



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

CMS/Sharks/MOS3/Doc.11.1
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3rd Meeting of the Signatories (Sharks MOS3)
Monaco, 10 – 14 December 2018
Agenda Item 11

ENGAGEMENT WITH REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

(Prepared by the Advisory Committee)

1. The current document contains recommendations from the Advisory Committee on:
 - a. a draft “Procedure for the Sharks MOU to engage with relevant Regional Fisheries Management Organizations (RFMOs)” and “Recommended Activities to be undertaken by the Sharks MOU Signatories in their Engagement with relevant tuna RFMOs” (Annex 1);
 - b. a sample briefing note to Signatories to prepare for an RFMO meeting (Annex 2).
2. As reflected in the general principles of the Conservation Plan, Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) consider cooperation between the fisheries and conservation sectors to be crucial. The objectives and related activities of the Conservation Plan “should be implemented by Signatories ..., including through:...a. Participation in and cooperation with...Regional Fisheries Management Organizations (RFMOs)...” (Sharks MOU, Annex 3 “Conservation Plan”, General Principle III).
3. In accordance with its mandate, the Advisory Committee (AC) with support from the Conservation Working Group (CWG) prepared recommendations on cooperation with RFMOs to MOS3 ([CMS/Sharks/AC/Rec.2.2](#)) at its 2nd Meeting (AC2) in November 2017.
4. AC2 participants agreed that the MOU should be represented at meetings of the decision-making bodies of relevant tuna RFMOs. In addition, they recommended that the MOU should engage at the technical level with such RFMOs, e.g. by attending their technical meetings and contributing to the work of RFMO technical working groups.
5. The recommended elements on a “Procedure for the Sharks MOU to engage with relevant Regional Fisheries Management Organizations (RFMOs)” including elements and activities to be undertaken by the Sharks MOU Signatories in their engagement with such RFMOs are presented in Annex 1 to this document.

6. AC2 recommended that the Signatories be provided with briefing notes in advance of upcoming RFMO meetings, the purpose would be to inform Sharks MOU Focal Points about relevant agenda items and to draw connections with relevant decisions already taken by Signatories under the MOU. Such a briefing note could be used to assist in-country preparations for such RFMO meetings. A briefing note, which was previously sent to Signatories in advance of IOTC -20 in 2016, is provided as Annex 2 to this document as an example.

Action Requested:

The Meeting is requested to:

- a) Review, amend as required and adopt the “Procedure for the Sharks MOU to engage with relevant Regional Fisheries Management Organizations (RFMOs)”, and the “Recommended Activities to be undertaken by the Sharks MOU Signatories in their Engagement with relevant tuna RFMOs” as presented in Annex 1;
- b) Consider including such activities in the proposed “Programme of Work 2019-2021” (CMS/Sharks/MOS3/Doc.16.1)
- c) Review the sample briefing note for Signatories in Annex 2 and provide guidance:
 - whether Signatories would like the Secretariat to prepare such briefing notes for the Signatories before each relevant RFMO meeting; and
 - whether this format should be applied for future briefing notes.
- d) Take into account the budget implications of participation at relevant RFMO meetings if the RFMO Engagement Strategy is adopted as recommended by the AC.

ANNEX 1

1. DRAFT PROCEDURE FOR THE SHARKS MOU TO ENGAGE WITH RELEVANT REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (RFMOS)”

Signatories to the Sharks MOU that are members of a Regional Fisheries Management Organization (RFMO) have committed to the MOU objectives. While the MOU is not legally binding, Signatories have made a political commitment to implement these objectives and their negotiation positions at RFMOs should reflect this.

The Secretariat can assist Signatories in this regard by providing briefing notes for relevant RFMO meetings. However, in some cases, a more proactive approach may be desirable to ensure that commitments made under the MOU are available to RFMO delegates. These approaches are further elaborated below.

1.1 Level of engagement:

There are two different scenarios for Sharks MOU representation at meetings of RFMOs and other relevant organizations:

- a. Presence of a dedicated Sharks MOU representative, such as the Secretariat, an AC member or nominated expert;
- and /or
- b. Presence of Signatories that are also members of RFMOs.

The presence of a dedicated Sharks MOU representative would be desirable, providing this person was independent and could focus exclusively on representing the Sharks MOU.

In the absence of a dedicated MOU representative, Signatories attending would be encouraged to remind the meeting of any relevant provisions of the MOU and/or relevant commitments made by MOU Signatories. The briefing notes (above) would be useful in this respect.

1.2 Ways to promote the objectives of the Sharks MOU

Promoting the objective of the Sharks MOU within RFMOs will require a variety of activities, which may differ between technical meetings and Commission meetings. This could be in form of:

- a) Participation in technical/scientific committees:
 - Identify relevant scientific meetings, where additional scientific experts with knowledge on Sharks MOU species may contribute specialist information;
 - Identify and send a Sharks MOU technical representative to relevant RFMO technical meetings.

b) Participation at Commission meetings:

The Sharks-MOU could potentially be an important contributor to commission level meetings, and this may be achieved as follows:

- Identify relevant meetings where the Sharks MOU may be represented;
- Identify and send a Sharks MOU representative to relevant RFMO meetings;
- Submit information documents to RFMO meetings to inform decisions and positions about matters relevant to the conservation and management of species listed in Annex 1 of the Sharks MOU
- Provide briefing notes to Signatory Focal Points on upcoming RFMO meetings and agenda items that are relevant to the Sharks MOU objectives and mandates.
- Inform RFMOs about the objectives of the Sharks MOU and provide regular updates on new initiatives and listed species;

c) General Cooperation with RFMOs:

- Liaise with RFMOs to identify opportunities for joint activities, including capacity-building activities that are relevant for the conservation and management of species listed in Annex 1;
- Sign Memoranda of Cooperation with RFMOs.

1.3 Processes for engagement

As outlined above, in order to achieve specific outcomes, it may be necessary to nominate a dedicated person to follow developments within a specific RFMO and to lead on the coordination of statements.

A suggested process to follow might be.

1. A dedicated Sharks MOU representative is agreed by the Secretariat and the AC for each RFMO;
2. Signatories are notified of an upcoming RFMO meeting at which a Sharks MOU presence would be desirable;
3. The representative informs Signatories about the meeting discussion points relevant to the Sharks MOU or information materials to be taken to the RFMO meeting, seeking feedback and input from Signatories within a reasonable timeframe. In addition, the Sharks MOU representative would liaise with the AC Chair.
4. Revisions to material to be presented may be made with reference to the feedback received and a revised version circulated;
5. Once agreement on the discussion points or material is reached, the Secretariat would submit any Sharks MOU documents to the RFMO. The Secretariat would also work with the Sharks MOU representative to ensure that agreed views and appropriate products, briefing papers etc. have been conveyed to the Sharks MOU Focal points;
6. After the meeting, the Sharks MOU representative will report back to the Signatories, including via a brief written report to the Advisory Committee.

If this method of engagement was to be agreed by the MOS it will require dedicated funding.

2. RECOMMENDED ACTIVITIES TO BE UNDERTAKEN BY THE SHARKS MOU SIGNATORIES IN THEIR ENGAGEMENT WITH RELEVANT TUNA RFMS

2.1 International Commission for the Conservation of Atlantic Tuna (ICCAT)

Signatories of the Sharks MOU should:

- encourage ICCAT to amend its Recommendation on shark finning such that sharks are required to be landed with fins naturally attached;
- encourage ICCAT to develop recommendations for the safe release of all Mobulid rays incidentally caught;
- encourage ICCAT to adopt a precautionary management approach for species included in Annex 1 of the MOU;
- encourage ICCAT to develop a recommendation on the use of FADs, which would include recommendations for the entanglement of whale sharks;
- encourage ICCAT to improve collection of the data needs highlighted by their scientific committee and relevant expert working group. Such data can include catch and effort, biological, and discard and release information.

To facilitate improved cooperation with ICCAT, Signatories should:

- encourage and enable scientists with a background in the CMS-Sharks MOU (e.g. potentially including members of the AC or CWG) to participate in relevant Expert Working Groups to promote 'bottom up' involvement. Such involvement could usefully provide relevant scientific input for Annex 1 listed species that are not currently being considered in detail by ICCAT.

2.2 Western and Central Pacific Fisheries Commission (WCPFC)

Signatories of the Sharks MOU may:

- encourage the WCPFC to adopt new Conservation and Management Measures (CMM) for sharks caught in association with fisheries managed by WCPFC, with updated recommendations that would close the gaps between WCPFC and the Shark MOU;
- encourage WCPFC to develop CMM for the safe release of all Mobulid rays accidentally caught;
- encourage WCPFC to improve research on gear mitigation and size limits;
- encourage WCPFC to amend its Recommendation on shark finning such that sharks are required to be landed with fins naturally attached;
- encourage WCPFC to adopt a precautionary management approach for species included in Annex 1 of the MOU;
- encourage WCPFC to improve data collection for the data needs highlighted by their relevant expert working group. Such data can include catch and effort, biological, and discard and release information.

To facilitate improved cooperation with WCPFC, Signatories should:

- encourage and enable scientists with a background in the CMS-Sharks MOU (e.g. potentially including members of the AC or CWG) to participate in relevant Expert Working Groups to promote 'bottom up' involvement. Such involvement could usefully provide relevant scientific input for Annex 1 listed species that are not currently being considered in detail.

2.3 Indian Ocean Tuna Commission (IOTC)

Signatories of the Sharks MOU may:

- encourage IOTC to develop Resolutions for the safe release of all Mobulid rays accidentally caught;
- encourage IOTC to facilitate the work of their Working Party on Ecosystems and Bycatch (WPEB) on identifying and monitoring the status of sharks until comprehensive assessments are possible for all relevant shark species¹.
- consult the IOTC WPEB to develop suggestions on joint capacity building activities between IOTC and the CMS Sharks MOU.
- encourage the IOTC to adopt new Resolutions for sharks caught in association with fisheries managed by IOTC, with updated recommendations that would close the gaps between IOTC and the Shark MOU;
- encourage IOTC to improved research on gear mitigation and size limits;
- encourage IOTC to amend its Resolution on shark finning such that all sharks are required to be landed with fins naturally attached;
- encourage IOTC to adopt a precautionary management approach for species included in Annex 1 of the MOU;
- encourage IOTC to improve data collection for the data needs highlighted by their relevant expert working group. Such data can include catch and effort, biological, and discard and release information.

To facilitate improved cooperation with IOTC, Signatories should:

- encourage and enable scientists with a background in the CMS-Sharks MOU (e.g. potentially including members of the AC or CWG) to participate in relevant Expert Working Groups to promote 'bottom up' involvement. Such involvement could usefully provide relevant scientific input for Annex 1 listed species that are not currently being considered in detail by IOTC.
- Examples include expertise in coastal gillnet and coastal longline data mining and biology².

¹ <http://www.iotc.org/science/status-summary-species-tuna-and-tuna-species-under-iotc-mandate-well-other-species-impacted-iotc>

² http://iotc.org/sites/default/files/documents/science/workplans/SC_and_WP_Program_of_WorkE.pdf

2.4 Inter-American Tropical Tuna Commission (IATTC)

Signatories of the Sharks MOU may:

- encourage IATTC to amend its Recommendation on shark finning such that sharks are required to be landed with fins naturally attached;
- consult the IATTC to develop suggestions on joint capacity building activities between IATTC and the CMS Sharks MOU.
- encourage the IATTC to adopt new Conservation and Management Measures (CMM) for sharks caught in association with fisheries managed by IATTC, with updated recommendations that would close the gaps between IATTC and the Shark MOU;
- encourage IATTC to improved research on gear mitigation and size limits;
- encourage IATTC to adopt a precautionary management approach for species included in Annex 1 of the MOU;
- encourage IATTC to improve data collection for the data needs highlighted by their relevant expert working group. Such data can include catch and effort, biological and discard and release information.

To facilitate improved cooperation with IATTC, Signatories should:

- encourage and enable scientists with a background in the CMS-Sharks MOU (e.g. potentially including members of the AC or CWG) to participate in relevant Expert Working Groups to promote 'bottom up' involvement. Such involvement could usefully provide relevant scientific input for Annex 1 listed species that are not currently being considered in detail.

ANNEX 2

SAMPLE BRIEFING NOTE TO SHARKS MOU SIGNATORIES ATTENDING IOTC -20

(originally sent to Signatories on 19 May 2016)

The 20th session of the IOTC Commission Meeting (IOTC-20) will be held from 23 – 27 May 2016 in La Réunion, France. A representative from the Secretariat of the Sharks MOU will not be present. This note is intended to brief the delegations of Shark MOU Signatories, to issues on the agenda, which are relevant to the MOU.

Relevant Meeting Documents:

- I. IOTC–2015–SC18–R: Report of the 18th Session of the IOTC Scientific Committee
- II. IOTC-2016-S20-PropD - On the Conservation of Sharks caught In Association with Fisheries Managed by The IOTC - European Union
- III. IOTC-2016-S20-13: Memorandum of Understanding (MOU) between the IOTC and the Convention on the Conservation of [Highly] Migratory Species of Wild Animal (CMS)
- IV. IOTC–2016–S20–PropH - On the Implementation of a Pilot Project in view of promoting the Regional Observer Scheme of IOTC

I. IOTC–2015–SC18–R: Report of the 18th Session of the IOTC Scientific Committee

The 18th session of the IOTC Scientific Committee took place from 23-27 November 2015 in Bali, Indonesia and was attended by the Sharks MOU Secretariat (Andrea Pauly).

As reflected in paragraph 42 of the report, the Scientific Committee noted with thanks the support, offered by CMS/ Sharks MOU to collaborate on capacity building activities planned by the WPEB for sharks in the coming years. The Chairperson and the IOTC Secretariat were requested by the Council to contact CMS and determine potential collaboration.

Background on this item:

The IOTC Secretariat recently organized a capacity-building workshop in cooperation with the CMS Secretariat. The workshop was held in Muscat, Oman, on 18-22 October 2015 to support the implementation of the Regional Observer Scheme of IOTC. It was hosted by the Government of Oman.

Three experts from the CMS Secretariat provided training on the conservation of marine species listed under the Convention, and focused particularly on bycatch, safe handling and release of marine species as well as on the identification of sharks, rays and marine turtles.

Observer scheme managers from Iran, Pakistan and Oman successfully accomplished an expert training course with a specific focus on gillnet fisheries. The participants of the workshop were introduced to the Convention as well as to the work of the MOUs on Dugongs, marine turtles of Indian Ocean and South-East Asia, Sharks and the Albatross and Petrels Agreement relating to conservation and bycatch.

This workshop will strengthen the future cooperation between IOTC and the Convention on the conservation and management of CMS-listed marine species incidentally caught in IOTC fisheries.

For more information about this project, please see:
<http://www.cms.int/sharks/en/meeting/regional-capacity-building-workshop-support-progress-implementation-regional-observer-scheme>

The recommendation by the IOTC Scientific Committee is in line with paragraphs 6, 12 & 13b of the Sharks MOU.

II. IOTC-2016-S20-PropD - On the Conservation of Sharks caught In Association with Fisheries Managed by The IOTC - European Union

This proposal to amend IOTC Resolution 05/05 aims to ensure the implementation of an effective finning ban and the eradication of finning practices in the IOTC area of competence. It further aims to promote the full utilization of shark meat and to facilitate the collection of critical data required to undertake rigorous assessments of the impact of fishing on these populations. The proposal specifically requires that sharks be landed with their fins naturally attached to their respective carcass when caught in association with fisheries targeting tuna and tuna-like species throughout the Indian Ocean Tuna Commission area of competence.

Signatories have agreed (in Paragraph 13h of the MOU) to “regulate or manage the harvest of sharks in order to address shark finning and, where not already in place, enact legislation or regulations to prohibit shark finning, including by considering taking measures, as appropriate, to require that sharks be landed with each fin naturally attached, in line with UN General Assembly Resolution 62/177 and with Recommendation 4.114 of the International Union for the Conservation of Nature”.

The proposal of the EU to land sharks with their fins attached to their body is in line with Paragraph 13 h of the Sharks MOU.

III. IOTC-2016-S20-13: Memorandum of Understanding (MOU) between the IOTC and the Convention on the Conservation of [highly] Migratory Species of Wild Animal (CMS)

The CMS and IOTC Secretariats prepared a draft MOU between the two Secretariats to support efforts to minimize the impact of fisheries on marine species listed on Appendix I and II of CMS. While the draft includes sharks and rays, this taxonomic group has been placed in square brackets after consultations with IOTC CPCs and CMS Parties, for the IOTC members to decide. Further information about this initiative and the Draft MOU can be found in CMS/Sharks/MOS2/Doc.11.2 CMS/Sharks/MOS2/Inf.16.

IV. IOTC–2016–S20–PropH - On the Implementation of a Pilot Project in view of promoting the Regional Observer Scheme of IOTC

The European Union has proposed to create a pilot project to enhance the implementation of Resolution 11/04 on a Regional Observer Scheme. This measure aims to improve the collection of verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area of competence and therefore contribute to the scientific assessment of IOTC stocks.

In Objective B of the Sharks MOU Conservation Plan, Signatories have agreed to improve knowledge about sharks catch and bycatch, and in particular to 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.

The collection of data on sharks and rays caught in association with IOTC fisheries is in line with paragraphs 12 and 13 of the Sharks MOU and Objective B of the Conservation Plan.