submission deadline on 13 July 2018.
24. The AC recommendation on the amendment of Annex 1 and the criteria for listing are included in [CMS/Sharks/MOS3/Doc.9.1](#).
25. An important discussion unfolded over how the MOU should engage with Regional Fisheries Management Organizations (RFMOs), which is a key element of the MOU Conservation Plan, and particularly important for the conservation and management of commercially fished species, such as Mako Sharks.
26. A draft process was agreed, and recommendations were made on activities that should be undertaken by Signatories and the Secretariat in the context of RFMOs. Please refer to [CMS/Sharks/MOS3/Doc.11.1](#), which included the recommendations of the AC.
27. A review of the “Effectiveness of Marine Protected Areas for the Conservation of Migratory Sharks and Rays”, which was prepared by the Chair of the AC and which is provided as [CMS/Sharks/MOS3/Inf.14](#), formed the basis for the discussions on the implementation of activity 9.1 of the Conservation Plan. This activity requests Signatories to “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 Regional Seas Conventions and Action Plans (RSCAPs) where appropriate, or take other measures to remove threats to such areas.”

28. The general agreement in the room was that spatial management and marine protected areas (MPAs) should not be regarded as the only or most important tool to conserve and manage sharks and rays, and that it should be combined with other approaches. Generally, the meeting agreed that the designation of protected areas for migratory sharks and rays made most sense in critical areas, where a significant number of individuals spent a significant amount of time, in particular during critical life stages. The recommendations made by the AC on spatial management and the implementation of Activity 9.1 of the Conservation Plan are presented in [CMS/Sharks/MOS3/Doc.14.1](#).
29. Furthermore, AC2 made suggestions on how the MOU could support the implementation of Concerted Actions for Mobulids and the Whale Shark (*Rhincodon typus*), which were adopted by CMS COP12 and which are presented in [CMS/Sharks/MOS3/Doc.15.1](#).
30. The Concerted Action for the Angelshark (*Squatina squatina*), which was also approved by CMS COP12, was not reviewed by the AC and CWG, because the species had not been included in Annex 1 at the time AC2 took place.
31. Based on the outcome of a survey on the capacity needs of Signatory States to implement the MOU, AC2 suggested activities that should form an integral part of an overall capacity-building programme for the MOU, which are included in [CMS/Sharks/MOS3/Doc.13.1](#).
32. AC2 further modified draft species-specific factsheets, which were developed by the Secretariat, upon request by CWG1, and made recommendations on priority conservation measures for consideration of the Signatories at MOS3. Those recommendations are included in [CMS/Sharks/MOS3/Doc.10.1](#) and in CMS/Sharks/MOS3/Inf.15a-k.
33. The Advisory Committee agreed to convene again remotely in October 2018 to review documents for the 3<sup>rd</sup> Meeting of the Signatories (Sharks MOS3) which will take place in Monaco 3-7 December 2018.
34. The AC thanks the government of the Netherlands, the local government of Bonaire and STINAPA Bonaire for hosting the meeting and for significant funding to support the participation of the AC, CWG members and the Secretariat.
35. The report of AC2 is provided as [CMS/Sharks/MOS3/Inf.6](#).

## Involvement with CMS

36. The AC was represented by its Chair at the 2<sup>nd</sup> Sessional Committee of the Scientific Council of CMS (SCScC2), which was held from 10 to 13 July 2017, in Bonn, Germany. The meeting aimed at reviewing documents submitted to CMS COP12 and to provide expert advice to CMS Parties on scientific matters. SCScC2 discussed inter alia proposals for the inclusion of additional species of sharks and rays in the Appendices of the Convention. Furthermore, proposals for Concerted Action by Parties for the Whale Shark (*Rhincodon typus*), Mobulid Rays and the Angelshark (*Squatina squatina*) were reviewed. The Sessional Committee provided positive recommendations for all species proposed for inclusion in the CMS Appendices. Likewise, it supported the three proposals for Concerted Action for shark and ray species.
37. The AC was also represented at CMS COP12, which was held from October 2017, in Manila, Philippines. As outlined in [CMS/Sharks/MOS3/Doc.9.1](#) and [15.1](#) all species proposals and Concerted Action proposals were adopted by Parties. Some Parties, however raised concerns regarding the inclusion of the Blue Shark (*Prionace glauca*) but did not wish to block consensus.
38. Three Parties have submitted a reservation to the Secretariat with regards to the inclusion of certain shark and ray species after CMS COP12:
  - a) Australia:
    - Dusky Shark (*Carcharhinus obscurus*) Appendix II;
    - Blue Shark (*Prionace glauca*) Appendix II;
    - White-spotted Wedgefish (*Rhynchobatus australiae*) Appendix II.
  - b) Czech Republic:
    - all the species added to the Appendices at CMS COP12.
  - c) South Africa:
    - Blue Shark (*Prionace glauca*) Appendix II.
39. As per a decision at AC2, the Chair of the AC has offered to the Chair of the CMS Scientific Council, via written communication, to review future proposals for the inclusion of shark and ray species in the CMS Appendices and to provide recommendations to the Council. The Chair on behalf of the Council welcomed this suggestion and agreed that the Secretariat shall forward all future proposals to the AC and invite them to provide written recommendation in advance of the Sessional Committee Meeting, preceding COP. This additional task of the AC is included as activity 11 in the Draft Programme of Work (POW) 2019-2021 ([CMS/Sharks/MOS3/Doc.16.1](#)).

## Future set up of CWG and AC

40. Even though the AC met only once during the triennium, the Committee came to the conclusion, that two meetings would be appropriate. Furthermore, it was agreed that the CWG should ideally convene in conjunction with the AC. This would have the advantage of saving resources and to strengthen cooperation between the CWG and the AC. It was considered useful to invite specific experts based on their expertise in relation to the agenda items discussed on a case by case basis.

41. The AC suggests holding AC3 in 2019 in order to follow up on decision implemented by this Meeting. AC4 should take place in 2020 to prepare and finalize recommendations for MOS4. In addition, the AC suggests working intersessionally on ad hoc tasks and the review of documents submitted to MOS4 by Signatories, which require scientific expertise.
42. The Secretariat will continue to play an important role as facilitator of the Committee work, organization of meetings and assistance with the preparation of documents.

### **Future tasks**

43. Apart from providing assistance to the Scientific Council of CMS, regarding proposals for the inclusion of species in the Appendices of CMS (see Draft POW 2019-2021, activity 11), this Meeting will discuss a number of proposed and continuing activities, which would require the involvement of the AC.
44. This includes:
  - a) To provide advice on the implementation of species-specific conservation measures and habitat conservation measures for species listed in Annex 1 as discussed and agreed under agenda items 10.1 “Species specific conservation measures” and 10.2 “Habitat Conservation” (see Draft POW 2019-2021, activity 1);
  - b) To provide advice and assist with the implementation of conservation measures as discussed and agreed under agenda item 15.1 “Cooperation with CMS on the implementation of Concerted Action for Sharks and Rays” (see Draft POW 2019-2021, activity 2);
  - c) To review the Conservation Plan and recommendations for species specific conservation measure and present updated/revised versions to MOS4 (see Draft POW 2019-2021, activity 3);
  - d) To Develop guidelines on bycatch mitigation strategies and selective fishing methods in consultation with the CMS Bycatch Working Group (see Draft POW 2019-2021, activity 8);
  - e) To assist with the implementation of capacity-building activities as agreed under agenda item 13 to assist Signatories with the implementation of the Conservation Plan (Draft POW 2019-2021, activity 10);
  - f) To assist with the implementation of the process and activities to engage with Regional Fisheries Management Organizations as agreed under agenda item 11 (see Draft POW, activity 13).

### Action requested:

The Meeting is requested to:

- a) Note the report of the Advisory Committee and to provide guidance.