

CMS Memorandum on the Conservation of Migratory Sharks

Annex 3 to the MoU: CONSERVATION PLAN <i>27 September 2012</i>		Responsible entity ¹	Time frame for starting implementation ²	Responsible entity ³	MoU: (paragraphs 12 and 13)
Overall principles					
I	This Conservation Plan applies exclusively to those migratory species of sharks included in Annex 1 of this Memorandum of Understanding. Depending on the occurrence of a species, Signatories may set species-specific priorities.				
II	This Conservation Plan aims to complement, develop and promote the objectives and actions described in this Memorandum of Understanding to conserve and manage migratory sharks and their habitat. In particular, it establishes a comprehensive list of actions to further the objectives and actions of Section 4 of this Memorandum of Understanding.				
III	These objectives and related activities below should be implemented by Signatories either individually or cooperatively or both, as appropriate including through: <ul style="list-style-type: none"> i. Participation in and cooperation with the Food and Agriculture Organization of the United Nations (FAO) and, as appropriate, RFMOs, RSCs, and other relevant biodiversity-related MEAs; ii. Establishment of regional, sub-regional and any other cooperative arrangements considered by the Signatories to be necessary; and iii. in cooperation with the Secretariat. 				12
IV	Signatories should, periodically evaluate the effectiveness of efforts and strategies to implement this plan, with the technical and scientific support of the Secretariat and the Advisory Committee, as well as consider revisions or amendments if necessary to strengthen its effectiveness or applicability, consistent with Section 6 of this Memorandum of Understanding.				
V	Signatories endeavour to create synergies amongst their respective national and regional administrations responsible for environmental and fisheries-related policies as they affect sharks so as to facilitate the universal implementation of the contents of the Conservation Plan into their governmental programmes.				
VI	Signatories are encouraged to prioritize implementation of these actions with highest scores for priority.				
VII	Signatories are encouraged to use this Conservation plan, as a whole or only parts of it, and translate it into national or regional actions.				
VIII	The Conservation Plan combines short-term and long-term activities.				

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Objective A: Improving understanding of migratory shark populations through research, monitoring and information exchange					12 a
1	Ecological research, monitoring and data collection				12 a, 13a, d, e, f, g
1.1	Identify priority research, monitoring and training needs, taking into account regional differences.				12 a, 13 a, d
1.2	Endeavour to develop capacity in research, data collection, monitoring and facilitate training in data quality.				12 a, 13 a, d, g
1.3	Compile relevant data, improve ecological knowledge and conduct baseline studies on: <ul style="list-style-type: none"> • shark populations including studies on populations dynamics, structure and abundance; • essential shark habitats; • shark distributional range through acoustic, mark recapture and other programmes; • shark aggregations; • shark behavior; • shark ecology; • the seasonal and spatial migration patterns and routes of sharks; • shark taxonomy; and • environmental factors with impacts on sharks. 				12 a, 13 a, d, e, f
1.4	Conduct long-term monitoring of shark populations in order to assess their conservation status and trends.				12 a, 13 a, d, e
1.5	Identify and prioritize (with a view to developing conservation measures): <ul style="list-style-type: none"> • critical shark habitats including critical migration routes;⁴ • critical seasons;⁵ • critical life stages;⁶ and • shark populations. 				12 a, 13 a, d, e, f
1.6	Assess and prioritize threats to sharks from human activities (especially fisheries) and identify the species most vulnerable to them.				12 a, 13 a, d, e
1.7	Establish conservation targets and indicators to assess progress towards reaching these targets at the species population level, and develop species-specific reference points for enhanced conservation measures.				12 a, 13 a, d, e

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2	Information exchange				12 a
2.1	Facilitate the timely access to and exchange of information necessary to coordinate conservation and management measures.				12 a, 13 a, g
2.2	Recommend standard methods and set minimum levels of data collection and adopt or develop a recommended set of protocols for research, monitoring, and information exchange.				12 a, 13 a, g
2.3	Determine and, where appropriate, develop the most suitable methods for information dissemination.				12 a, 13 a, g
2.4	Regularly exchange scientific and technical information and expertise among: <ul style="list-style-type: none"> • national governments; • scientific institutions; • non-governmental organizations and civil society; • international organizations; and • the private sector. <p>in order to develop and implement best practice approaches to the conservation of sharks and their habitats.</p>				12 a, 13 a, g
2.5	Create a directory of experts and organizations concerned with shark conservation on a regional and global level.				12 a, 13 a, g
2.6	Disseminate traditional knowledge on sharks and their habitats.				12 a, 13 a, g
Objective B: Ensuring that directed and non-directed fisheries for sharks are sustainable - In pursuing activities described under this objective Signatories should endeavour to cooperate through RFMOs, the FAO, RSCs and biodiversity-related MEAs as appropriate					12 b
3	Fisheries-related research and data collection				12 b, 13 a, b, d, e, g, j, n
3.1	Promote stock assessments and related research.				12 b, 13 a, b, d, e, g

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3.2	Develop programmes to establish baseline data and facilitate reporting at a species specific level on: <ul style="list-style-type: none"> shark catch rates; fishing gear used in shark fisheries; the amount of incidental and directed taking; the amount of waste and discards; size and sex of individuals caught; and fisheries methods that are sustainable and responsible and protect the habitat. 				12 b, 13 a, b, d, e, g, n
4	Ecologically sustainable management of shark populations, including monitoring, control and surveillance				12 b, 13 a, b, c, d, f, j
4.1	Develop and adopt best practice guidance for the conservation and management of shark populations based on the best available scientific knowledge and following a precautionary and ecosystem approach.				12 b, 13 a, b, d, f
4.2	Develop programmes to monitor directed shark fisheries and shark bycatch, including programmes such as vessel monitoring systems, inspections and on-board observer or monitoring programmes.				12 b, 13 a, b, d, j
4.3	Prohibit the taking of species in accordance with paragraph 13 i of the MoU.				12 b, 13 i
4.4	Ensure that mortality rates arising from fishing activities do not exceed levels resulting in a significant decline of populations following the precautionary approach in proactively setting conservation and management measures at all times.				12 b, 13 a, b, c, j
4.5	Encourage relevant bodies to set targets for fish quotas, fishing effort and other restrictions to help achieve sustainable use in line with the best available scientific advice and using the precautionary approach to ensure that all shark catch is within sustainable limits.				12 b, 13 j
4.6	Consider the development or application of certification systems for sustainable shark products.				12 b, 13 a, b, j
4.7	Encourage the consideration of including shark conservation criteria in existing certification systems for sustainable fisheries.				12 b, 13 a, b, j
4.8	Encourage no increase in and minimize the use of plastics and non-degradable materials in fishing operations.				12 b, 13 j
4.9	Encourage the participation of indigenous and local communities (ILC) in the fishery management process.				12 b, 13 j
4.10	Ensure that the global moratorium on all large-scale pelagic driftnet fishing is fully implemented on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas, in accordance to UN General Assembly Resolution 46/215 ⁷ .				12 b

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5	Bycatch				12 b, 13 a, b, c, j
5.1	To the extent practicable, develop and/or use selective gear, devices, and techniques to ensure that the take of sharks in fisheries is sustainable and appropriately managed and that mortality of non-utilized catches is minimized to the greatest extent possible.				12 b, 13 j
5.2	Liaise and coordinate with fishing industries, fisheries management organizations, academic institutions and environmental non-governmental organizations (NGOs) to develop and implement incidental capture mitigation mechanisms in national waters and on the high seas, prioritizing work to avoid the capture of protected sharks in accordance with paragraph 13 i of the MoU.				12 b, 13 a, b, c, j
5.3	Promote capacity building for the safe handling and release of sharks.				12 b
6	Cooperation through RFMOs, RSCs and FAO				12 b, 13 c, k
6.1	Encourage implementation of conservation and management measures adopted by RFMOs, RSCs, biodiversity-related MEAs and FAO.				12 b, 13 c
6.2	Develop and implement National Plans of Action for Sharks - NPOA-Sharks - to manage sharks within a State's jurisdictional waters and for the regulation of the activities of States' fleets fishing on the High Seas in accordance with FAO's voluntary International Plan of Action for Sharks - IPOA-Sharks - also taking into account UN General Assembly Resolutions 59/25 ⁸ and 61/105 ⁹ .				12 b, 13 k
6.3	Promote practical and enforceable conservation recommendations based on the best available science within relevant RFMOs, RSCs, biodiversity-related MEAs and FAO.				12 b, 13 c
7	Policy, legislation and law enforcement				12 b, 13 m, h
7.1	Review of domestic policy				12 b, 13 m
7.1.1	Review domestic policies and laws to address gaps or impediments to the conservation and management of sharks and their habitats.				12 b, 13 m
7.2	International trade				12 b, 13 m
7.2.1	Develop and implement strategies that seek to ensure that sharks and shark products entering international trade are harvested and traded in accordance with existing conservation and management measures and applicable regulations including those of CITES and RFMOs.				12 b, 13 m
7.2.2	Develop and implement additional measures to ensure legal and sustainable international trade in sharks and shark products.				12 b
7.3	Finning¹⁰				12 b, 13 h

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7.3.1	Where not already in place, consider enacting legislation or regulations requiring sharks to be stored on board and landed with each fin naturally attached in line with applicable UN General Assembly Resolutions, including 62/177 ¹¹ , and 66/68 ¹² and with applicable decisions from IUCN, including motion 4.114 ¹³ , and relevant RFMOs.				12 b, 13 h
7.4	Law enforcement				12 b, 13 m
7.4.1	Implement and enforce existing fisheries conservation and management measures and trade regulations on shark fisheries through effective monitoring, control and surveillance.				12 b, 13 m
7.4.2	Implement specific measures where gaps are identified and develop capacity in compliance and law enforcement.				12 b, 13 d, m
7.4.3	Cooperate on law enforcement, including through bilateral/multilateral agreements, and intelligence and information sharing.				12 b, 13 m
8	Economic incentives				12 b, 13 m
8.1	Work to reform, phase out and eliminate subsidies resulting in unsustainable use of sharks.				12 b, 13 m
8.2	Develop opportunities for alternative livelihoods for and together with local communities.				12 b, 13 m
Objective C: Ensuring to the extent practicable the protection of critical habitats and migratory corridors and critical life stages of sharks					12 c
9	Conservation activities				12 c, 13 f
9.1	Designate and manage conservation areas, sanctuaries or temporary exclusion zones along migration corridors and in areas of critical habitat, including those on the high seas in cooperation with relevant RFMOs and RSCs where appropriate, or take other measures to remove threats to such areas.				12 c, 13 f
9.2	Integrate shark and shark habitat protection in environmental impact or risk assessments for marine and coastal development projects.				12 c, 13 f
9.3	Develop, implement and assess spatial and/or seasonal closures of fishing areas to reduce incidental capture of sharks, particularly to protect nursery grounds as well as aggregation areas for mating and pupping.				12 c, 13 j
9.4	Promote the protection of the marine environment from land-based and maritime pollution that may adversely affect shark populations.				12 c, 13 f
9.5	Avoid the mortality of juvenile sharks and fecund females in order to maintain population levels and to ensure population viability.				12 c, 13 f
10	Legislation				12 c, 13 f

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10.1	Contribute to developing legislation to protect species and their critical habitats and ensure implementation of regulations and policies on national, regional and global scale.				12 c, 13 f
11	Economic incentives				12 c, 13 f
11.1	Develop incentives for adequate protection of areas of critical habitats inside and outside protected areas.				12 c, 13 f
Objective D: Increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities					12 d
12	Awareness raising				12 d
12.1	Increase knowledge of the ecosystem services provided by sharks and knowledge about sharks in their marine environment.				12 d
12.2	Raise public awareness of threats to sharks and their habitats.				12 d
12.3	Raise public awareness of this Memorandum of Understanding and its objectives.				12 d
13	Stakeholder participation				12 d, 13 a
13.1	Encourage the participation of the following stakeholders in the implementation of this Conservation Plan: <ul style="list-style-type: none"> • government institutions; • non-governmental organizations; • indigenous and local communities; • commercial and recreational fishing communities; • the private sector; • scientists; • academia; and • the general public. 				12 d, 13 a
13.2	Develop and apply methods of co-management and/or public participation with local fishery communities in shark fishing.				12 d
Objective E: Enhancing national, regional and international cooperation					12 e
14	Cooperation among governments				12 e, 13 a, b, e

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14.1	Identify specific management issues where cooperation among States is required for successful conservation and management.				12 e, 13 a
14.2	Enhance institutional capacities and competencies in shark identification, management and conservation techniques to generate technical support for the implementation of the Memorandum of Understanding at the national, regional and international level.				12 e, 13 a
14.3	Strengthen existing and develop new mechanisms, where required, for cooperation and effective consultations involving stakeholders in research, management among coastal and fishing states, as well as with relevant IGOs and RFMOs and regional seas conventions, at the sub-regional level.				12 e, 13 b
14.4	Develop networks, including those for information and data, for cooperative management of shared populations, within or across sub-regions, and, where appropriate, formalize cooperative management arrangements.				12 e, 13 a, b
14.5	Cooperate, where possible, in the establishment of transboundary marine protected areas using ecological rather than political boundaries.				12 e, 13 a, b
14.6	Conduct collaborative studies and monitoring in pursuing activities described in objective A and B above where appropriate.				12 e, 13 a, b, e
15	Cooperation with existing instruments and organizations related to shark conservation				12 e, 13 b
15.1	Cooperate, as appropriate, with: <ul style="list-style-type: none"> • the fisheries industry; • FAO; • RFMOs; • RSCs; • UN entities such as UNCLOS, UNEP and biodiversity-related MEAs (e.g. CBD, CITES and Ramsar); • the World Trade Organization, Interpol and the World Customs Organization; and • IGOs and NGOs engaged with shark conservation, and other international organizations that deal with fisheries. 				12 e, 13 b
16	Accession to international instruments relevant for the conservation and management of sharks				12 e, 13 l
16.1	Ratify or accede to those international instruments relevant to the conservation and management of migratory sharks and their habitats in order to enhance the legal protection of migratory shark species.				12 e, 13 l

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16.2	Encourage Signatories that have not already done so to become Parties to: <ul style="list-style-type: none"> the Convention on Migratory Species (CMS); global fisheries agreements such as the UN Fish Stocks Agreement (1995), the FAO Compliance Agreement (1993), the FAO Port State Measures Agreement (2009) and other relevant international instruments; RFMOs that can adopt conservation and management measures in relation to sharks, or comply with such conservation and management measures as cooperating non-members; and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). 				12 e, 13 l
16.3	Encourage Signatories to implement the FAO Code of Conduct for Responsible Fisheries (1995).				12 e, 13 (l)

¹ Prioritizes activities on a scale of 1-5 with “1” being of lowest and “5” being of highest priority. At MOS 1 the Advisory Committee was requested to develop these priority rankings and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval.

² Gives the time frame for the implementation of an activity. At MOS 1 the Advisory Committee was requested to develop the content of this column and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval. The Secretariat would suggest distinguishing between short-, medium-, long-term and ongoing activities.

³ Gives the primary responsibilities or modes of cooperation for implementing the actions included in this Conservation Plan using the following codes: SIG=Signatories, SEC=Secretariat, MULTI=multilateral fora, organizations or arrangements, AC=Sharks MOU Advisory Committee. Given the nature and range of the actions some responsibilities may be shared or undertaken by more than one entity so more than one identifying code may be displayed. At MOS 1 the Advisory Committee was requested to develop the content of this column and to submit its suggestions to MOS 2 for the Signatories’ consideration and approval.

⁴ Critical habitats are defined as those habitats which have a key role for the conservation status of a shark population. This includes feeding, hunting, mating, birthing, pupping and aggregation sites as well as corridors between these sites such as migration routes.

⁵ Critical seasons are defined as a specific time in a year which has a key role for the conservation status of shark populations. Depending on the species this includes feeding, hunting, mating, birthing, aggregation seasons.

⁶ Depending on species, critical life stages can include eggs, neonates, juveniles or adult females based on best available science.

⁷ General Assembly Resolution 46/215 on Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world’s oceans and seas.

⁸ General Assembly Resolution A/RES/59/25 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

⁹ General Assembly Resolution A/RES/61/105 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

¹⁰ Finning: Practice of removing any of the fins of a shark (including the tail) while at sea and discarding the remainder of the shark at sea.

¹¹ General Assembly Resolution A/RES+G12/62/177 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

¹² A/RES/66/68 - Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

¹³ IUCN Recommendation 4.114 of IUCN on a global policy against shark finning.