



MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS CMS/Sharks/MOS3/Report
Original: English

3rd Meeting of the Signatories (Sharks MOS3)
Monaco, 10 – 14 December 2018

MEETING REPORT

Agenda Item 1: Opening of the Meeting

1. Ms Melanie Virtue (Secretariat) called the meeting to order and invited Ms Isabelle Rosabrunetto, Deputy Minister of Foreign Affairs and Cooperation of the Government of the Principality of Monaco to address the delegates. Mr Robert Calcagno, the Director General of the Oceanographic Institute of the Prince Albert I Foundation, also addressed the meeting. The texts of the addresses given by Ms Rosabrunetto and Mr Calcagno appear as Annex 1 of this report.
2. Ms Virtue concluded the opening remarks by conveying the good wishes of Bradnee Chambers, the Executive Secretary of the Convention on Migratory Species (CMS), who unfortunately was unable to attend the meeting in person.

Agenda Item 2: Rules of Procedure

3. Ms Virtue (Secretariat) introduced document CMS/Sharks/MOS3/Doc.2.1 “Rules of Procedure”. These had been discussed at length at the previous Meeting of Signatories (MOS), where no agreement had been reached on two issues, namely the quorum and the decision-making process. She proposed that the meeting operate by those Rules that had been agreed and to refer to the rules of previous meetings of the Signatories related to the two aforementioned issues.
4. The USA was willing to support the way forward proposed by the Secretariat but nonetheless reserved its position on the substantive issue, disputing the right of a Regional Economic Integration Organization to claim the votes of any of its Member State Signatories even if they were not present.
5. The EU said that it too was content to proceed as proposed by the Secretariat and requested that its opening statement be included in the report of the meeting:
“Without prejudice to their own position on the draft Rules of Procedure, the European Union and its Member States can accept the proposal of the Secretariat for the interim rules for the Third Meeting of Signatories as proposed in the letter¹ of the Secretariat, and it is understood that the European Union can be counted for the number of its Member States which are Signatories”.

¹ See CMS/Sharks/MOS3/Doc.2.1

Agenda Item 3: Election of Officers

6. Ms Virtue (Secretariat) sought nominations for the posts of Chair and Vice-Chair of the Meeting.
7. Germany, seconded by Jordan, nominated Monaco as Chair. Monaco nominated the USA as Vice-Chair. There being no other nominations and with all nominees expressing their willingness to serve, Ms Virtue declared Mr Calcagno of Monaco and Mr David Hogan of the USA elected as Chair and Vice-Chair respectively.
8. Mr Calcagno (Monaco) explained that, due to other commitments, he would not be able to attend the entire meeting. He noted that the Meeting had a full agenda including a number of proposals emanating from the Advisory Committee (AC). He concluded his remarks by noting that one of the main decisions before the Meeting was whether to add further species to the Annex of the MOU, some of which had already been added to the Appendices of CMS at the 12th Meeting of the Conference of the Parties (COP12) in 2017.

Agenda Item 4: Agenda and Schedule

9. Ms Andrea Pauly (Secretariat) introduced documents CMS/Sharks/MOS3/Doc.4.1 and CMS/Sharks/MOS3/Doc.4.2. She pointed out that further information documents had been received, which were not included on the list. These were CMS/Sharks/MOS3/Inf.21 on the potential for CMS to conserve sharks and CMS/Sharks/MOS3/Inf.22 on cooperation with the Convention on International Trade in Endangered Species (CITES) and the Food and Agriculture Organization of the United Nations (FAO). These documents were available online.
10. The EU supported adoption of the schedule but wanted to add under agenda item 20: Any Other Business or to raise under the item on the AC the question of relations between the MOU and CMS. Subject only to this amendment, the Schedule was adopted.

Agenda Item 5: Credentials Committee

11. The Vice-Chair presided over this and all other items until the closure of the meeting.
12. The Rules of Procedure required the establishment of a Credentials Committee, comprising one Signatory from each of the six regions. Signatories were entitled to participate in discussions but not decisions while approval of their credentials was pending.
13. A committee chaired by the United Kingdom of Great Britain and Northern Ireland (UK) representing Europe, was established. The other members were: Comoros, Costa Rica, New Zealand, the United Arab Emirates (UAE) and the United States of America (USA).
14. On the final day, the UK reported that credentials had been received and accepted from 25 Signatories: Australia, Benin, Brazil, Comoros, Costa Rica, Cote d'Ivoire, the European Union, Germany, Guinea, Kenya, Madagascar, Monaco, the Netherlands, New Zealand, Portugal, Samoa, Saudi Arabia, Senegal, Sri Lanka, Sweden, the Syrian Arab Republic, the UAE, the UK, the USA and Vanuatu. No credentials had been received from Congo, Ecuador, Jordan, Mauritania, the Philippines, Somalia and South Africa.

15. The Committee had made some observations during its deliberations:
 - A number of the credentials provided did not indicate the Head of Delegation. Whilst the Committee used its discretion in this matter, Signatories should ensure that this information was included in future.
 - Consideration should be given to revisiting and further clarifying the rules of procedure applying to credentials. In particular, there was a degree of difficulty in determining whether the authority issuing the credentials had been as required in the rules – this uncertainty should be considered.
 - There might also be merit in considering whether the requirement for original paper copy credentials could be relaxed for electronic credentials to help overcome administrative barriers.
16. The full list of participants can be found at Annex 3 to this report.

Agenda Item 6: Admission of Observers

17. Ms Pauly (Secretariat) introduced document CMS/Sharks/MOS3/Doc.6.1 listing observers registered for the meeting. Two further organizations had registered since the document had been prepared. There being no objections, all observers registered were admitted to the meeting.

Agenda Item 7: Reports on Implementation

Agenda Item 7.1: Report of the Secretariat

18. Ms Pauly (Secretariat) reported that since MOS2 nine further countries had signed the MOU bringing the total to forty-eight. The nine in chronological order were: Portugal, Somalia, Saudi Arabia, Benin, Brazil, Ecuador, Sri Lanka, Madagascar and Cote d'Ivoire.
19. There were also eleven cooperating partners and a twelfth, Defenders of Wildlife, was ready to sign during the meeting (see agenda item 20: Any Other Business). The most recent cooperating partners to have signed were WWF and the Dutch Elasmobranch Society, and further candidates were Divers for Sharks and the Large Marine Vertebrate Research Institute Philippines (LAMAVE).
20. The Secretariat had supported the Conservation Working Group (CWG) and a workshop had been held in Bristol, UK in conjunction with the European Elasmobranch Society (for the report of the workshop see CMS/Sharks/MOS3/Inf.7). Two scientific reviews had been commissioned, one on gaps in conservation and one on bycatch mitigation measures (see CMS/Sharks/MOS3/Inf.18).
21. The Secretariat had supported the AC on the review of Signatories' capacity and with the development of a series of species fact sheets (drafts were presented as CMS/Sharks/MOS3/Inf.15 a-k). With funding from the Government of the Netherlands, the AC had met in Bonaire in December 2017 (see CMS/Sharks/MOS3/Inf.6 for the report of the meeting).
22. The Secretariat had supported the work of an intersessional working group (IWG) jointly chaired by Australia and Colombia which had developed a communications strategy (see agenda items 7.4 and 12).

23. With regard to outreach work, the Secretariat had attended or provided input for training workshops in the Dominican Republic, Sri Lanka, Senegal and Peru.
24. The linkage of the Secretariat to CMS meant that the MOU had access to support from the Joint Information and Communications Team regarding writing press releases and articles. The MOU also had dedicated pages within the CMS website and its own Facebook and Twitter accounts. The MOU also benefitted from access to the CMS Conference Services Team, the Administration and Fund Management Unit, the Partnerships Officer, advice from the CMS COP-appointed Scientific Councillor for bycatch and interaction with other marine instruments under CMS. The Secretariat had attended CMS COP12, where five further shark species had been added to the Convention's Appendices, and the Sessional Committee of the Scientific Council. At CMS COP12, Parties had agreed to continue to provide the Secretariat for the MOU, with 10 per cent of the time of the Aquatic Team's P4 dedicated to the MOU as well as a full-time P2 funded by the Government of Germany. A part-time G5 staff member had been recruited and would enter on duty in the new year.
25. Some funds had been provided in support of the IUCN species assessment of sharks in the Red Sea and work had been done on Species Action Plans. The Secretariat was also working closely with CITES and had attended the CITES COP, a workshop and the Animals Committee.
26. There were no comments from the floor and the Secretariat's report was duly noted.

Agenda Item 7.2: Reports of Signatories and Cooperating Partners

27. The reports received from Signatories had been posted on the Meeting webpage. Signatories were invited to make oral statements, where they had further information to impart.
28. Sharks Advocates International referred to Sharks Ahead, a newly launched review of implementation of CMS Appendix I shark and ray listings (see CMS/Sharks/MOS3/Inf.21). This review had identified that some CMS Parties had not implemented the strict measures required to protect Appendix I species. The endorsement of other cooperating partners had been gratefully received and a side event had been scheduled for Thursday, 13 December, where the findings of the review would be presented.
29. Germany reported that an analysis of presence of shark species in German waters had been undertaken.
30. Cote d'Ivoire, a new Signatory to the MOU, said that seven species of shark were found in Ivorian waters, four already listed on the Annex to the MOU and two more under consideration at the present meeting.
31. Senegal said that quotas set for fisheries catch took account of the provisions of CMS and the MOU. National and regional workshops had been held focusing on capacity-building.
32. Madagascar was a new Signatory to the MOU but already had a national roadmap and Action Plan.
33. Somalia was undertaking assessment of shark fisheries focusing on Tiger Sharks and Manta Rays.

34. The UAE noted that its national report although submitted had not been uploaded on the website. Summarizing its contents, the representative of the UAE said that the country had varied habitats and its stocks of sharks were being overexploited and threatened by climate change and habitat degradation. The UAE had worked with the IUCN on a review of sharks in the Arabian Seas region.
35. Mauritania said that it had 700,000 km² of coastal waters and was regulating its fisheries to meet the targets of the Sustainable Development Goals (SDGs). Mauritania was committed to the MOU process.
36. Guinea said that its fisheries codes were under review, but the country lacked the necessary resources to implement the recommendations arising from such reviews.
37. The Philippines had pledged to implement shark conservation. Its national Red List Committee was sitting at the same time as the present meeting. The Philippines also noted that its National Report had not been posted. An invitation had been issued to HSH Prince Albert to visit the Tubbataha Reefs Natural Park.

Agenda Item 7.3: Report of the Advisory Committee

38. The Vice-Chair invited Mr John Carlson, the Chair of the AC, to present the report of the Advisory Committee.
39. Mr Carlson said that in accordance with the terms of the MOU, the AC comprised ten members from the six regions. There was a proposal to amend the rules governing term limitations for AC members in order to ensure continuity, stability and the introduction of new blood.
40. A workshop had been held in 2016 in Bristol, UK. The outcomes included a definition of bycatch and the commissioning of species fact sheets for conservation measures. The second meeting of the AC had taken place in Bonaire, Netherlands in 2017. The AC had recommended amendments to Annex I and to the listing criteria, conservation measures for species and habitats, how to enhance relations with Regional Fisheries Management Organizations (RFMOs), improving capacity-building and involvement in CMS Concerted Actions for sharks.
41. With regard to synergies with CMS, the AC had been represented at the second meeting of the CMS Scientific Council's Sessional Committee and CMS COP12 in Manila. Letters had been exchanged with the Chair of the CMS Scientific Council and it was agreed that the AC would be invited to review relevant listing proposals submitted to CMS COP13 in 2020 (see CMS/Sharks/MOS3/Inf.19 for the exchange of correspondence).
42. The AC provided advice on measures for conserving species and their habitats, was engaging with RFMOs and had advised the CMS on the listing of shark species on the Convention's Appendices.

43. The EU asked when there would be an opportunity to discuss in detail the general issue of relations between the MOU and CMS as it was clear that the current mechanism could be improved in order for the MoU and AC to provide meaningful input to the CMS listing of shark species process. Some form of prior consultation of the AC of the MoU should be ensured. .
44. Ms Virtue said that the exchange of correspondence between the Chairs of the AC and the CMS Scientific Council would be in line with the mandate contained in CMS Resolution 11.33, requesting that CMS consult other IGOs. In the run-up to CMS COP13 in 2020, timing would be an issue given that the Sessional Committee was due to meet a month after the deadline for submission of proposals to amend the CMS Appendices. The AC would have very limited time for the review of listing proposals and the preparation of comments to CMS between the deadline for submission of proposals on 19 September 2019 and the Sessional Committee Meeting in November.
45. The EU said submissions for listing of shark species under CMS should be sent to the MoU AC and the Secretariat would act as a clearing house to and from the AC relaying its comments to the CMS, which should not be regarded as formal advice. The UK sought clarity on the issue of governance and was wary of the AC providing advice to third parties, including the parent Convention. The Vice-Chair suggested that in the interests of transparency, an agreed protocol should be observed.
46. The Vice-Chair said that with regard to the procedures for nominating members of the AC, there would be opportunities to discuss this topic under agenda item 14.

Agenda Item 7.4: Report of the Intersessional Working Group

47. Australia as Co-Chair of the IWG on developing a communications strategy presented CMS/Sharks/MOS3/Doc.12.1.
48. The draft strategy was modelled on the one adopted by the African-Eurasian Waterbird Agreement (AEWA), which was considered to have a good structure and appropriate level of detail. No conclusion had been reached on the question of linkages to CMS, so two alternatives were included, one continuing close association with CMS and one establishing a more independent approach. See also agenda item 12.

Agenda Item 8: National Reporting

49. Ms Pauly (Secretariat) introducing document CMS/Sharks/MOS3/Doc.8.1, the analysis of National Reports, referred to Paragraph 15b of the MOU, calling upon Signatories to submit a report to the MOS.
50. The Secretariat had received 26 National Reports, half of which had been sent in the online format, but technical difficulties had been experienced by some Signatories. The fact that the information provided was not sent in a harmonized format made the task of producing an analysis more difficult.
51. It was clear that incidental bycatch was occurring but there was also some targeted catch of rays, including of some species listed on CMS Appendix I and under CITES. Some Signatories had implemented no or only inadequate provisions for protecting listed species.

52. It was also clear that more had to be done to promote the MOU and cooperation with other bodies similar to that undertaken by the EU should be tried.
53. The USA noted it had not used the standard format as it had found the online reporting form too cumbersome to cover all of its shark fisheries. The USA was not alone in struggling with the format and the online system. The format had to work for the Signatories and the Secretariat and should be revised.
54. Some questions to consider were whether the Secretariat received the information that it needed, what information was useful and what factors had prevented some Signatories from submitting their report. Signatories did not want to report just for the sake of reporting.
55. Mauritania recognized that collecting and analyzing data were not easy. Reporting had considerable financial consequences, and Mauritania and other African countries needed technical assistance and training. In Mauritania, there were many institutes and agencies that could assist, so CMS and the United Nations Environment Programme (UNEP) were urged to work with the AC to simplify and harmonize the format.
56. Senegal did not have targeted monitoring for specific species. The reporting format could be further refined to make it more useful.
57. In response to comments made by Signatories, Ms Pauly said that the usefulness of the information contained in the National Reports varied from section to section. It was better on capacity-building than on catch levels and bycatch.
58. The Vice-Chair proposed establishing an in-session working group. The USA volunteered to help draft the terms of reference (TOR). Australia also agreed to participate and suggested that the authors of the information document be invited to take part. Mauritania also supported establishing a working group.
59. The EU agreed that this was important work and Signatories should be clear about the purpose of National Reports.
60. The EU suggested not restricting the scope of the working group but to allow it to consider new items and also suggested adding the composition of the working group and its officers, a timeline and the means by which it would communicate.
61. Later in the meeting, the USA reported that the drafting group was confident that it had captured all the ideas expressed but sought confirmation of this from Signatories.
62. Ms Virtue (Secretariat) ran through the document highlighting the changes made concerning the membership, the modus operandi and timing with the deadline for delivery being 31 August 2019. The USA said that the participation of cooperating partners would be welcome, and the Vice-Chair invited any Signatory or cooperating partner wishing to participate to notify the Secretariat and the Chair of the Working Group.

Agenda Item 9: Amendments to the MOU and the Annexes

63. Procedures required that all relevant species added to the CMS Appendices should be considered by the MOS for inclusion on MOS Annex 1. The species added to the CMS

Appendices at COP12 were the Dusky Shark, the Blue Shark, the Angelshark, the Guitarfish and the Wedgefish.

64. Further species, not on the CMS Appendices, had been put forward for inclusion on Annex 1 of the MOU, namely the Oceanic Whitetip Shark proposed by Brazil, the Smooth Hammerhead proposed by the EU and two “lookalike” species of Wedgefish, the Smoothnose and White-spotted, proposed by the Philippines.
65. Signatories were asked to review the proposals and the comments of the AC and decide whether to proceed with listing the species.

Dusky Shark (*Carcharhinus obscurus*)

66. The Secretariat noted that this species had been proposed for listing on CMS Appendix II by Honduras, which was not a Signatory to the MOU. The detailed proposal was contained in UNEP/CMS/COP12/Doc.25.2.21 and the species was being overfished to the point where its population was collapsing.
67. The Chair of the AC confirmed that in the view of the AC the species met both sets of criteria (i.e. that the species was migratory, and its conservation status was unfavourable).
68. Senegal supported the proposal. There were no further requests for the floor and in the absence of opposing voices the Vice-Chair declared the proposal adopted.

Blue Shark (*Prionace glauca*)

69. This species had been proposed for listing on CMS Appendix II at COP12 by Samoa and Sri Lanka and supported by Fiji and Palau. The detailed proposal set out in UNEP/CMS/COP12/Doc.25.1.22
70. Samoa noted that the CMS Scientific Council had supported listing the species on Appendix II of the Convention, so it was disappointing that the AC opposed listing under Annex 1 of the MOU. Millions of individuals of the species were being taken, and populations were now threatened. High levels of catch were taking place in regulated fisheries and in other seas with uncertain data. The species accounted for 17 per cent of sharks on the Hong Kong market and 64 per cent of the fin trade. There was no global management, and some RFMOs had expressed concern but had not set catch quotas and many Blue Sharks were being taken in areas outside the jurisdiction of RFMOs. In contrast, the fishing of Oceanic White-tip Sharks was better managed and yet the AC was supporting that species being listed.
71. Sri Lanka supported Samoa pointing out that one of the principal aims of the MOU was to ensure sustainable harvest.
72. The Chair of the AC agreed that that the species met the criteria regarding migration but not those concerning its conservation status as the Blue Shark was categorized as Near Threatened and not Critically Endangered, Endangered or Vulnerable.
73. New Zealand did not consider that the species qualified, as its status was unfavourable only in some regions. It was not being overfished in the major oceans and management regimes were in place. The criteria had to be applied robustly, if the MOU were to remain credible.

74. South Africa said that, given the limited resources of the MOU, efforts should be targeted at more deserving cases, and opposed the listing of a commercially exploited species that was well managed.
75. Australia agreed with the AC advice not to list the species, noting that although there had been a large decline in the species in the Mediterranean, that population represented a small percentage of the global total. Stocks in the Atlantic, Indian and Northern Pacific were being appropriately managed. Australia opposed listing of the species under the MOU at this time as there appeared to be no role for the MOU.
76. Australia said that the procedures for listing species should be re-examined but was confident that the AC took its task seriously and based its advice on the best science. Australia was aware that the advice of the AC was at variance with that of the CMS Scientific Council and that the Chairs of the two bodies had been in communication to avoid such occurrences in the future.
77. The USA agreed with Australia and New Zealand that the advice of the AC should be followed but was open to revisiting the case if new data came to light.
78. The UK said that it was unwise only to react when it was clear that there was a problem. Stocks of this species were at risk, the trends were negative, and the sustainability of the fishery was uncertain. This species could benefit from listing under the MOU and the case could provide a pretext for a philosophical review of the role of the instrument.
79. The Humane Society International on behalf of a range of NGOs disagreed with the advice of the AC and found it strange that the listings under CMS and the MOU were diverging. Waiting for the conservation status to become critical, necessitating a total prohibition of fishing would risk repeating mistakes committed before.
80. The FAO pointed out that the increased percentage of the Hong Kong market represented by this species was being used as evidence by both sides of the argument.
81. SPREP said that Samoa had made a valid case and called upon Signatories to support the listing.
82. Germany as depositary of CMS had an interest in ensuring consistency between the CMS Appendices and the Annex of the MOU and called for the decision taken at Manila to be respected.
83. Cote d'Ivoire supported listing. While accepting that the AC advice was based on sound scientific data, listing should not be delayed until the species' status deteriorated. The species could be de-listed later if appropriate.
84. Brazil supported listing as did the EU. The EU respected the AC's advice but having seen the same evidence had reached a different conclusion.
85. The Vice-Chair, in summary, said that various views had been expressed and there was no consensus. He proposed therefore to defer a decision to allow more time for further discussion to see whether agreement could be reached.

86. On the fourth day of the meeting, Samoa said that consensus had not been reached and proposed that the listing of the species be considered at MOS4 when further information could be taken into account. The Chair of the AC said that the next assessments of the Blue Shark were due in 2020 for the North and South Atlantic and North and South Pacific and in 2021 for the Indian Ocean.
87. The Vice-Chair said that Samoa should follow the Rules of Procedure regarding the resubmission of its proposal.

Angelshark (*Squatina squatina*)

88. Monaco had proposed the listing of this species on both CMS Appendices at COP12. The original proposal was contained in the document UNEP/CMS/COP12/Doc.25.1.23. The Angelshark was a medium-sized benthic shark, with a range extending from Scandinavia to Africa and included the Mediterranean and Black Sea. Excessive targeted fishing had reduced a once high population, with other threats being recreational fishing and bycatch. CMS/Sharks/MOS3/Inf.23 provided more recent data including distribution maps for the Bay of Biscay and British Isles.
89. The Chair of the AC said that the view of the AC was that the species met the unfavourability criteria because of the decline in population but it did not meet the migration criteria.
90. During the discussion the Signatories took into account the following elements:
- The unfavourable conservation status of the Angelshark was evident and it now had a fragmented population.
 - Whilst the available data on the migratory status contained in the listing proposal, and the data considered by the AC in 2017, indicated that migrations did occur, the AC considered these migrations to comprise seasonal inshore-offshore migrations, with the potential for latitudinal migrations in some areas.
 - The AC considered that the Angelshark did not meet the migration criteria for inclusion on Annex 1.
 - The AC noted, however, that the evidence provided by tagging studies, including those studies cited in the proposal, did not indicate that such cyclical migrations occurred across national jurisdictional boundaries for a significant part of the population, with most available data for populations in the Canary Islands and British Isles.
91. However, MOS3 also discussed the following additional information:
- Many of the recent sightings of Angelsharks from the eastern Mediterranean had been from waters off north-west Turkey, including the Bay of Gökova, off Kapıdağ (Sea of Marmara), Gökçeada and Saros Bay (Akyol et al., 2015; Kabasakal et al., 2017). These reported sites in Turkish waters were all close to Greek waters.
 - Consequently, the seasonal inshore-offshore migrations assumed to be exhibited by the species as reflected in the cited studies, and highlighted by the AC, would result in Angelsharks from such sites crossing a national jurisdictional boundary. Given that this part of the population could be geographically separate from other relict populations of Angelsharks, it was inferred that movements across this jurisdictional boundary could involve a 'significant proportion' of this 'geographically separate part' of the Angelshark population.

- Furthermore, whilst listed as a ‘prohibited species’ in EU fishing regulations and by the General Fisheries Commission for the Mediterranean (GFCM), international cooperation with north-west African States outside the GFCM area would be beneficial to the conservation of the species.
- Given the severely depleted status of this species, even small parts of the global population require effective conservation actions.

92. In view the above, MOS3 decided as follows:

- As the information contained in CMS/Sharks/MOS3/Inf.23 and CMS/Sharks/MOS3/Inf.24 was only presented at MOS3 and the unfavourable status of the Angelshark was acknowledged, and given the extremely poor condition of the population and need for action, the Signatories decided that there were exceptional circumstances to consider this information presented at MOS3 to complement the advice of the AC.
- In consideration of indications that the Angelshark may cross national jurisdictional boundaries within the Eastern Mediterranean part of the species’ range, for which the AC had no empirical data to assess, the Signatories decided that the precautionary approach favoured listing of Angelshark on Annex 1 of MOU.
- Furthermore, given that the conservation status is very unfavourable, the Signatories decided to add the Angelshark to Annex 1 of the MOU at MOS3, rather than wait for the decision of MOS4, so that relevant conservation actions could be undertaken immediately.
- This decision and process should not set a precedent for future listing decisions of the MOS.

93. The Vice-Chair declared that it had therefore been agreed to add the Angelshark to Annex 1 of the MOU.

Common Guitarfish (*Rhinobatos rhinobatos*)

94. The Mediterranean population of this species had been proposed for inclusion on Appendix I of CMS by Israel (UNEP/CMS/COP12/Doc.25.1.24(a)) and the global population on Appendix II in four separate submissions made by Israel, Mauritania, Senegal and Togo (UNEP/CMS/COP12/Doc.25.1.24(b)).
95. Senegal presented the case for listing and the Chair of the AC confirmed that the species met both sets of criteria noting particularly serious declines in the Mediterranean.
96. There being no voices raised in opposition, the Vice-Chair declared that the Common Guitarfish had been added to Annex 1.

White-spotted/Bottlenose Wedgefish (*Rhynchobatus australiae*) and the “look-alike” species: the Smoothnose Wedgefish (*Rhynchobatus laevis*) and Whitespotted Wedgefish/Giant Guitarfish (*Rhynchobatus djiddensis*)

97. The Philippines had proposed adding *Rhynchobatus australiae* to CMS Appendix II at COP12 (see UNEP/CMS/COP12/Doc.25.1.25). The Philippines now proposed adding this species together with two “look-alike” species to Annex 1 of the MOU, the detailed justification being contained in document CMS/Sharks/MOS3/Doc. 9.1.3.

98. The Chair of the AC confirmed that *R. australiae* met both sets of criteria, being categorized as Near Threatened by the IUCN but with some severe regional declines.
99. Australia supported the proposal but sought clarification of the procedure regarding look-alikes and the ability of the MOU to list them.
100. The Vice-Chair said that the criteria neither explicitly allowed nor disallowed listing of “look-alike” species and this issue would be discussed under agenda item 9.3. He proposed therefore that Signatories dealt first with the listing of *R. australiae* and returned to the “look-alike” species later after conclusions had been reached under agenda item 9.3.
101. As the mechanism for listing “look-alike” species was subsequently agreed (see Agenda item 9.2), the Vice-Chair declared that all three species had been added to Annex 1.

Oceanic Whitetip Shark (*Carcharhinus longimanus*)

102. Acknowledging the support of the Dutch Elasmobranch Society, Brazil introduced document CMS/Sharks/MOS3/Doc.9.1.1/Rev.1, the proposal for the inclusion of the Oceanic Whitetip Shark on Annex 1 of the MOU. The Oceanic Whitetip Shark was classified as Vulnerable under IUCN but as Critically Endangered in North-east Atlantic and was also included on CITES Appendix II. The species was susceptible to being bycaught in many pelagic fisheries including those targeting tuna and swordfish.
103. The Chair of the AC said that consideration of species not listed on CMS was within the TOR of the AC. The species was migratory, and its Red List status was Vulnerable with recent stock assessments indicating a decline. The AC supported listing.
104. In terms of consistency in listings, Samoa queried how the AC could support this proposal for a species not covered by CMS but opposed the proposal concerning the Blue Shark, which had been added to CMS Appendix II at COP12.
105. Costa Rica, Ecuador, the Philippines, Senegal and the USA all spoke in favour of listing.
106. The Vice-Chair suggested that the next CMS COP should consider adding the species to its Appendices in a reciprocal arrangement with the MOU. With strong support for the proposal from several Signatories, the Vice-Chair declared that the species had been added to the Annex.

Smooth Hammerhead (*Sphyrna zygaena*)

107. The EU introduced document CMS/Sharks/MOS3/Doc.9.1.2. According to the IUCN, the global status of the Smooth Hammerhead was Vulnerable, with a noticeable decline occurring in the North-east Atlantic. There was evidence that the species migrated, and measures were being taken by RFMOs and in some countries hosting nursery grounds. Two other *Sphyrna* species had already been listed.
108. The Chair of the AC said that this was another species not listed by CMS, but it met the listing criteria. Population trends for this species were not available but parallels with other hammerhead species could be made.

109. Brazil, Comoros, Costa Rica, Ecuador, Mauritania, Monaco, Senegal and the Philippines all supported the proposal, as did the Wildlife Conservation Society speaking on behalf of a group of NGOs.

110. The Vice-Chair said that the listing was approved.

Agenda Item 9.2: Criteria used for listing

111. Ms Pauly (Secretariat) explained that this agenda item had been split into several parts and invited the Chair of the AC to provide a general overview.

112. The Chair of the AC said that the MOU used the same criteria as the parent Convention. Factors taken into account included population dynamics, distribution, range and habitats, abundance and population structure. The MOU also used the definition of “migratory” set out in the text of CMS. Revised criteria for modifying Annex 1 to the MOU had been drafted, and Signatories were invited to comment on whether these were adequate and appropriate.

113. At its second meeting the AC had agreed in general to retain the CMS criteria and recommended a new method for new listings using a matrix combining the level of endangerment and a species’ migratory nature. Signatories were invited to consider this methodology and recommend action.

114. The Secretariat had produced CMS/Sharks/MOS3/Inf.20 containing the matrix with the two sets of criteria, with four degrees of migration, as well as provisions to deal with “look-alike” species.

115. Australia sought a further explanation for the rationale for including “look-alike” species and reasons why the CMS Appendices and the MOU Annex were now diverging. The Chair of the AC said that listing “look-alike” species was a means of protecting species exploited or harvested commercially and as CMS and the MOU were separate bodies with different memberships, occasional divergences would occur.

116. The EU suggested that the matrix could be adapted as a tool for setting priorities as well as assessing whether a species qualified for listing, adding that the matrix possibly affected the listing criteria.

117. Senegal supported the inclusion of “look-alike” species and agreed with the EU on retaining the current criteria and using a matrix for prioritization.

118. The USA pointed out that there was no definition of “look-alike species” in the MOU itself and it might therefore be necessary to amend the text of the instrument. The opinion of other Signatories about the need for amendment at MOS4 was canvassed. In the meantime, the wording on “look-alike species” was approved.

119. After removing the examples illustrating the four levels of migration, the criteria for listing species was adopted.

Agenda Item 9.3: Format for Listing Proposals

120. Under the provisions of the MOU, all species listed under CMS were automatically to be considered for inclusion of Annex 1. MOS1 had adopted a format for listing proposals based on that used by CMS, but CMS had recently amended its form. The meeting was asked to review the amended CMS format and decide whether to make similar changes. It would also be appropriate to delete references to establishing an instrument in the MOU version, as the MOU was itself such an instrument.
121. Australia pointed out that there were repercussions for the format for listing proposals arising from the decision to amend the definition of the term “migratory” with its sub-categories ranging from “highly migratory” to “coastal”.
122. The USA supported the principle of harmonizing the format but requested the Secretariat to compile a compendium of decisions setting out what had been agreed in the past.
123. The revised format was adopted.

Agenda Item 10: Conservation Measures

Agenda Item 10.1: Species-specific Conservation Measures for Species listed in Annex 1 of the Sharks MOU

124. The Chair of the AC said that the CWG had met in November 2016 in Bristol, UK (see agenda items 7a and 7c, the reports of the Secretariat and the AC). Funding had been received from the EU and the Species Factsheets had been revised.
125. The Meeting was asked to review the structure of the Factsheets, which were currently in draft form. They would be posted on the website when finally approved by the AC. Signatories were invited to comment and provide corrections, but it should be recognized that the Factsheets would have to be constantly updated as new data became available.

Conservation Measures

126. The Vice-Chair suggested establishing an Intersessional Working Group (TWG) to discuss the detail but wanted first to sound out the Signatories to see what level of discussion was needed. As some Signatories had comments of a technical nature, there was widespread support for setting up an IWG, and the Vice-Chair requested that all members of the AC present participate.
127. The Chair of the AC said that the recommendations had been requested by the Signatories at MOS1 and the AC had prepared an overview of gaps in data listing appropriate measures to conserve the species. The measures were not necessarily all to be implemented immediately.
128. The EU commented that as more data became available, the Factsheets would have to be frequently revised and should therefore be treated as living documents.
129. South Africa asked whether there would be an intersessional review process to update the Factsheets and questioned whether MOS delegates had sufficient expertise to address the technical issues. Australia and Senegal had similar doubts but agreed that the Meeting could still review the recommendations. The Vice-Chair said that the process could start at

the current meeting and technical issues could be raised and explored in the inter-sessional period.

130. The Chair of the AC agreed to coordinate the input of AC members and the TOR for the Working Group on conservation measures and reviewing the Factsheets were approved.

Agenda Item 10.2: Habitat Conservation

131. The Chair of the AC introduced document CMS/Sharks/MOS3/Doc.10.2 and CMS/Sharks/MOS3/Inf. 14 both emanating from the second meeting of the AC.
132. Kenya said that marine protected areas (MPAs) were important tools for ecosystems and a range of species but were not usually established for specific ones.
133. Ecuador said that it had recommended setting up networks of sites within its legal system covering both marine and terrestrial habitats.
134. Senegal had set up an MPA network under the supervision of a managing office since 2012. The MPAs contained sharks and rays and had protected fishing areas with seasonal restrictions to protect fish in the breeding season.
135. The Chair of the AC presented the draft TOR of the IWG on conservation measures. The Factsheets had not been signed off and the AC was seeking further expert advice. The Secretariat had been asked to update the Factsheet on the MOU. The Factsheets would be posted as soon as they were approved and updated regularly as living documents.
136. The EU sought clarification for the process for finalizing the Factsheets and suggested adding a disclaimer to the effect that they had not been approved by all Signatories.
137. The Manta Trust requested that cooperating partners also be allowed to comment. South Africa said that partners' input would be welcome in those areas where they had been engaging in research.
138. The text contained in CMS/Sharks/MOS3/CRP 4 was adopted as amended.

Agenda Item 11: Engagement with Regional Fisheries Management Organizations

139. Ms Pauly (Secretariat) said that Principle III of the Conservation Plan referred to cooperation with RFMOs.
140. Annex I of document CMS/Sharks/MOS3/Doc.11 contained a draft procedure and Annex 2 a sample briefing note prepared for the 2016 Meeting of the IOTC. Signatories were members of various RFMOs and the MOU relied on the Signatories to raise issues relevant to shark conservation in these fora. Rarely did the same officials attend CMS or CITES meetings and RFMOs. It was important to improve liaison between conservation and fisheries departments to ensure that conservation concerns were heard.
141. The options for Signatories were for a dedicated representative to be sent to RFMO meetings to act in the interests of the MOU or to rely on national delegations. There was also the question of which meetings to attend with scientific and technical bodies likely to be more useful than meetings of RFMO Commissions. The RFMOs of greatest significance were the International Commission for the Conservation of Atlantic Tuna (ICCAT), Western

and Central Pacific Fisheries Commission (WCPFC), Inter-American Tropical Tuna Commission (IATTC) and the Indian Ocean Tuna Commission (IOTC).

142. The EU said that given the cost of travel, it was important to target only the most important meetings. The EU also considered that it would be advisable to establish some kind of cooperation between MoU and relevant RFMOs to exchange data and other useful information and suggested to draft a standard letter of cooperation between them and the MOU.
143. The USA asked that consideration be given to the expertise that the MOU could contribute to RFMOs.
144. CITES offered to share with the Secretariat its experience in dealing with RFMOs. Attending RFMO Commission and committee meetings in person helped strengthen relations.
145. Shark Advocates International, speaking on behalf of several NGOs, welcomed contact with RFMOs adding that those dealing with species other than tuna were also relevant. Overfishing was a key threat, but the MOU remained largely invisible, as highlighted in the *Sharks Ahead* report (see CMS/Sharks/MOS3/Inf.21). The National Focal Points (NFPs) of the MOU should liaise closely with their RFMO representatives to raise awareness of the aims of the MOU and find possible ways to improve the RFMOs. A simple table of action for species, charting achievements and next steps could be prepared.

Sample Briefing Note

146. The sample briefing note contained in document CMS/Sharks/MOS3/Doc.11.1/Annex 2 was taken from an actual example from 2016.
147. New Zealand thought that a briefing note was a good idea, but further information about what was happening across all RFMOs would be useful as some MOU Signatories were not members of some RFMOs.
148. The Vice-Chair commented that the effort required to compile such information would be a considerable burden for the Secretariat and Signatories would have to assist.
149. The EU was a member of most RFMOs where it consistently proposes to implement a fins naturally attached policy and guidelines for handling and safe release of bycatch. Signatories needed to inform the Secretariat of developments under RFMOs and protocols for dealing with information flow should be elaborated. The EU did not need briefing notes as it prepared such documents in advance of RFMO meetings but recognized that other Signatories might benefit from them. More useful would be a list of forthcoming RFMO meetings highlighting those likely to be of greatest relevance and helping to ensure that Signatories were aware of what was happening across all RFMOs.
150. Australia did not need a briefing note as compiling such information was part of its core work in preparation for RFMO meetings. Australia proposed downgrading the briefing to discretionary guidance and asked that the Commission for the Conservation of Southern Bluefin Tuna be added.

151. New Zealand was concerned that the language of the guidance had been softened so much that the document was no longer useful. South Africa agreed that in its various iterations the initial purpose of the document had been lost.
152. Defenders of Wildlife reiterated the fact that overfishing was a major threat, but the MOU was still invisible, the Shortfin Mako being a case in point where Parties at ICCAT including Signatories to the MOU were failing to act.
153. It was decided to draft general guidance for Signatories and the Secretariat in their engagement with RFMOs, which was brought back to the meeting as CMS/Sharks/MOS3/CRP.8.
154. The USA said that in revising the draft attempts had been made to draw out some higher-level areas applicable to all RFMOs.
155. Australia suggested talking to the FAO and CITES about cooperation with RFMOs and inviting an RFMO representative to discuss how the expertise of the MOU could best be utilized.
156. Cote d'Ivoire said that compiling fishing statistics was a problem in that country. It was easier to obtain returns from artisanal fishermen than from foreign factory ships.
157. After further revisions, Signatories declared that they were content with the text of the CMS/Sharks/MOS3/CRP.8 Rev.1 which was consequently adopted.

Agenda Item 12: Communication and Awareness-raising

158. Australia, Co-Chair of the IWG on developing a communications strategy, introduced document CMS/Sharks/MOS3/Doc.12, stating that the main open question related to how closely the MOU should be associated with the parent Convention.
159. The USA supported retaining the linkage to CMS and not branding the MOU as an independent instrument. Senegal agreed pointing out that the MOU was an instrument concluded under Article 4 of CMS. Cote d'Ivoire said that it was premature for the MOU, which was relatively new, to become independent.
160. The Vice-Chair pointed out the benefits to the MOU of association with CMS, not just in the field of communications. The strategy was adopted with unanimous support for retaining close association with CMS.

Agenda Item 13: Capacity-Building

161. Ms Pauly (Secretariat) introduced document CMS/Sharks/MOS3/Doc.13, Annex 1 of which contained the results of a survey undertaken to ascertain the capacity-building needs of Signatories.
162. The response rate to the survey had been good, with at least one reply per region and West Africa having the highest. The Secretariat would review Signatories' needs every three years and work in conjunction with CITES, FAO, RFMOs and Regional Seas Conventions and Action Plans (RSCAPs). Areas to be addressed by capacity-building were technical expertise, policy development, cooperation and funding.

163. Subject only to minor editorial changes, the text contained in CMS/Sharks/MOS3/CRP5 was adopted.

Agenda Item 14: Advisory Committee

164. Ms Pauly (Secretariat) introduced document CMS/Sharks/MOS3/Doc.14.1 which dealt with the appointment of members of the AC and the need to manage turnover. Under the present arrangements, seven of the ten members of the AC would have to step down when their current terms expired, which was detrimental to consistency and efficiency. As the members' first term was largely dedicated to setting up procedures, the Secretariat was proposing an amendment to paragraph 14 of the TOR.
165. Signatories would have the option of appointing new regional members or renewing existing ones and would be given sufficient time to consult within their regions before making nominations.
166. CITES drew attention to CMS/Sharks/MOS3/Inf.22, which set out the advantages of according permanent representation rights to other IGOs, such as CITES and FAO, at the AC.
167. The Secretariat proposed that the regular term of AC members should be two triennia, exceptionally extended to a third. This would allow some flexibility and ensure more continuity.
168. Senegal pointed out that there was limited expertise in shark conservation so allowing good incumbents to remain in office where no suitable alternative was available made sense.
169. The USA agreed that too high a level of turn-over should be avoided but wished to ensure that no loophole was created that would lead to some AC members being able to serve for perpetuity. The provision should ensure an absolute maximum of nine years.
170. Mauritania and the EU supported the USA on rotation and continuity, while South Africa opposed setting a ceiling of three triennia, saying that turnover at 50 per cent might be too high and could compromise continuity; no more than three members should be replaced at the same time. Mauritania said that national constitutions often contained term limitation for presidents and as the MOU was nine years old, it was time to encourage new blood.
171. Costa Rica supported the principle of rotation and confirmed that the South and Central America and Caribbean region had a new candidate to propose.
172. Australia suggested revising the wording to limit AC members' tenure to a maximum of three terms: and to ensure that no more than half the members were rotated off the AC at the same time.
173. Senegal commented that while there might be experts in the field, they were relatively few in number and could be too busy to consider serving on the AC. Senegal suggested adding a provision to ensure that both members from the region did not leave at the same time if possible.
174. Australia and the EU pointed out that four regions had two members and two regions had one member, so keeping turnover under 50 per cent might require liaison between Oceania

- and North America to ensure that they did not both replace their AC member at the same time.
175. The FAO said that granting permanent seats on the AC to CITES and the FAO as observers had been suggested and asked how this might be achieved given its current composition.
 176. The Vice-Chair pointed out that observers could attend the AC at the invitation of the Chair. Using this provision would avoid the need to amend the MOU.
 177. The EU said that contact with organizations with cross-cutting interests was necessary but agreed that amending the MOU would be complicated and supported the use of ad hoc invitations depending on the agenda of the AC. The composition of the AC could be reviewed at MOS4 where its membership could be expanded. Another option would be the establishment of a Standing Committee to deal with administrative and policy rather than technical/scientific issues, as other similar organisations have done to deal with non-scientific issues. The USA shared this view.
 178. Australia requested that the Secretariat prepare and maintain a table of AC members showing who had to rotate off and who should remain to retain some institutional memory.
 179. In response to a question from Mauritania about the need to consult Foreign Affairs Ministries about the appointments to the AC, Ms Virtue (Secretariat) explained that as the MOU was a non-binding instrument, the Secretariat dealt direct with the NFPs. Before each MOS, Signatories had been contacted and advised that they needed to consider appointments. In view of the difficulties of liaising between meetings, opportunities had been provided in the margins of the current meeting to allow regional consultations to take place.
 180. Ms Pauly (Secretariat) called upon each region in turn to nominate its AC member(s). South Africa on behalf of Africa said that Mr Diop of Senegal would continue to serve as one representative for Africa and consultations were continuing to find another nominee. For Asia, the UAE confirmed that both existing members were to be reappointed. The EU said that similarly both representatives from Europe were to be reappointed. The USA confirmed that Mr Carlson was to be reappointed and New Zealand for Oceania confirmed the reappointment of Ms Giddings.
 181. Costa Rica on behalf of the South and Central America and the Caribbean region said that Mr Mario Espinosa would be retained, whereas Mr Enzo Acuña of Chile would be replaced by Dr Carlos Silva of Colombia.
 182. CITES asked whether the proposal that CITES and the FAO be invited to attend meetings of the AC had been included in the revised TOR or whether mention in the record of the meeting would suffice. The Vice-Chair confirmed that the TOR had not be amended.
 183. Mauritania suggested that consideration be given to appointing substitutes. The EU agreed that this would be a good idea. The Vice-Chair suggested that a formal amendment be put to MOS4. Australia said that the use the Chair's right to invite experts could also be used as an interim solution in this case.
 184. The Vice-Chair noted that one nomination was still pending (that from Eastern Africa). Agreement had been reached on the TOR which were accordingly adopted.

Agenda Item 15: Partnerships and Cooperation

185. Ms Pauly (Secretariat) explained what CMS Concerted Actions were and how three were relevant to the MOU, namely those dealing with the Whale Shark, Mobulids and Angelshark.
186. The AC had been asked to review the Concerted Action Plans for Whale Sharks and Mobulids, but not the Angelshark which had not yet been listed by the MOU. The Whale Shark had long been on Appendix II of CMS and had been added to Appendix I at COP12. A workshop on the species had been organized in South-east Asia. Mobulids were subject to incidental catch, and conservation efforts were often community-based. Monaco was planning to provide funds for the organization of workshops on the Angelshark.
187. The EU endorsed the recommended actions and welcomed what had been done so far.
188. The Manta Trust mentioned a new strategic action plan for Manta Rays. The plan could be downloaded from the Trust's website.
189. The Vice-Chair said that the MOU should consider how best it could be involved in CMS Concerted Action Plans.
190. The final document approved by the meeting included all three Concerted Action documents, including that for the Angelshark given that the proposal to list the species on Annex 1 had been approved.

Agenda Item 16: Programme of Work

191. The Vice-Chair pointed out that the MOS was generating additional work with the listing of further species. It was necessary therefore to balance aspirations against the capacity and resources available. He had no objection to the Programme of Work (POW) being ambitious but requested that it should be realistic.
192. Ms Pauly (Secretariat) presented document CMS/Sharks/MOS3/Doc.16, Annex 1 of which was a draft POW for the next triennium listing activities and actors, with timelines and indications of where resources would be found. Annex 2 was a review of implementation of the previous POW. The new POW included activities carried over from the previous triennium that had started but not been completed or that had not begun. The new activities related to species added to the Annex, habitat conservation and relations with RFMOs.
193. The Vice-Chair proposed going through the draft POW to identify potential synergies and consider regrouping some of the activities and restructuring the sections. He also called upon Signatories to address the issue of funding. After an initial discussion in plenary, he suggested examining the detail in a dedicated working group. The EU endorsed this approach.
194. South Africa commented that some activities would have different levels of priority in different countries and regions and pointed out that cooperating partners could be drawn in to project work directly relevant to implementing the MOU.
195. The FAO suggested adding reference to area-based management measures beyond MPAs.

196. In response to a question from the USA, Ms Pauly explained that the references to the need for fundraising indicated that no resources had been allocated to a given activity in the core budget. The MOU did not have its own fundraising strategy and relied on the support provided by the Fundraising Officer of the parent Convention. Ms Virtue (Secretariat) added that Signatories that were unable to contribute to the core budget were often willing to support specific projects. An independent strategy could be developed but this would take time and resources, and given the linkage to the parent Convention, this might not be a priority.
197. Australia said that it was sometimes necessary to spend money to raise money and it would be advantageous to attract funding from the private sector. Australia therefore proposed the establishment of a multi-year funding framework and baseline for priority thematic and regional activities; developing guidance on possible funding mechanism (particularly the exploration of alternatives, e.g. from the private sector to initiate and deliver higher priority actions; and consideration of the organizational aspects for the effective coordination of the fundraising functions.
198. Regarding fisheries management, the EU said that a great deal of research effort was being made related to bycatch and bycatch mitigation and guidance had been prepared for many regions. A desk study of what had already been done and what was available would be useful. A large meeting of all tuna RFMOs on the subject of bycatch was scheduled to take place in 2019.
199. CITES mentioned that its Animals Committee had identified data collection as a priority to underpin non-detriment findings and justify suspension of fisheries where stocks were not recovering.
200. Mauritania asked that Arabic be added to the official languages of the MOU. Ms Virtue said that the MOU had the three official languages English, French and Spanish, but Arabic had been used in some regional workshops and for certain publications. The core budget only covered the three official languages, but this did not preclude Signatories from making voluntary contributions for Arabic translations.
201. Australia thought that the revised wording that had emerged from the working group had the qualities of chapeaux and it was unclear how the activities could be implemented in the course of a single triennium. The POW needed focussed targets, which the AC working with a small number of Signatories might develop. The EU agreed and endorsed the idea of developing targets before MOS4. New Zealand preferred the option of working with the AC rather than establishing a dedicated working group.
202. The Vice-Chair sought a volunteer to steer the process. Mauritania indicated its willingness to take the lead. Australia suggested reaching out to cooperating partners.
203. The IUCN indicated its support and mentioned its assessment and conservation planning workshops which would be relevant to activity 16 of the POW.
204. After the insertion of some final amendments, the POW was adopted subject to those areas requiring completion through the intersessional process.

Agenda Item 17: Administrative and Budgetary Matters

Agenda Item 17.1: Report on the Implementation of the Budget for the 2016-2018 Triennium

205. Ms Pauly (Secretariat) presented the report on implementation of the budget for the current triennium, including statements on voluntary contributions received and on expenditure. The costs for meetings in the triennium included on event deferred from the previous triennium.
206. Voluntary contributions totalling €680,000 had been received against a budget of over €1 million, meaning the shortfall in receipts amounted to €500,000. As a result, the Secretariat had adopted a conservative approach to expenditure. The number of Signatories actually making voluntary contributions was small. Several activities not included within the budget had been financed through earmarked contributions.
207. The balance of the Trust Fund had been €500,000 at the end of 2015. A total of €680,000 had been received in contributions and after deducting the costs of meetings and other activities, it was expected that there would be a balance of €205,000 expected at the end of December 2018. Some more voluntary contributions have been promised. Secretariat would, however, prefer to have more stable and reliable funding.
208. The EU said that the non-binding nature of the MOU made it impossible for the EU to contribute to the core budget, but support could be provided for specific activities and projects. The EU had made more contributions than the €10,000 shown in the table.

Agenda Item 17.2: Proposed Budget for the Triennium (2019-2021)

209. Ms Pauly presented three budget scenarios, all based on the assumption that the Secretariat would remain in Bonn. The scenarios included indicative contributions. She also presented the revised TOR for the administration of the Trust Fund.
210. Scenario 1 foresaw an increase 0.1 per cent with no provision to support the work of the AC. Scenario 2 represented a 10.4 per cent increase, largely reflecting the staff review, the findings of which had been accepted by the CMS COP and which determined that the MOU's Programme Officer should be upgraded to P3. Scenario 3 was a variant of Scenario 2 with an extra 3.93 per cent to provide support to the AC.
211. Annex 4 dealt with annual contributions. In the previous triennium, receipts were 40 per cent below the amount foreseen in the budget, but by adopting a conservative approach, the Secretariat had been able to operate with the resources available.
212. Annex 5 included a request to the Executive Director of UNEP to extend the Trust Fund, and the TOR required that the proposed budget to be presented 60 days in advance of the MOS, that an operating fund of 15 per cent of the budget or US\$100,000 be maintained and established eligibility criteria for supporting delegates to attend meetings.
213. The Vice-Chair invited Signatories to consider the three Scenarios presented by the Secretariat, pointing out that some activities and commitments approved by the MOS such as the addition of further species to the Annex might not have been fully taken into account.

214. The USA supported Scenario 2 with a P3 Programme Officer and a part time assistant and covering the costs of interpretation at meetings. It was unclear how the increase would be met if the shortfall in receipts remained high. All Signatories should be encouraged to make voluntary contributions.
215. Germany noted that only 46 per cent of the budgeted voluntary contributions had been received so supported scenario 1 and it was unwilling to take on the additional burden of an upgraded post.
216. The UK congratulated the Secretariat for delivering good results from limited resources. The UK agreed with other Signatories that there were risks in increasing the proposed budget with no guarantee of corresponding increases in receipts.
217. The Vice-Chair agreed that the Signatories owed a debt of gratitude to the Secretariat, which delivered an extremely high standard of service.

Contributions

218. The Secretariat stressed that the contributions to the core budget of the MOU were voluntary. Nonetheless, Signatories requesting them would receive invoices if this would facilitate payment. Other forms of request for payment would be issued as required.
219. Annex 4 of the document contained a table of indicative contributions based on the UN scale of assessment, the figures representing an indicative total amount of the triennium not annual payments. Signatories could pay more or less than the amounts indicated.
220. Germany said that the budgetary provisions applicable in Germany did not allow it to enter into permanent payment obligations. Nevertheless, Germany was willing to continue supporting the work of the Secretariat on a voluntary basis. Germany intended to fund specific activities included in the budget through to 2020 and the P2 post till mid-2019.
221. Stressing the importance of the MOU, Senegal felt that the term “invoice” was inappropriate and that the Secretariat should issue letters explaining clearly the voluntary nature of the payment.
222. Mauritania said that in its experience with other MEAs, invoices would be needed for Finance Departments to authorize payment. Many delegations received per diem payments well in excess of their country’s contributions and had a large proportion of the natural resources that the MOU was aiming to protect, so stood to benefit most from it. Contributions could even be deducted from the per diems due for attending meetings. NFPs for the MOU had an obligation to try to mobilize resources.
223. Benin agreed with Senegal and said that a letter would be preferable to an invoice. Comoros and Guinea also agreed that an invoice would be inappropriate. Cote d’Ivoire noting the indicative contributions contained in Annex 4 thought that it could pay more than the €100 listed.

224. In response to a question from the UK regarding how other MOUs under CMS operated with voluntary payment regimes, Ms Virtue (Secretariat) said that the IOSEA MOU issued invoices while other MOUs benefitted from having a major donor among the Signatories. She said that it was necessary under UN rules for the MOS to adopt a budget as the basis for a mandate for invoices or payment requests to be issued.
225. The following wording was adopted by the Signatories:
- The Signatories noted the table, Scale of Indicative Voluntary Contributions by Signatories for the Period 2019-2021 (CMS/Sharks/MOS3/Doc.17.2/Annex 4).
 - The Secretariat would use the table as a basis to request voluntary contributions from Signatories receiving an invoice.
 - Signatories that did not wish to receive an invoice should inform the Secretariat. A reminder letter would be sent to them on the voluntary contributions.
 - Once a Signatory opted out from receiving an invoice, it would remain opted out unless notice was given to the Secretariat indicating otherwise.
 - Signatories may inform the Secretariat if they wished to be invoiced for an amount different from that indicated in the table.
 - The deadline for submitting such information to the Secretariat would be January of each year.
226. There were no comments regarding establishing an operating reserve of 15 per cent. Reference to Signatories being in arrears was deleted in view of the fact that contributions were voluntary. The Secretariat explained that the threshold of 0.2 per cent in the UN scale of assessment to be eligible for funding to attend meetings was standard, as was the wording to exclude small developed countries that would otherwise qualify.
227. Germany said that it had agreed to fund a P2 post until July 2019 but would not be able to extend that support further. The Headquarters Agreement with the parent Convention would however cover office accommodation and equipment for the new staff member, and therefore the budget line for office equipment could be reduced.
228. Signatories adopted the budget set out in Scenario 2 subject to the minor amendments proposed by Germany.

Agenda Item 18: Performance Review and Review of Annex 1

229. The EU proposed that a periodic review of effectiveness of measures for Annex I species be undertaken, identifying areas where there could be improvements in processes, funding and relations with CMS.
230. The Vice-Chair noted that similar reviews had led to positive reforms in RFMOs. He added that the MOU was a relatively young instrument and its processes were still evolving. Some consideration had been given to the listing criteria as a result of the proposals to add species, but Signatories could also examine how well the Annex was working in general.
231. Australia welcomed the EU's proposal as regular performance reviews should be done. A review would help define the role of the MOU and inform the discussion on the listing criteria. New Zealand agreed.

232. Cote d'Ivoire said account should be taken of the growth of the MOU as new Signatories and cooperating partners joined. Kenya stressed the importance of targets to help measure progress.
233. In view of the general support for the concept of undertaking a review, the EU agreed to develop its ideas further and in consultation with other Signatories and cooperating partners would draw up a more concrete proposal for submission to MOS4.

Agenda Item 19: Date and Venue of the Next Meeting

234. No offers to host the next meeting had been received and no provisional date was set.

Agenda Item 20: Any Other Business

235. In the margins of the meeting, Ms Alejandra Goyenechea signed the MOU on behalf of Defenders of Wildlife which thereby became the twelfth Cooperating Partner. Ms Goyenechea expressed the hope that more countries from Latin America and the Caribbean would join the MOU.

Agenda Item 21: Closure of the Meeting

236. After the Chair and the Secretariat had made their final remarks and the customary expression of thanks to the Hosts and all that had contributed to the successful organization and execution of the meeting had taken place, proceedings were declared closed. The text of the Chair's final remarks can be found at Annex 2

ANNEX 1

ADDRESSES BY THE HOST COUNTRY, MONACO

Mrs Rosabrunetto, Deputy Minister of Foreign Affairs and Cooperation

« M. Robert Calcagno, Directeur général de l'Institut Océanographique, Fondation Prince Albert Ier, Prince de Monaco,

Mme Mélanie Virtue, Chef d'Equipe en charge des espèces aquatiques de la Convention sur la conservation des espèces migratrices appartenant à la faune sauvage (CMS)

Honorables délégués,

Mesdames et Messieurs,

Au nom du Gouvernement Princier, je vous souhaite la bienvenue à Monaco pour la troisième réunion des états signataires du memorandum d'entente sur les requins. Je tiens à remercier Monsieur Robert Calcagno ainsi que toute son équipe de nous accueillir dans ce Temple de la Mer. Vous en conviendrez certainement il n'y avait pas meilleur lieu à Monaco pour traiter des questions qui nous rassemblent aujourd'hui.

Comme vous venez de l'entendre, il était important pour la Principauté d'accueillir cette réunion.

En effet, Monaco est par tradition historique et culturelle, tournée vers la mer.

Le fait que ses eaux territoriales soient 36 fois plus étendues que son territoire terrestre y est probablement pour quelque chose. Mais c'est aussi et surtout sous l'impulsion personnelle de Son Altesse Sérénissime le Prince Albert II de Monaco dont nous devrions avoir la visite ce soir que tous les acteurs de la Principauté se rassemblent autour d'une cause commune : parvenir à la gestion durable des Océans, des mers et de leurs ressources.

Dans ce domaine, les actions du gouvernement monégasque s'inscrivent en cohérence avec les actions menées par les nombreuses institutions établies en Principauté telles que l'organisation hydrographique Internationale, les laboratoires de l'Environnement de l'AIEA, ou encore le Secrétariat de l'Accord sur la conservation des cétacés de la mer Noire, de la Méditerranée et de la zone Atlantique adjacente (ACCOBAMS).

Cet engagement fait de Monaco un allié naturel des organisations internationales ayant pour vocation la protection de la biodiversité des mers et des océans.

C'est en ce sens qu'en 2011, il est apparu pertinent pour le Gouvernement de signer le «Mémoire d'Entente requins», seul instrument international dédié à la protection des requins migrants.

Cette signature s'inscrivait dans la continuité des actions de Monaco en matière de conservation et de gestion durable de la biodiversité marine et plus particulièrement la protection de grandes espèces marines emblématiques:

1. les requins, mais aussi le thon rouge de méditerranée ou encore les cétacés, et ce notamment au travers de la Convention sur la conservation des espèces migratrices appartenant à la faune sauvage (CMS).

Faire partie des «Champions de la CMS» permet à Monaco, un micro État, de contribuer de manière tangible et durable à l'effort mondial en faveur d'espèces qualifiées par le Prince Albert II de «fascinantes, fédératrices et essentielles au bon équilibre de notre environnement».

Parmi ces espèces, celles qui nous unissent aujourd'hui, les requins et raies, méritent plus que jamais toute notre attention en raison de la situation critique dans laquelle certaines d'entre elles se trouvent.

Comme vous le savez très peu d'espèces sont protégées et les données scientifiques sont particulièrement alarmantes en ce qui concerne le recul de ces populations au sommet de la chaîne alimentaire des espèces marines.

Ceci m'amène donc à rappeler l'importance du MdE requins dont l'ordre du jour de cette 3ème Réunion des signataires confirme que l'un des points forts de cet Instrument est de contribuer au renforcement des capacités et de permettre le partage des connaissances.

En effet, cela concourt à la collecte de données précises en vue de définir les mesures de conservation et de coopération adéquates.

Des décisions importantes devront être prises pendant cette semaine notamment l'adoption du programme de travail et le budget y afférent.

Je pense également aux 8 espèces de requins, faisant l'objet d'une proposition d'inscription à l'annexe I du MdE, dont le *Squatina squatina* porté par Monaco.

Ces dernières si elles sont retenues pourront bénéficier de mesures particulières et d'actions de coopération au travers du Mémorandum.

Permettez-moi en conclusion de réitérer le plein soutien du Gouvernement Princier aux activités du Mémorandum, soutien qui se renforcera à partir de 2019 par l'octroi d'une contribution financière au Secrétariat.

Je vous remercie, je vous souhaite une fructueuse journée de travail et je vous retrouverai ce soir pour un moment convivial».

M. Robert Calcagno, Directeur général de l'Institut Océanographique, Fondation Prince Albert 1er, Prince de Monaco

Mot d'accueil en ouverture de la 3^{ème} réunion des signataires du Mémorandum d'entente sur la conservation des requins migrateurs

«Mme la Directrice générale, Mme Isabelle Rosabrunetto

Mme Mélanie Virtue, Chef d'Equipe en charge des espèces aquatiques de la Convention sur la conservation des espèces migratrices appartenant à la faune sauvage (CMS)

Mme Andréa Pauly, Responsable de programme

Honorables délégués,

Mesdames et Messieurs, chers amis,

Bienvenue au Musée océanographique,

Présentation de l'Institut océanographique

Dès le début du XX^{ème} siècle le Prince Albert 1er dénonçait les méfaits de la surpêche et invitait à une meilleure régulation. Citation Albert 1er

« Pour arrêter ce mal je propose la réunion de conférences internationales très énergiquement pourvues des pouvoirs nécessaires pour faire respecter les décisions prises. »

Les requins ont été les premiers animaux emblématiques que nous avons choisis quand nous avons commencé à travailler par programmes. Nos programmes traitent d'animaux emblématiques, qui sont autant d'ambassadeurs des océans et d'occasions d'examiner la relation de l'Homme à l'océan.

Les requins symbolisent l'incompréhension du monde sous-marin, qui se nourrit de la peur de l'inconnu. Plus que tout autre animal marin, ils gardent une réputation sulfureuse, inspirant la peur de beaucoup parmi ceux qui les connaissent le moins et la fascination des plongeurs qui les fréquentent.

Ils symbolisent aussi la boulimie qui peut s'emparer de l'Homme et être rapidement dévastatrice, comme c'est le cas de ces grands animaux qui ont dominé les océans pendant des millions d'années avant d'être décimés par un engouement soudain pour une soupe.

Ils symbolisent le terrible gâchis auquel cet emballement peut mener, avec le développement du finning qui conduisait à rejeter plus de 95% du poids des requins, quand pourtant leur chair, leur peau, l'huile de leur foie ou leur cartilage pouvaient être exploités.

Ils sont les représentants symboliques des prédateurs alpha, le sommet des chaînes trophiques de l'océan, ces régulateurs si importants à l'équilibre global de la biodiversité.

Enfin, et voici qui nous amène aux travaux de cette semaine, ils incarnent ces grands migrants, ces infatigables voyageurs des mers qui ne connaissent pas de frontières. La liberté des mers semble faite pour eux et pourtant c'est l'absence de règles justement qui a causé leur perte.

Les requins nous donnent l'échelle à laquelle travailler. Ils semblent justifier à eux seuls une coopération régionale qui embrasse tout leur périple. Ils déterminent aussi la taille des aires marines protégées qui peuvent les abriter, mais aussi la cohérence, l'articulation des réseaux d'AMP, donnant à eux seuls un sens, une urgence aux objectifs fixés à Aichi.

Notre programme a révélé que la connaissance des requins est très récente et reste très imparfaite. Souvent, leur cycle de vie garde des parts d'ombre, tels que le lieu de reproduction des grands requins blancs.

Depuis quelques années, dans le cadre des Explorations de Monaco, nous avons fait l'expérience des différentes techniques permettant aujourd'hui de mieux les connaître : suivi satellite, caméras appâtées, jusqu'à l'ADN environnemental. Voilà des outils remarquables, mais il faut encore les diffuser plus largement et surtout partager les données car encore une fois, l'échelle des requins impose la coopération.

Les mêmes questions nous reviennent régulièrement : combien y-a-t-il de requins dans l'océan ? Combien sont pêchés chaque année ? Difficile à dire, d'autant que le problème réside dans ce qui échappe par nature aux statistiques : la pêche illégale, non déclarée, ces trafics vertigineux qui pèsent si lourdement sur les requins.

Pour toutes ces raisons, l'Institut océanographique s'associe pleinement au soutien que le Gouvernement Princier a choisi d'apporter au Mémorandum d'entente sur la conservation des requins migrateurs et remercie la CMS et le Gouvernement princier d'avoir choisi le Musée océanographique pour convier la 3ème réunion des Signataires.

Je vous inviterai à visiter, dans le courant de la semaine, notre dernier espace d'exposition, ouvert cet été, et dédié à Monaco et l'Océan. Vous y retrouverez bien-sûr les requins et l'engagement de Monaco sur le sujet, mais aussi toutes les actions que nous pouvons mener, avec le Gouvernement Princier et la Fondation Prince Albert II notamment, dans un grand nombre de domaines qui ont pour trait commun de chercher à bâtir une relation plus durable entre l'Homme et l'océan.

Je conclurai ce mot d'accueil en citant S.A.S. le Prince Albert II, qui avait bien voulu préfacer notre livre sur les requins, *Requins*, au-delà du malentendu :

« La menace qui pèse aujourd'hui sur les requins est à l'image de notre monde : globalisée et complexe. Globalisée car si la consommation d'ailerons est concentrée en Asie, pêche et commerce touchent tous les océans, toutes les régions du monde. Complexe car de nombreux phénomènes se combinent : dégradation des milieux côtiers, pollution, changement climatique, surpêche. [...]

Seul un sursaut mondial peut mettre un terme à cette frénésie, en jouant sur tous les leviers : gestion des pêches, transparence du commerce, sensibilisation des consommateurs... »

ANNEX 2

CHAIR'S FINAL REMARKS

M. Robert Calcagno, Directeur général de l'Institut Océanographique, Fondation Prince Albert 1er, Prince de Monaco

«Mesdames et messieurs, chers délégués,

Il me revient de conclure cette semaine très dense de travail et d'échanges.

Je souhaite remercier l'ensemble des participants et tout particulièrement David Hogan, qui a mené les travaux de façon remarquablement efficace tout au long de la semaine, ainsi que John Carlson qui, avec le Comité Consultatif, a éclairé toutes les décisions.

Monaco défend inlassablement cette alliance étroite de la science et de la décision. Je me référerai à nouveau au prince Albert 1er :

« J'ai cultivé la science parce qu'elle répand la lumière et que la lumière engendre la justice, le guide sans lequel un peuple marche vers l'anarchie et la décadence. »

Je remercie le secrétariat du Mémoire d'Entente pour les requins, qui fait beaucoup avec peu de moyens. Mélanie Virtue et Andrea Pauly ont une nouvelle fois montré cette semaine leur travail inestimable.

J'ai pu suivre les échanges et je tiens à saluer l'esprit constructif dans lequel les travaux se sont déroulés. J'ai pu apprécier l'engagement de tous pour les requins, ces anciens maîtres des océans aujourd'hui en fâcheuse posture.

Si le Mémoire d'Entente pour les requins est non contraignant, il n'en est pas moins très pertinent et actif, grâce à vous tous.

*Je salue tout particulièrement la solution trouvée ce matin pour inscrire *Squatina squatina*, au vu de la menace critique qui pèse sur cette espèce, qui symbolise cette volonté d'avancer sans compromettre la rigueur de l'exercice, et je remercie les Etats signataires de leur compréhension.*

Les débats ont, conformément à l'objet du Mémoire d'Entente, porté sur la connaissance et la conservation des requins.

Nous savons tous que, dans la plupart des cas, c'est l'intensité de la pêche, ciblée ou accessoire, qui détermine le sort des requins. Et de ce point de vue, le renforcement des liens avec les Organisations Régionales de Gestion des Pêches est essentiel.

Nous avons fait un premier pas appréciable et je ne doute pas que vous saurez aussi sensibiliser vos collègues et faire le lien.

J'aimerais terminer en partageant avec vous une autre facette de la conservation des requins. L'Institut océanographique a lancé, voici 5 ans, un grand programme de sensibilisation, pour rappeler que les requins ne sont pas si dangereux, qu'ils sont essentiels à l'équilibre des écosystèmes et qu'ils sont aujourd'hui en grand danger.

Juste à ce moment, nous avons été confrontés à la réalité des attaques de requins qui se sont concentrées à La Réunion notamment.

C'est pourquoi nous avons rassemblé des experts internationaux pour partager les expériences des différents pays concernés et promouvoir des solutions de cohabitation avec les espèces de requin dangereuses sans recourir à leur extermination.

La connaissance des requins, les technologies disponibles, mais surtout une nette évolution des mentalités, doivent converger pour permettre une relation plus apaisée avec les requins.

Vous pourrez récupérer, à la sortie de la salle, la « boîte à outils » qui a été le fruit de ces travaux.

Je vous remercie une nouvelle fois pour votre participation, votre contribution à construire une réponse collective aux dangers qui touchent les requins, et vous souhaite une bonne continuation.

Je souhaite remercier tous les membres de l'équipe du secrétariat de la CMS, les traducteurs, l'équipe du Gouvernement de Monaco, et aussi le personnel du Musée océanographique de nous avoir donné les meilleures conditions pour un travail efficace.

Je déclare la fin de la troisième réunion du Mémoire d'entente sur les requins. »

ANNEX 3

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS / LISTA DE PARTICIPANTES

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