

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

CMS/Sharks/MOS2/Doc.11.1

17 December 2015

Original: English

Second Meeting of the Signatories
San José, Costa Rica, 15-19 February 2016
Agenda Item 11

COOPERATING PARTNERS TO THE CMS SHARKS MOU

(Cover Note prepared by the Secretariat)

Introduction

1. Paragraph 30 of the Sharks MOU outlines the entities that may associate themselves as cooperating partners with the MOU through their signature. These entities are as follows:

- i. non-Range States
- ii. inter-governmental organizations (IGOs)
- iii. non-governmental organizations (NGOs) and other relevant bodies and entities

2. The MOU is silent on the subject of a procedure for cooperating partners to sign the MOU.

Discussion at MOS1

3. At MOS1, document [CMS/Sharks/MOS1/Doc.6.2](#) outlined two options to authorize an interested organization or State to sign the MOU as a co-operating partner and identified a potential role of cooperating partners in implementing the MOU.

4. The Meeting was unable to reach a consensus on a procedure for accepting cooperating partners and the above-mentioned document was not adopted. A summary of the discussion is outlined in the meeting report ([CMS/Sharks/MOS1/Report](#)).

5. Consequently, the task of developing a procedure to authorize cooperating partners and to define their role was assigned to an Inter-sessional Working Group (IWG), also charged with developing the Rules of Procedure.

6. In December 2012, the Secretariat invited all Signatories to take part in the IWG. The following Signatories expressed their interest and were included in all subsequent correspondence: the EU and five of its Member States (Germany, Italy, the Netherlands,

Sweden and the UK), Kenya, South Africa and the USA. The group was co-chaired by the UK and USA and worked primarily by correspondence with support from the Secretariat.

Survey of relevant NGOs and IGOs

7. In October 2014 the Secretariat was requested by the IWG to undertake a survey amongst non-governmental organizations and relevant intergovernmental organizations working on shark conservation and management, evaluating their interest to associate themselves with the MOU as cooperating partners and the nature of their potential contribution to the MOU. The analysis of the survey (available at CMS/Sharks/MOS2/Inf.6) has been considered by the IWG.

8. Through the survey a number of organizations expressed an interest in associating themselves with the MOU as cooperating partners. These organizations already significantly contribute to the implementation of the objectives of the MOU and the Conservation Plan, in particular in the fields of research, data-sharing, awareness-raising, international cooperation, habitat conservation, capacity-building and outreach.

9. The above-mentioned analysis indicates that Signatories, Range States, and the Secretariat would benefit from cooperation with such organizations, especially regarding the effective implementation of activities in the Conservation Plan. This is particularly true, given the limited resources currently available to the MOU Secretariat and the Advisory Committee and taking into account the advantages of a broad network of experts and stakeholders.

10. In light of this analysis, the Intersessional Working Group developed draft terms of reference for cooperating partners, which outline their role and define a procedure to admit applicants as cooperating partners (Annex 1).

Expressions of Interest to sign as a Cooperating Partner

11. At MOS1 Signatories agreed that the two organizations which had formally submitted their requests to become cooperating partners in advance of the meeting should be admitted. Consequently, both the Humane Society International Australia and the Humane Society International USA signed the MOU as cooperating partners. Several organizations also expressed interest in signing the MOU during the meeting, but were requested to wait until a procedure had been developed.

12. As part of the above-mentioned survey, organizations were requested to indicate whether they were interested in becoming a cooperating partner. Those that replied in the affirmative were subsequently asked to reiterate this interest in an official letter to the Secretariat. All letters of interest received at least 90 days before the start of the meeting are presented in Annex 2. These applications were also brought to Signatories' attention in a notification dated 19 November 2015.

Action requested:

The Meeting of the Signatories is invited to:

1. Review and adopt the draft terms of reference for cooperating partners in Annex 1. Bracketed text (highlighted in yellow) requires further discussion by the MOS. This primarily reflects the need for a decision on:
 - Matters relating to voting in order to address how to handle an objection to accepting a cooperating partner from a Signatory.
 - Whether a single approval process is applied equally for non-Range States, IGOs and NGOs.
2. Consider the letters of interest contained in Annex 2 and decide whether to admit these organizations as cooperating partners.

DRAFT TERMS OF REFERENCE FOR COOPERATING PARTNERS

Overall Objective

1. To create additional synergies and coordinate actions by collaborating with cooperating partners to accomplish the shared goal of achieving and maintaining a favourable conservation status for migratory sharks.

Scope

2. Cooperating partners are defined in paragraph 30 of the Sharks MOU as: ‘*Non-Range States, inter-governmental and non-governmental organizations, or other relevant bodies and entities*’. Paragraph 23 of the Sharks MOU provides further insight to what other relevant bodies might be¹.

Tasks

3. Cooperating Partners are expected to support the Signatories, Range States, and the Secretariat in meeting the objectives of the Sharks MOU, in particular by helping to:

- (a) implement the Conservation Plan as established by the Signatories.
- (b) widely Promote the MOU and its objectives.
- (c) create synergies and maximize the effectiveness of implementation of the MoU and its associated Conservation Plan.
- (d) develop conservation programmes, projects, and joint activities.
- (e) facilitate joint fundraising initiatives.
- (f) share information and technical expertise.

4. Determined by its respective mandate, function, and expertise, collaboration with a cooperating partner may comprise activities outlined in the Conservation Plan to the Sharks MOU such as:

- a. Research;
- b. Data and information exchange;
- c. Conservation activities;
- d. Capacity-building;
- e. Awareness-raising;
- f. Outreach; and
- g. Fundraising and financial support.

Modus operandi

5. A cooperating partner should coordinate its collaboration with the Sharks MOU directly through the Secretariat. Any joint activity/initiative should be endorsed beforehand by the MOS.

¹ ‘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’.

6. A cooperating partner should nominate a Focal Point within its organization to facilitate communication and to regularly share relevant information with the Secretariat about new initiatives and activities related to the Sharks MOU.

7. The Secretariat should facilitate collaboration between cooperating partners and Signatories, Range States, non-Range States, and the Advisory Committee, as well as with Working Groups, when appropriate.

Attendance at Meetings

8. A cooperating partner may participate at sessions of the Meetings of the Signatories as an observer, but will not take part in the decision making process. A cooperating partner should provide a written report to each MOS on activities undertaken in support of the Sharks MOU and the implementation of its Conservation Plan 30 days in advance of the meeting.

Procedure to admit Cooperating Partners

9. [Non-Range States that are interested in signing the MOU are automatically authorized to do so at any time.]

10. Inter-governmental organizations (IGOs) that are interested in signing the MOU are automatically authorized to do so at any time.

11. NGOs and other relevant bodies and entities that are interested in signing the MOU will be subject to the procedures outlined in the following paragraphs.

12. NGOs wishing to become cooperating partners should submit to the Secretariat an expression of interest to sign the MOU. It should contain information about the organization's mandate, current activities and the envisaged fields of cooperation.]

13. Expressions of interest should be sent to the Secretariat not later than 90 days before the Meeting of Signatories.

14. The Secretariat will review each expression of interest and circulate a notification to Signatories within 30 days of receipt.

15. The Signatories may authorize a cooperating partner to sign the Sharks MOU at the Meeting of the Signatories or, if there is sufficient time before the next Meeting of Signatories, via a written procedure initiated by the Secretariat.

16. If no objections are communicated to the Secretariat within 30 days of the start of a written procedure, the organization will be invited by the Secretariat to sign the Sharks MOU as a cooperating partner.

17. If an objection is received from one or more Signatories, the Secretariat will include the matter on the agenda for the next MOS for a decision [by consensus]/[two-thirds majority]/[simple majority].

Termination of Partnership

18. [This section applies only to NGOs and other entities.]

19. In the event of misconduct or conflict of interest, the association with a cooperating partner, may be terminated by the Signatories.]

20. The decision to end an association with a cooperating partner will be taken at the Meeting of Signatories by [by consensus]/[two-thirds majority]/[simple majority].

21. An official request by a Signatory to end an association with a cooperating partner should be sent to the Secretariat and include detailed reasons. The Secretariat will notify Signatories of the request within 30 days of receipt.

22. If no Signatory objects to ending the association with the cooperating partner within 30 days of the notification, the association with the cooperating party will be suspended until that time a decision on terminating the association can be taken by the Meeting of Signatories.

23. If an objection to terminating the association with the cooperating partner is received from a Signatory within 30 days of the notification, the association will remain in place until that time a decision on terminating the association can be taken by the Meeting of Signatories.

24. A cooperating partner may decide to end its commitment at any time through written communication to the Secretariat. The Secretariat shall inform the Signatories accordingly.

General Provisions

25. A cooperating partner's actions will be considered to be that partner's sole and separate action, for all purposes, and a cooperating partner shall not claim to be acting on behalf of the Sharks MOU.



IFAW
International Fund
for Animal Welfare

12 November 2015

Dr. Bradnee Chambers
Executive Secretary
UNEP/CMS Secretariat
United Nations Campus
Hermann-Ehlers-Str. 10
53113 Bonn, Germany

Subject: IFAW Application for Cooperating Partner Status with
CMS Sharks MoU

Dear Dr. Chambers:

I am writing on behalf of the International Fund for Animal Welfare (IFAW) to express our intent to become a Cooperating Partner to the Sharks Memorandum of Understanding (MoU) of the Convention on the Conservation of Migratory Species of Wild Animals, in accordance with paragraph 30 of the MoU.

Since the Sharks MOU entered into force, and with our expertise and relationships, IFAW has started to support the implementation of this MOU through:

- A. Encouraging and assisting relevant governments to join the Shark MOU and CMS and, where feasible, to increase the number of signatories. One of the success stories was the signing of nine Arab countries on the Shark MoU in February 2014 at the regional capacity building workshop.
- B. Holding in cooperation with CMS several regional capacity building workshops in order to help improve shark conservation, especially in the Middle East. This included both education and awareness raising but also training in international fishery management and particularly implementation and enforcement of new legislation to accommodate the recent CITES listings on sharks.
- C. Working with countries on potential new listings of threatened shark species in CMS and CITES.

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United Arab Emirates

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Dr. Bradnee Chambers
12 November 2015
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- D. Publishing, in cooperation with CMS, the Sharks Guide in the Arabian Seas (May 2014).
- E. Helping, assisting and supporting improved cooperation with governments.

IFAW reaffirms its commitment to enhance the efforts highlighted above and to support the relevant activities and events for the future.

Furthermore, IFAW nominates Dr. Akram Eissa Darwich, Programme Manager, IFAW MENA office, as a Focal Point of the Cooperating Partner Status with CMS Sharks MoU.

We thank you very much for the opportunity to become a Cooperating Partner and look forward to hearing from you.

Yours Sincerely,



Azzedine T. Downes
President and CEO
IFAW - International Fund for Animal Welfare



Protecting Our Ocean Planet -
One Dive at a TimeSM

26 October 2015

Dr. Bradnee Chambers
Executive Secretary
UNEP/CMS Secretariat
United Nations Campus
Hermann-Ehlers-Str. 10
53113 Bonn, Germany

Dear Dr. Chambers:

Re: Project AWARE Application for Cooperating Partner Status with CMS Sharks MoU

I am writing to re-iterate Project AWARE's sincere interest in becoming a Cooperating Partner to the UNEP/CMS Memorandum of Understanding on the Conservation of Migratory Sharks, as described in Paragraph 30 of the MoU, and originally expressed by us in August of 2012. (See enclosures)

Project AWARE Foundation - an international NGO with offices in Australia, the UK and the U.S. work with scuba divers on two critical issues: sharks and rays in peril and marine debris. We are deeply committed to conservation of migratory sharks, the Sharks MoU, and the implementation of the Conservation Plan.

Project AWARE is consistently advocating for national, regional and global management and conservation actions that heed all available scientific advice for limiting shark and ray catches; fully protecting these species listed as Endangered or Critically Endangered by the IUCN; setting precautionary fishing limits (where no advice exists) and ensuring all sharks are landing with fins naturally attached.

Project AWARE has engaged thousands of scuba divers globally in shark and ray conservation, not only through advocacy related to CITES, CMS or RFMOs but also through local efforts such as training and education programs. We remain committed to working with the Sharks MoU Secretariat, the MoU Signatories, CMS Parties, partner NGOs, and other entities to see the protections afforded to the migratory sharks and rays under CMS Appendices and the measures outlined in the Conservation Plan are implemented nationally and regionally.

As with the 1st Meeting of the Signatories to the MoU, Ms. Ania Budziak, Project AWARE's Associate Director, Programs will be attending the 2nd Meeting taking place in Costa Rica, February 2016. Ms. Budziak would be honored, and is hereby authorized, to undertake any formal process required for Project AWARE to become a Cooperating Partner to the Sharks MoU while she represents our organization at the meeting.

Yours sincerely,

Tiffany Leite
Director

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FOUNDATION

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Protecting Our Ocean Planet –
One Dive at a Time

Ms Elizabeth Maruma Mrema
Executive Secretary
UNEP/CMS Secretariat
United Nations Campus
Hermann-Ehlers-Str. 10
53113 Bonn, Germany

22 September 2012

Dear Ms Mrema:

Re: Project AWARE Foundation and the CMS MoU on the Conservation of Migratory Sharks

I am writing to express the sincere interest of Project AWARE Foundation in becoming a Cooperating Partner to the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (MoU).

Project AWARE Foundation, an international nonprofit organization with offices in Australia, UK and US working with scuba divers on two critical issues: sharks in peril and marine debris, is deeply committed to conservation of migratory sharks and the principles and measures of the MoU. We have been proud to add our voice to a call for CMS protections for mantas at CoP10 and have welcomed the Appendix I and II listings for the Giant Manta Ray. Most recently, we have sponsored an IUCN motion on the Conservation and Management of Mako Sharks, overwhelmingly adopted by the IUCN assembly on 15 September 2012. Inter alia, the motion “encourages all fishing nations and entities, particularly Parties to CMS, to support implementation of the CMS MoU for Migratory Sharks, including development of regional conservation plans as appropriate for listed species.” Finally, as a steering committee member of the Shark Alliance for the past six years, we have shown an unwavering commitment to ending the unacceptable practice of finning by working towards an EU wide fins attached policy with no exceptions.

Ms Ania Budziak, our Associate Director for Science and Policy, is attending the First Meeting of Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks taking place in Bonn September 24th-27th, 2012.

Given Project AWARE Foundation’s commitment to date, we would be honored to sign onto the MoU as a Cooperating Partner. Ms Budziak would be pleased, and is hereby authorized as an executive of Project AWARE Foundation, to undertake any formal process required while in Bonn.

Yours sincerely,

Alex S. Earl

Executive Director

alex.earl@projectaware.org



Dr. Bradnee Chambers
Executive Secretary
UNEP/CMS Secretariat
United Nations Campus
Hermann-Ehlers-Str. 10
53113 Bonn, Germany

26 October 2015

Dear Dr Chambers

The Shark Trust's application for Cooperating Partner Status with the CMS Sharks MoU.

I am writing to express the Shark Trust's interest in becoming a Cooperating Partner to the UNEP/CMS Memorandum of Understanding on the Conservation of Migratory Species as described in paragraph 30 of the MoU, and originally expressed at the 2012 meeting of the CMS MoU in Bonn.

The Shark Trust was established in the UK in 1997 as a body to represent sharks, skates, rays and chimaera to the public, industry and policy makers. A membership organisation, the Trust is dedicated to advancing the worldwide conservation of all chondrichthyans through science, education, influence and action.

The Shark Trust is a globally respected advocate for conservation and sustainably managed fisheries and sits at the centre of a network of stakeholders and members at UK, EU and global levels, undertaking a wide range of high profile projects and campaigns across policy, stakeholder engagement, public engagement and citizen science.

The Shark Trust was one of the founder members of the European Elasmobranch Association (EEA) and provides its Secretariat. It was also a founder and highly active member of the successful EU Shark Alliance campaign (2006-2013) and continues to successfully collaborate with organisations associated to the Alliance and more widely on Regional Fisheries Management Organisations (RFMOs) and Multilateral Environmental Agreement (MEA) activities. The Trust is committed to the conservation of migratory species, the sharks MoU, and the implementation of the Conservation Plan.

Ms Ali Hood, Director of Conservation for the Shark Trust hopes to attend the second meeting of the CMS Sharks MoU in Costa Rica. Ms Hood is authorised to undertake any formal process required for the Trust to become a Cooperating Partner to the CMS MoU while at the 2016 meeting. We look forward to hearing from you in due course.

Yours sincerely

Paul Cox
Managing Director

The Shark Trust, 4 Creykes Court,
The Millfields, Plymouth, Devon, PL1 3JB.

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Registered Charity No. 1064185
Registered Company No. 3396164

November 15, 2015

Andrea Pauly
UNEP / CMS Secretariat
United Nations Premises
Platz der Vereinten Nationen 1
53113 Bonn, Germany



Dear Ms. Pauly:

On behalf of Shark Advocates International (SAI), I am writing to confirm our interest in becoming a Cooperating Partner for the Convention on Migratory Species (CMS) Memorandum of Understanding (MoU) on Migratory Sharks and the corresponding Conservation Plan, in line with paragraph 30 of the MoU.

I founded SAI as a project of The Ocean Foundation in 2010 based on my two decades of experience in shark conservation (gained while representing the US based Ocean Conservancy and EU based Shark Alliance). The main goal of SAI is to advance sound, science-based conservation policies for sharks and rays.

SAI is committed to actively engaging in shark and ray policy development, in collaboration with leading shark scientists and key governments. We strive to accurately communicate the plight of sharks to the media and the public, and channel resulting concern into concrete conservation actions. SAI takes pride in solid relationships with representatives from a diverse array of stakeholders including other conservation groups, animal welfare organizations, aquariums, diving associations, and fishermen.

As you may recall, I participated in the development of the Sharks MoU and Conservation Plan. At the 2008 CMS Conference of Parties (CoP), I promoted the listing of spiny dogfish, makos, and porbeagles. SAI advocated for the CMS listing for the giant manta ray at the 2011 CoP, and the addition of numerous shark and ray species to the Appendices in 2014. I have also participated in Convention on International Trade in Endangered Species (CITES) meetings since 1997, representing SAI at the 2010 and 2013 CoPs.

SAI holds seats on most advisory panels relevant to US domestic fishery regulations for Atlantic elasmobranchs, including spiny dogfish, makos, and porbeagles, as well as basking, white, and whale sharks. I also actively participate in meetings of the world's Regional Fisheries Management Organizations (RFMOs), maintaining appointments to US advisory committees regarding the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Northwest Atlantic Fisheries Organization (NAFO).

Given this focus and expertise, I believe SAI is well placed to contribute to the implementation of the CMS Sharks MoU, particularly the Conservation Plan's activities aimed at increasing public awareness and participation, and ensuring sustainable shark fishing. Please note that, if SAI is selected, I would serve as focal point, while any partnership agreements would be signed by representatives from The Ocean Foundation.

Thank you for your consideration.

Sincerely,

Sonja Fordham
President

14th October 2015

To whom it may concern,

Hereby, The Manta Trust would like to express our interest in becoming a Cooperating Partner to the Sharks Memorandum of Understanding (MoU) of the Convention on the Conservation of Migratory Species of Wild Animals, in accordance with paragraph 30 of the MoU.

The Manta Trust takes a multidisciplinary approach to the worldwide conservation of mobulid rays (manta and mobula rays) and their habitat through robust science and research, while raising awareness and providing education to the general public and community stakeholders alike. With projects in over 18 countries we have established strong relationships with a vast number of scientific and government institutions, and are working closely together with local researchers and communities. Throughout our network we focus on collaborating and streamlining activities that are crucial for advancing the research and conservation of these species, and can therefore assist in implementing activities listed under the MoU objectives.

Our network includes projects in several critical range states for manta and mobula rays, such as India, Sri Lanka and Indonesia, which are recognised as the largest mobulid ray fishing nations. Our research teams in these countries have gathered extensive knowledge and data that will be useful for supporting and informing any work conducted under the MoU objectives.

The Manta Trust is able to provide advice for conducting workshops on manta and mobula ray research and conservation, and can establish the necessary contacts if expert knowledge related to any issues regarding these species is required. We have developed training materials for mobulid gill plate identification, an Indo-Pacific mobulid guide, and are currently working on a Global Mobulid Identification Guide Project that includes the generation of a field guide, which might be useful for any trainings conducted by the Secretariat.

We thank you very much for the opportunity to become a Cooperating Partner, and look forward to hear from you!

Kind regards



Guy Stevens

Chief Executive / Founder | Manta Trust
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Mr. Bradnee Chambers
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andrea.pauly@cms.int

28 October 2015

Re: Cooperating Partnership with CMS MoU on the Conservation of Migratory Sharks

Dear Mr. Chambers,

I am writing on behalf of the Wildlife Conservation Society (WCS) to confirm our organization's interest in signing, as a Cooperating Partner organization, the CMS Memorandum of Understanding on the Conservation of Migratory Sharks, in accordance with paragraph 30 of the MOU.

Established in 1895, WCS saves wildlife and wild places worldwide through science, conservation action, education, and inspiring people to value nature. WCS envisions a world where wildlife thrives in healthy lands and seas, valued by societies that embrace and benefit from the diversity and integrity of life on earth. Headquartered at the Bronx Zoo in New York, USA, WCS conducts over 500 wildlife research and conservation projects worldwide in more than 60 countries. These include a growing portfolio of marine projects in the waters of more than 20 countries and all five of the world's oceans that are increasingly focused on effective management of capture fisheries and marine protected areas (MPAs) and the long-term conservation of marine megafauna, including cetaceans, marine turtles, pinnipeds, sharks and rays.

WCS has a relatively long history in shark conservation. We supported the first-ever research into the Hong Kong shark fin market, assisted implementation of the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks), provided technical support and advocacy to international policy efforts to conserve sharks and rays, such as through CMS, CITES, and UN Regional Seas Conventions, and initiated ecological and fisheries monitoring programs for sharks and rays in several countries where we work, most notably Belize, Fiji, Gabon, and Indonesia. Our current shark and ray portfolio incorporates field research, conservation and management planning, capacity-building, outreach and awareness, and national and international shark policy in numerous countries and regions around the world. Our New York Aquarium, which welcomes more than 750,000 per year, is completing a flagship *Ocean Wonders: Sharks!* exhibit that will educate and inspire the public to become better stewards of these animals and their habitats.

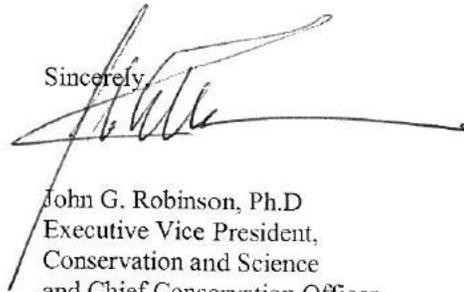
WCS has prioritized sharks and rays as one of six priority species groups (along with elephants, apes, big cats, cetaceans, and tortoises and freshwater turtles) in our new strategic *WCS:2020* strategic plan, thus committing our entire organization to the conservation of these fishes. Recognizing the global distribution of these fishes and of

.../...

many individual species, as well as the ubiquitous threat of overfishing, we have recently partnered with several other NGOs in developing a global strategy for shark and ray conservation and a global initiative to shepherd its implementation, which we expect to guide not only our own organizations' efforts but those of many others in seeking to reverse the decline of these species.

We see enormous potential for synergy between WCS's efforts on behalf of sharks and rays and those of the CMS Sharks MOU and look forward to the opportunity to explore possibilities with you, your staff, and your country signatories in the coming months and at the February 2016 MOS2 meeting in Costa Rica.

Sincerely,

A handwritten signature in black ink, appearing to read 'John G. Robinson', written over a horizontal line.

John G. Robinson, Ph.D
Executive Vice President,
Conservation and Science
and Chief Conservation Officer
Wildlife Conservation Society