



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

CMS/Sharks/AC3/Doc.3.1  
3 December 2019

Original: English

3<sup>rd</sup> Meeting of the Advisory Committee (AC3)  
Bonn, Germany, 10 - 12 December 2019  
Agenda Item 3

**REPORT OF THE CHAIR,  
THE VICE-CHAIR  
AND THE SECRETARIAT**

*(Prepared by the Chair and Co-Chair of the Advisory Committee and the Secretariat)*

1. The following report was jointly prepared by the Chair and Vice-Chair of the Advisory Committee (AC) and the Secretariat. It reports on activities and relevant developments and events since the 2<sup>nd</sup> Meeting of the AC (AC3).

**Exchange of letters between the Chairs of the AC and the CMS Scientific Council**

2. As agreed at AC2, the Chair of the AC offered the support of the AC to the Scientific Council of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) to review proposals for the inclusion of chondrichthyan species and to submit its findings to the meeting of the Sessional Committee of the Scientific Council (ScC-SC) preceding the Conference of the Parties (COP) for consideration by the Councillors. The aim was to contribute specific expertise on chondrichthyan species and thereby strengthen collaboration within the CMS Family.
3. The Chair of the Scientific Council welcomed the assistance offered and invited the AC to submit their review in accordance with [CMS Resolution 11.33 \(Rev. COP12\) Guidelines for Assessing Listing Proposals to Appendices I and II of the Convention](#) in advance of the last ScC-SC preceding COP.
4. During the 3<sup>rd</sup> Meeting of the Signatories of the Memorandum of Understanding on the Conservation of Migratory Sharks (MOS3 of the Sharks MOU), the Signatories welcomed this approach, clarified that the AC review would represent an expert opinion rather than the official position of MOU Signatories.

**3<sup>rd</sup> Meeting of the Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks (MOS3)**

5. Both, the Chair and the Vice-Chair of the AC participated in MOS3, which was held on 10-14 December 2018 in Monaco. The Chair reported back on the AC activities and introduced AC documents to MOS3. Table 1 shows the documents submitted by the AC for consideration by the Signatories at MOS3 and the outcome of the discussions:

**Table 1:** Summary of Outcomes from MOS3 in relation to documents submitted by the Advisory Committee

Documents	Outcome
<p><a href="#">CMS/Sharks/MOS3/Doc.9.1/Rev.1</a> Amendment of Annex 1 of the Sharks MOU</p>	<p><u>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.1</a></u></p> <p>Signatories agreed to add the following eight species of sharks and rays to Annex 1:</p> <ul style="list-style-type: none"> <li>– Dusky Shark (<i>Carcharhinus obscurus</i>)</li> <li>– Oceanic Whitetip Shark (<i>Carcharhinus longimanus</i>)</li> <li>– Smooth Hammerhead Shark (<i>Sphyrna zygaena</i>)</li> <li>– Angelshark (<i>Squatina squatina</i>)</li> <li>– Bottlenose Wedgefish / Whitespotted Wedgefish (<i>Rhynchobatus australiae</i>)</li> <li>– Whitespotted Wedgefish /Giant Guitarfish (<i>Rhynchobatus djiddensis</i>)</li> <li>– Smoothnose Wedgefish (<i>Rhynchobatus laevis</i>)</li> <li>– Common Guitarfish (<i>Rhinobatos rhinobatos</i>)</li> </ul> <p><u>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.2</a></u></p> <p>The Meeting amended CMS/Sharks/ Outcome 1.4 “<i>Modifying the Species List (Annex1) of the MOU</i>” and adopted, with minor modifications for the purpose of the MOU, the new format for listing proposals, which had been adopted by CMS COP12 in 2017. Signatories agreed a more detailed definition for the term “migratory”, which was one of the two listing criteria. Moreover, a provision that allowed for the inclusion of look-alike species was included in the document.</p> <p>The new format for listing proposals is presented in the Annex of the document. Further details will be discussed under agenda item 5.1 <i>Amendments to the Sharks MOU</i>.</p>
<p><a href="#">CMS/Sharks/MOS3/Doc.10.1/Rev.1</a> Species-Specific Conservation Measures for Species listed in Annex 1 of Sharks MOU</p>	<p><u>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.12</a></u></p> <p>The Meeting established an Intersessional Working Group (IWG – Conservation Measures) and adopted terms of reference to guide its work. The aim of the IWG was to review and finalize species factsheets, including suggestions for conservation action.</p> <p>The IWG had an open membership and worked remotely under the chairmanship of the AC Chair, with support from South Africa.</p>
Documents	Outcome

<p><a href="#">CMS/Sharks/MOS3/Doc.10.2</a> Habitat Conservation</p>	<p>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.3</a> Recommendations of the AC on spatial management and the implementation of activity 9.1 in the Conservation Plan were adopted by the Signatories.</p>
<p><a href="#">CMS/Sharks/MOS3/Doc.11.1</a> Engagement with Regional Fisheries Management Organizations</p>	<p>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.4</a> It was agreed by the Signatories not to adopt a formal engagement strategy. However, general guidance for the Secretariat and the Signatories to refer to was adopted.</p>
<p><a href="#">CMS/Sharks/MOS3/Doc.13.1</a> Draft Capacity-Building Programme for the Sharks MOU</p>	<p>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.6</a> The Meeting adopted a Capacity-building Strategy for the MOU which aimed to support Signatories with the implementation of the MOU and its Conservation Plan. The activities, which were recommended by the AC based on the result of a survey amongst Signatories, were agreed without modification. The implementation of the Capacity-building Plan would be subject to successful fundraising by the Secretariat, Signatories and Cooperating Partners.</p>
<p><a href="#">CMS/Sharks/MOS3/Doc.14.1</a> Proposals for the Amendment of the Terms of Reference of the Advisory Committee</p>	<p>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.7</a> The terms of reference for the AC were revised to provide more flexibility regarding the duration of the service of its members aiming to ensure the stability and continuity of the AC.</p> <p>The following changes in membership were made: Africa would nominate a new member shortly for the East and Southern Region. South and Central America and the Caribbean selected Dr. Carlos Julio Polo Silva (University Jorge Tadeo Lozano, Colombia) as a new member replacing Enzo Acuña. All other regions retained their current members for the next triennium.</p> <p>The updated list of AC members including their contact details can be accessed at: <a href="https://www.cms.int/sharks/about/advisory-committee">https://www.cms.int/sharks/about/advisory-committee</a>.</p>
<p><a href="#">CMS/Sharks/MOS3/Doc.15.1</a> Cooperation with CMS on the Implementation of Concerted Action for Sharks and Rays</p>	<p>Outcome Document: <a href="#">CMS/Sharks/Outcome 3.8</a> Signatories agreed activities to support the implementation of the CMS Concerted Action for Whale Shark (<i>Rhincodon typus</i>), Mobulid Rays (Mobulidae) and Angelshark (<i>Squatina squatina</i>)</p>

## Sharks MOU Programme of Work 2019-2021

6. The Meeting also concluded the Programme of Work 2019-2021 (CMS/Sharks/Outcome 3.9) which includes mandates directed to the Signatories, the AC, the Cooperating Partners and the Secretariat (see table 2). These and other mandates directed to the AC will be discussed in further detail under agenda item 4 *Programme of Work*. Please review CMS/Sharks/AC3/Inf.2 for an overview of all mandates of the Advisory Committee.

**Table 2:** Summary of activities in the Sharks MOU Programme of Work 2019-2021 directed to the Advisory Committee

Number	Activity
1.	<p>Provide support to the implementation of CMS Concerted Action Plans as adopted in CMS/Sharks/Outcome 3.8.</p> <p>The Secretariat, with support from the AC as required, is requested to:</p> <ul style="list-style-type: none"> <li>– assist the Government of the Philippines with the organization of a regional workshop on the conservation of Whale Sharks in South-east Asia.</li> <li>– assist the Principality of Monaco with the organization of regional workshops on the conservation of the Angelsharks, in particular in the Mediterranean region.</li> </ul>
2.	Finalize existing species factsheets and draft species factsheets for species newly listed in Annex 1 of the MOU.
3.	Further develop and prioritize suggested areas of action as contained in Outcome 3.12 with options by taxa, region, and other relevant factors.
4.	Facilitate communication and support Signatories with the identification of regional and local projects.
5.	When instructed by Signatories to do so, identify suitable partners for implementation and manage funding agreements for conservation projects.
8.	Set up a repository for relevant information to assist managers, including species identification, bycatch mitigation and safe handling, discard survival, and other relevant fisheries management information. Encourage Signatories to provide such information to the Secretariat.

Number	Activity
10.	Implement the Capacity-building Programme for the MOU as adopted in CMS/Sharks/Outcome 3.6 to assist Signatories with the implementation of the Conservation Plan.
11.	<p>Cooperate with the CMS Family on matters related to shark conservation:</p> <ul style="list-style-type: none"> <li>- Contribute to the implementation of <ul style="list-style-type: none"> <li>- CMS Res. 12.20 on “Management of Marine Debris”;</li> <li>- CMS Res. 12.22 on “Bycatch”;</li> <li>- CMS Res. 12.23 on “Sustainable Tourism and Migratory Species”;</li> <li>- CMS Res. 12.24 on “Promoting Marine Protected Area Networks in the ASEAN Region”;</li> </ul> </li> <li>- Contribute to the preparation of CMS COP13<sup>1</sup> and other relevant meetings of CMS (Scientific Council, Standing Committee);</li> <li>- Provide comments on proposals for the inclusion of shark and ray species in the Appendices of CMS to the CMS Scientific Council and Conference of the Parties.</li> </ul>
12.	<p>Strengthen synergies and collaborate with CITES<sup>2</sup> and FAO<sup>3</sup>:</p> <ul style="list-style-type: none"> <li>- Contribute to the implementation of the CMS-CITES Joint Work Programme 2015-2020 regarding sharks and rays;</li> <li>- Include activities on sharks and rays in a new CMS-CITES Joint Work Programme with the CITES Secretariat in consultation with Signatories;</li> <li>- Organize regular meetings (and teleconferences);</li> <li>- Share best practice;</li> <li>- Coordinate conservation activities;</li> </ul> <p>Share knowledge and expertise.</p>
16.	Liaise with the Shark Specialist Group of the International Union for Conservation of Nature (IUCN SSG) and participate in assessment and conservation planning workshops, where relevant.

7. The meeting report of MOS3 is available at: <https://www.cms.int/sharks/en/MOS3>.

### **Intersessional Working Group (IWG – Conservation Measures)**

8. As tasked by MOS3, the AC updated species factsheets and called for comments from Signatories. Factsheets will be made available on the “Info Hub” of the Sharks MOU website, which will be discussed under agenda item 9 *Capacity-building, Information and Awareness Raising*.

<sup>1</sup> 13<sup>th</sup> Conference of the Parties to the Convention on the Conservation of Migratory species of Wild Animals

<sup>2</sup> CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora

<sup>3</sup> FAO – Food and Agriculture Organization of the United Nations

## National Reporting Format

9. In July 2019, the AC review a draft national reporting format, which was prepared by the Intersessional Working Group “Reporting”. The AC was further tasked to develop indicators to measure the success of implementation of the Sharks MOU. This topic will be further discussed under agenda item 7 *National Reporting* (see also [.CMS/Sharks/AC3/Doc.7.1](#))

## Review of proposals for the inclusion of shark species in CMS Appendices at CMS COP13

10. In accordance with activity 11 in the POW 19-21, the AC has reviewed proposals for the inclusion of chondrichthyan species in the Appendices of CMS and provided comments on to the CMS Scientific Council and Conference of the Parties.
11. Overall, four proposals for three species have been submitted by Parties for consideration at COP13:
  - **Oceanic White-tip Shark** (*Carcharhinus longimanus*) for inclusion in Appendix I of CMS;
  - **Smooth Hammerhead Shark** (*Sphyrna zygaena*) for inclusion in Appendix II of CMS
  - **Tope Shark** (*Galeorhinus galeus*)
12. For *Sphyrna zygaena*, two independent proposals were received, one from Brazil for the regional population shared by Argentina, Brazil and Uruguay and one from the European Union for the global population.
13. The review found that *Carcharhinus longimanus* met the criteria for inclusion in Appendix I of CMS. Furthermore, it was concluded that *Sphyrna zygaena* and *Galeorhinus galeus*.met the criteria for inclusion in Appendix II of CMS.
14. The review was presented to the 4<sup>th</sup> Meeting of the Sessional Committee of the Scientific Council of CMS (ScC-SC4), as outlined in [UNEP/CMS/SCC-SC4/Inf.4 Comments from Relevant Intergovernmental Bodies on Proposals for the Amendments of Appendices Submitted to COP13 as at 25 October 2019](#). This document also contains comments from the Secretariat of the Indian Ocean Tuna Commission (IOTC) regarding the proposal for inclusion of *Carcharhinus longimanus*.
15. Further details regarding these listing proposals and the AC review will be discussed under agenda item 5.1 *Amendments to the Sharks MOU* (see also [CMS/Sharks/AC3/Doc.5.1](#)).

## 4th Meeting of the Sessional Committee of the Scientific Council of CMS (ScC-SC4) and COP13 preparations

16. The Vice-Chair, James Ellis, represented the AC at the ScC-SC4, which was held on 12-15 November 2019 in Bonn, Germany.
17. The final recommendations of the Scientific Council to COP13 on shark listing proposals are included in the Addenda to the listing proposals and will be dealt with under agenda item 5.1 *Amendments to Annex 1 of the Sharks MOU*, in more detail.

18. The expertise provided by the AC was welcomed by the Chair of the Scientific Council and was considered to be a positive example of cooperation between CMS Family agreements.
19. Furthermore, the Council discussed reports on the implementation of Concerted Action for the [Angelshark \(\*Squatina squatina\*\)](#), [Mobulid Rays](#) and the Whale Shark (*Rhincodon typus*). For the Whale Shark, two reports were submitted by implementing partners, [Sea Shepherd Legal \(SSL\)](#) on the legal component and the Large Marine Vertebrate Research Institute Philippines ([LAMAVE](#)) on the research component. The work undertaken on Concerted Action was generally welcomed and implementing organizations and governments were commended for their activities.
20. The implementation of the Concerted Action for the Angelshark, which the Secretariat and the AC have been tasked to assist with by MOS3, will be discussed in more detail under agenda item 6.3 *Implementation of the CMS Concerted Action for the Angelshark*.
21. MOS3 also mandated the AC and the Secretariat to support the Philippines with the implementation of the Concerted Action for the Whale Shark. In particular, it was foreseen to provide assistance for the organization of a Range State meeting in South-east Asia. As soon as the Government of the Philippines submits a request for support, the Secretariat will approach the AC on that matter.
22. Two new proposals for Concerted Action for ray species were submitted to COP13:
  - Gabon submitted a proposal regarding the Common Guitarfish (*Rhinobatos rhinobatos*), Largetooth Sawfish (*Pristis pristis*) and Smalltooth Sawfish (*Pristis pectinata*) available as [UNEP/CMS/COP13/Doc.28.2.8](#)
  - The IUCN SSG submitted a proposal regarding the Common Guitarfish, Bottlenose Wedgefish and the Families Rhinobatidae and Glaucostegidae available as [UNEP/CMS/COP13/Doc.28.2.9](#)
23. The two resolutions on shark and ray species under CMS, Resolution 8.16 (Rev.COP12) *Migratory Sharks* and Resolution 11.20 *Conservation of Migratory Sharks and Rays* were proposed to be consolidated and to be merged in a new Resolution *Chondrichthyan Species (Sharks, Rays, Skates, and Chimaeras)*. In addition, one new paragraph has been proposed to be added to the new Resolution and a number of decisions directed to the Parties, the Scientific Council and the Secretariat were proposed aiming at strengthening the implementation of Article III (5) of CMS, which prohibits the taking of species listed in CMS Appendix I. This document is provided as [COP13/Doc.26.2.7 Chondrichthyan Species](#).
24. ScC-SC4 also reviewed Draft Decisions for the implementation of [Resolution 12.22 Bycatch](#), including draft Decision 13.BB, which invites the Scientific Council *and the Working Group on Bycatch, subject to the availability of funds and in cooperation with the Sharks MOU Advisory Committee to*
  - a) review current levels of bycatch of CMS-listed chondrichthyan species and existing measures to mitigate bycatch based on species, fishing area, fisheries, fishing season and gear type;

*b) based on the above review, identify priorities for bycatch mitigation and make recommendations to Parties and the CMS Sharks MOU on the most effective and appropriate measures to mitigate and reduce bycatch to sustainable levels based on the above categories, while ensuring that recommended measures do not act to the disadvantage of other CMS-listed marine species.*

25. The document and the recommendations from the Scientific Council are available as [UNEP/CMS/COP13/Doc.26.2.3](#) and [UNEP/CMS/COP13/Doc.26.2.3/Add.1](#). This matter will be further discussed under agenda item 6.
26. CMS COP13 will be held in Gandhinagar, India, on 17-22 February 2020. A report on decisions related to the conservation of sharks and rays will be shared with the AC and the Signatories to the Sharks MOU by the Secretariat after COP13.

### **Other Activities**

27. Marino Vacchi and the Secretariat took part in the development of the Mediterranean Angelsharks: Regional Action Plan (*Squatina aculeata*, *S. oculata*, and *S. squatina*) including attendance at an expert workshop in Tunis on 25-27 March 2019, organized by the Cooperating Partner, the Shark Trust and the National Institute of Sciences and Technologies of the Sea (INSTM) of Salammbô, Tunisia.
28. James Ellis and the Secretariat assisted the Government of Gabon with the development of a Proposal for Concerted Action for the Common Guitarfish, Largetooth Sawfish and Smalltooth Sawfish and the identification of partners for implementation.
29. AC members supported the Secretariat with the development of a grant proposal to the European Commission for a project to collect historical data on shark catches and bycatch in the Indian Ocean region in collaboration with the Indian Ocean Tuna Commission (IOTC) Secretariat. Further details regarding this initiative will be discussed under agenda item 8.
30. In the context of a project on “Minimizing Bycatch of Seabirds and Sea Turtles in West African Industrial Fisheries, Rima Jabado participated on behalf of CMS at the 26<sup>th</sup> Regular Meeting of the International Commission for the Conservation of Atlantic Tunas. The press release and relevant outcomes of the meeting regarding Blue Shark, Mako Sharks and “Fins attached” proposals are provided in [CMS/Sharks/AC3/Inf..4](#) and in [CMS/Sharks/AC3/Doc.5.1](#).

### **Membership of the Sharks MOU**

31. As of November 2019, the Sharks MOU has 49 Signatories. The updated list of Signatories can be accessed at: <https://www.cms.int/sharks/en/signatories-range-states>. The Secretariat is currently reaching out to numerous Range States from the Northern Indian Ocean, South and Central America, and West and Central Africa, that have signalled interest in becoming a Signatory. Support with outreach activities regarding the South-east Asia region would be highly appreciated. A first step could be the planned meeting of Whale Shark Range States in the context of the Concerted Action for Whale Sharks, which is tentatively scheduled for 2020.

33. Since AC2, two organizations, Defenders of Wildlife and LAMAVE have joined the MOU as Cooperating Partners, which brings the overall number to thirteen. Divers4Sharks is prepared to sign the MOU at CMS COP13 and Save Our Seas has expressed its interest in a letter to the Secretariat, which has been shared with the Signatories for consideration in November 2019. Should no objections from Signatories be raised by 19 December, SOSF would be invited to sign the MOU.

**Staffing of the Secretariat**

34. As of July 2019, the Sharks MOU Secretariat is benefitting from support of a part time Team Assistant, Ms. Natalie Merjaneh.

**Action requested:**

1. Take note of the report;
2. Provide any guidance to the Chair, the Vice-Chair and the Secretariat as appropriate.