



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

CMS/Sharks/MOS4/Report  
31 October 2023  
Original: English

4th Meeting of the Signatories (Sharks MOS4)  
Bonn, 28 February – 2 March 2023

**MEETING REPORT**

**Agenda Item 1: Opening of the Meeting**

1. Ms Melanie Virtue (Secretariat) welcomed participants, called the meeting to order and invited Ms Amy Fraenkel, CMS Executive Secretary, to deliver opening remarks.
2. Ms Fraenkel welcomed everyone to the Fourth Meeting of the Signatories (MOS4) to the Memorandum of Understanding on Sharks (Sharks MOU), with a special welcome to the Ambassador for Côte d'Ivoire. The text of Ms Fraenkel's address appears as Annex 1 to this report.

**Agenda Item 2: Rules of Procedure**

3. The Secretariat introduced [CMS/Sharks/MOS4/Doc.2.1](#) "Rules of Procedure," adopted at the 2<sup>nd</sup> Meeting of the Signatories (MOS2) except for Rule 12 on Quorum and Rule 15 on Decision Making, which remained with options in brackets. Regarding "Decision Making", the Secretariat proposed that MOS4 be guided by Paragraph 18 of the MOU ([CMS/Sharks/MOS4/Inf.3](#)) as per paragraphs 2 and 3 of [CMS/Sharks/MOS4/Doc.2.1](#). Regarding the "Quorum", the Secretariat proposed that MOS4 be guided by Rule 30 of the Rules of Procedure adopted at MOS1.
4. The United States of America (USA) agreed with these proposals without prejudice to the bracketed text and the EU agreed with the text quoted in paragraphs 2 and 3 as proposed.
5. MOS4 took note of the Rules of Procedure in the Annex to this report, which applied until such time as they were amended, or new rules were adopted. MOS4 agreed that the text quoted in paragraphs 2 and 3 would apply to MOS4, in lieu of the bracketed text in Rules 12 and 15.
6. A working group (WG) to discuss meeting attendance was convened on the final day, chaired by the UK, and including Australia, the European Union (EU), Germany, the Netherlands, Sweden and the USA. The CMS Executive Secretary, as well as the CMS Legal Officer, also participated in the meeting. Participants agreed that, for this meeting only, due to exceptional circumstances related to national transport strikes and the resulting travel disruption, Signatories participating online with valid credentials would contribute to quorum.

### **Agenda Item 3: Election of Officers**

7. The Secretariat sought nominations for the posts of Chair and Vice-Chair of the Meeting. The EU, seconded by Kenya, nominated Germany as Vice-Chair and Germany, seconded by the USA, nominated Kenya as Chair. Mr Mohamed Omar Said, Kenya, was duly elected as Chair and Mr Jürgen Friedrich, Germany, was elected as Vice-Chair.
8. The Chair thanked Germany for the nomination and the Signatories for their support and declared the meeting open.

### **Agenda Item 4: Agenda and Schedule**

9. MOS4 adopted the Agenda and Schedule as presented in [CMS/Sharks/MOS4/Doc.4.1/Rev.3](#) "Provisional Agenda and List of Documents" and [CMS/Sharks/MOS3/Doc.4.2//Rev.1](#) "Provisional Annotated Agenda and Meeting Schedule" without comment.

### **Agenda Item 5: Credentials Committee**

10. 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.
11. The members of the Credentials Committee established for MOS4 were Comoros, Costa Rica, Portugal, Samoa, Saudi Arabia, and the USA. The USA served as Chair of the committee.
12. Due to a transport strike in Germany the day before the meeting began, several Signatories were not able to travel, affecting the number of credentialed Signatories in attendance.
13. While this was not a hybrid meeting, Signatories were able to join via Zoom. They could intervene but could only hear the floor language. Two credentialed Signatories, Somalia, and the United Arab Emirates (UAE), participated in this way, in accordance with the decision of the working group on meeting attendance, reported under agenda item 2.
14. On the final day, the Chair of the Credentials Committee reported that credentials had been received, reviewed by the Committee, and accepted from 25 Signatories: Australia, Brazil, Comoros, Costa Rica, Côte d'Ivoire, Ecuador, Egypt, the European Union, France, Germany, Guinea, Kenya, Monaco, the Netherlands, Portugal, Samoa, Saudi Arabia, Senegal, Somalia, Sweden, Togo, the UAE, the United Kingdom (UK), the USA, and Vanuatu. No credentials had been received from Madagascar, although they were in attendance.
15. During its deliberations, the Committee reviewed and accepted several credentials submitted in various electronic formats. Recognizing the evolution of technology and the fact that many governments already conduct official business using electronic signatures, the committee recommends that the next time the Rules of Procedure are opened, Signatories consider updating the language in Rule 8 to include guidelines for acceptance of electronic documents.
16. The full list of participants can be found in Annex 2 to this report.

## Agenda Item 6: Admission of Observers

17. The Secretariat provided an update to document [CMS/Sharks/MOS4/Doc.6.1](#) “Admission of Observers,” informing participants about the following additional observers who had registered or were participating online: Argentina, Canada and Croatia as non-Signatory Range States of the Sharks MOU, the Dutch Elasmobranch Society as a Cooperating Partner and World Wide Fund for Nature (WWF) Mediterranean representing the Cooperating Partner WWF International.
18. There were no objections, and all registered observers were admitted to the meeting.

## Agenda Item 7: Reports on Implementation

### Agenda Item 7.1: Report of the Secretariat

19. The Secretariat referred to the relevant documents [CMS/Sharks/MOS4/Doc.7.1](#) “Report of the Secretariat,” [CMS/Sharks/MOS4/Inf.4](#), [Inf.7](#), [Inf.8](#), [Inf.9](#), and [Inf.10](#) and reported that since the 3<sup>rd</sup> Meeting of the Signatories (MOS3) France had signed the Sharks MOU, bringing the total number of Signatories to 49.
20. The Secretariat also indicated there were now 16 Cooperating Partners. The most recent Cooperating Partners were Save Our Seas Convention, Marine Research and Conservation Foundation (MARECO), Divers for Sharks, and the Large Marine Vertebrate Research Institute, Philippines (LAMAVE). The Secretariat reminded Signatories to officially nominate focal points.
21. Secretariat activities since MOS3 included: fundraising; facilitating the work of the Advisory Committee (AC) and the Conservation Working Group (CWG); capacity-building; communication and awareness raising ([CMS/Sharks/MOS4/Doc.11.1](#) “Implementation and Review of the Capacity Building Programme”); cooperating with CMS, including in relation to the Thirteenth Conference of the Parties (COP13) and preparations for COP14 later in 2023; and cooperating with Intergovernmental Organisations (IGOs).
22. The Secretariat highlighted a number of key agenda items, including: Amendments to the Sharks MOU Annex 1 in relation to the Oceanic White-tip Shark, Smooth Hammerhead Shark and Tope Shark ([CMS/Sharks/MOS4/Doc.9.1](#) and [CMS/Sharks/MOS4/Doc.9.1.1](#)); a CMS decision relating to a review of current data and knowledge about levels of bycatch of sharks and rays and bycatch mitigation (CMS COP13 Decisions 13.62 to 13.63) ([CMS/Sharks/MOS4/Doc.10.7](#)); COP13 decisions on rhino rays, Government of Gabon conservation of the Common Guitarfish; concerted actions on Whale Sharks, Mobulid Rays and Angel Sharks; and the Single Species Action Plan (SSAP) for the Angel Shark implementing the concerted action agreed at MOS3.
23. The Secretariat also announced that Ms Rima Jabado, AC Member for Asia and Chair of the International Union for the Conservation of Nature - Species Survival Commission Shark Specialist Group (IUCN SSC SSG) had been appointed as CMS Councillor on Marine Fish.
24. The EU encouraged greater engagement with RFMOs to create synergies in implementing the objectives of the MOU.
25. The Signatories took note of the report.

## **Agenda Item 7.2: Reports of Signatories**

26. Signatories were invited to make oral statements, where they had information in addition to the information included in their National Reports.
27. Kenya announced the development of a National Plan of Action (2023-2026) aimed at conserving sharks and rays within its marine waters. In conjunction with this plan, a National Shark Conservation Strategy is also currently underway. These conservation efforts are being guided by the findings of a baseline assessment on the status of sharks and rays in Kenya's marine waters, as well as an ecological risk assessment within fisheries that was conducted in 2022.
28. Furthermore, Kenya reported on its collaboration with the United Republic of Tanzania on the establishment of a transboundary marine conservation area between the two countries. This effort is in line with a decision made at the 2015 Conference of the Parties to the Nairobi Convention. The initiative is being carried out in partnership with the United Nations Environment Programme (UNEP), the Ramsar Convention, WWF, the Wildlife Conservation Society (WCS), and the International Fund for Animal Welfare (IFAW).
29. The UK announced the introduction of a new bill, known as the "UK Shark Fins Bill," which is currently undergoing parliamentary review and is expected to be passed into law by the conclusion of 2023. The primary objective of this legislation is to prohibit the import and export of detached shark fins to eliminate the possibility of fins obtained through the practice of finning, and to promote global conservation of shark populations.

## **Agenda Item 7.3: Report of the Advisory Committee**

30. The Chair invited Mr John Carlson, AC Chair, to present the AC Report and referenced the relevant documents, [CMS/Sharks/MOS4/Doc.7.3](#), [CMS/Sharks/MOS4/Inf.4](#), [Inf.7](#), [Inf.8](#), [Inf.9](#), and [Inf.10](#).
31. The AC Chair provided an update on AC activities during the previous triennium (2019-2022), including the development of a new format for national reporting submitted to an intersessional WG, which they hoped would streamline and facilitate national reporting for the Signatories. Despite the challenges of COVID19, the AC held eleven official online meetings to facilitate their work. The AC Chair thanked the Secretariat for helping organise these meetings and acknowledged the AC colleagues for all their work.
32. The AC Chair highlighted some of the work accomplished, including:
  - Preparation of an update of the assessment of the proposal to include Tope Shark in Annex 1 of the MOU ([CMS/Sharks/MOS4/Doc.9.1.1](#));
  - Preparation of a draft Single Species Action Plan for the Angelsharks in the Mediterranean Sea (SSAP Angelshark Med) (Activity 2.3) ([CMS/Sharks/MOS4/Doc.10.1](#));
  - Development of a scoring system methodology to help Signatories prioritise sharks and rays listed on Annex 1 of the MOU ([CMS/Sharks/MOS4/Doc.10.5](#));
  - Development of materials for capacity-building, including observer training for West Africa and updating and developing fact sheets to provide information on species status and current conservation and management initiatives;
  - Involvement in several initiatives led by the IUCN SSC SSG contributing to the implementation of the Sharks MOU; and

- Contributing to the work of CMS including submitting comments on proposals for inclusion of the Oceanic Whitetip Shark, Smooth Hammerhead Shark and Tope Shark in CMS Appendices at COP13, and participation in meetings of the Sessional Committee of the Scientific Council to help provide advice on shark proposals that were being put forward.
33. The AC Chair stated that AC4 was proposed to take place later in 2023 and that the AC hoped to carry forward the advice and guidance of the Signatories from MOS4.
  34. The Signatories took note of the report.

#### **Agenda Item 7.4: Report of Cooperating Parties**

35. Shark Trust reported they had been actively engaged in the conservation of a number of species relevant to the Sharks MOU in the period since the 3<sup>rd</sup> Meeting of the Signatories (MOS3), including work on (1) fishing limits for Atlantic Shortfin Mako Sharks and Blue Sharks under the International Commission for the Conservation of Atlantic Tunas (ICCAT); and (2) domestic protection for highly threatened species, including Oceanic Whitetip Sharks, Sawfish, and Angel Sharks. Shark Trust invited participants to the side event on collaborative action for the Mediterranean Angelshark that evening, referencing the draft SSAP for the Angelshark in the Mediterranean discussed under Agenda Item 10.1.

#### **Agenda Item 8: National Reporting**

##### **Agenda Item 8.1: Analysis of National Reports**

36. The Secretariat introduced document [CMS/Sharks/MOS4/Doc.8.1](#), the “Analysis of National Reports.” The Secretariat noted that they had received 17 National Reports from Signatories and an additional six reports from EU Member States. Two further reports were received late and not included in the analysis and report.
37. The Secretariat developed an overview (in Annex 2 to the Report) of the Signatories which were Range States for each Annex 1-listed species. It was pointed out that Range Signatories whose vessels catch listed species outside their areas of national jurisdiction fall under the definition of a Range State.
38. Most commonly caught (or ‘potentially caught’) species were the Spiny Dogfish, Silky Shark and the Shortfin Mako Shark. Thirteen Signatories, which were also CMS Parties, reported catching CMS Appendix I-listed species.
39. Twelve respondents had indicated that they were currently cooperating with other Signatories, NGOs, non-Signatory Range States and Regional Fisheries Bodies. There were limited responses about barriers to cooperation but those that responded indicated both lack of funding and lack of training as barriers.
40. The Secretariat had also requested information on regional (or national) identification and safe handling and release guidelines being used by Signatories. Nineteen Signatories indicated they used some form of guide, and many resources were shared by respondents and are presented in Table 4 of the Annex.
41. Regarding the national reporting format, only one respondent completed the online version. Some reported that the problem with the online form was that it was not possible to save it

and come back to it, so the Secretariat provided an offline Word version of the form which was used by nearly all respondents.

42. A version of the reporting format was circulated to Signatories in October 2022 for endorsement. Some Signatories used this form rather than the final revised form which had included an additional question (in response to feedback) which meant some information was not included. The Secretariat proposed designing yes/no questions, particularly for species-specific information, to be used in addition to free text and multiple-choice questions related to cooperation capacity building and protection measures for future reports. Due to the current lack of an appropriate online reporting tool, the Secretariat suggested returning to offline reporting until the right tool becomes available.
43. Australia noted that the national reporting format did not enable analysis against the implementation of the POW or Conservation Plan. Australia suggested there was a need to reconsider the national reporting structure to make it more fit-for-purpose. The Signatory requested clarity on the kind of data required for the question on supporting documentation of captures within their area of national jurisdiction, as the broad wording of this request made it unclear what exactly was needed and how it would be used. The Signatory said their fishery colleagues noted that this request could be interpreted in several different ways and that it would be difficult to compare like with like.

## **Agenda Item 9: Proposals to amend the MOU and the Annexes**

### **Agenda Item 9.1: Amendment of Annex 1 of the Sharks MOU**

44. The Chair introduced this Agenda Item and drew attention to [CMS/Sharks/MOS4/Doc.9.1](#), “Amendment of Annex 1 of the Sharks MOU,” [UNEP/CMS/COP13/Doc.27.1.10](#), “Proposal for the Inclusion of the Tope Shark in Appendix II of the Convention”<sup>1</sup> and [CMS/Sharks/MOS4/Doc.9.1.1](#), the Assessment of the Proposal for the Inclusion of the Tope Shark in Annex 1 of the Sharks MOU.

#### **Agenda Item 9.1.1: Assessment of the proposal for the inclusion of the Tope Shark (*Geleorhinus galeus*) in Annex 1 of the MOU.**

45. The Secretariat invited Signatories to consider the findings of the AC in reviewing the proposal to include the Tope Shark in Annex 1 of the Sharks MOU.
46. Mr James Ellis, AC Vice-Chair, presented the updated assessment of the proposal for inclusion of the Tope Shark in Annex 1 to the Sharks MOU. Mr Ellis shared a map from the most recent IUCN Red List Assessment showing the Tope Shark had a global distribution but was limited to cold and warm temperate seas in the Northern and Southern hemisphere so there was some uncertainty in its distribution. There were separate stocks in the Northern Pacific, North-East Atlantic, Southern Africa, South America, South-East Pacific, Australia and New Zealand.
47. The AC had reappraised this and other published material to develop its advice on whether the species met the criteria for listing in Annex 1 of the Sharks MOU. They concluded that there was a migratory pattern in most areas analysed. In the North-East Pacific, South-West Atlantic, and North-East Atlantic the species crossed jurisdictional boundaries. The data for

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<sup>1</sup>In accordance with [CMS/Sharks/MOS4Outcome.3.2](#) Modifying the Species List (Annex 1) of the MOU, “any shark or ray species listed on the CMS Appendices will automatically be considered by the Advisory Committee as a proposed listing on Annex 1 of the MOU”. To this end the original proposal submitted to CMS COP13 was assessed by the AC and presented to MOS4 for consideration.

Australia and New Zealand showed there were movements. The AC could not provide a definitive answer on the significance of these movements but noted that they were mostly crossing the Tasman Sea and concluded that the global conservation status of the Tope Shark was unfavourable. In many areas it had declined. In the North-East Pacific, it was a classic case of a boom-and-bust fishery.

48. The AC also noted that all geographic populations would benefit from collaborative work, and there were ongoing discussions within the scientific community to try to further work on the Tope Shark given its conservation status. Given that there was evidence of sufficient data that Tope does cross jurisdictional boundaries, the AC noted there would be merits in collaborative work between relevant Signatories and the work that Australia and New Zealand had done since the 1950s was referenced. The AC therefore concluded that the Tope Shark did meet the clear requirement for listing.
49. The Chair thanked the AC Vice-Chair and AC for their work on the assessment. Kenya, Togo, and Senegal supported the proposal, as did the EU, noting this had been an EU proposal presented to COP13 in 2020.
50. Australia supported the proposal to include the Tope Shark in Annex 1 of the Sharks MOU but noted several points.
51. Australia agreed with the 2020 advice of the CMS Scientific Council on this proposal, as prepared for CMS COP13, that both genetic and tagging studies demonstrated limited connectivity within the Australian-New Zealand Tope population and that the Oceania population therefore did not meet the definition of 'migratory' under the CMS definition, as a significant proportion of the population could not be shown to undertake predictable and cyclical movements across national jurisdictional boundaries.
52. Australia also agreed with the Scientific Council's conclusion that the Australian-New Zealand population of Tope should be excluded from the CMS listing. CMS COP13, however, decided to list Tope in CMS Appendix II. Australia therefore entered a reservation on this listing under CMS.
53. Australia's support for listing this species in Annex 1 of the Sharks MOU was however based on the following key considerations:
  - Firstly, at MOS3 the Sharks MOU agreed more precise definitions for the term 'migratory' in relation to sharks and rays than the CMS convention, and Australia agreed with the AC advice that Tope meets the Sharks MOU definition of a 'regionally migratory' species. The available evidence suggests the species would cross national jurisdictional boundaries within each of the various parts of their biogeographic range. However, in Oceania, evidence suggested this movement was not undertaken by a significant portion of the population and has not been shown to be predictable or cyclical;
  - Furthermore, Australia had recently undertaken a population assessment for their Tope stock using innovative close-kin-mark-recapture techniques. This study provided the most rigorous assessment to date for the population. One of the important conclusions from this study was that, given the relatively small absolute abundance found in Australian waters compared to the correspondingly large New Zealand population, it must be assumed that exchange between the two jurisdictions

was low;

- This was not to say that Australia believed Tope did not make substantial movements in its region. Australia is a large country and evidence for movement within Australian waters was comparable to other regions, just not across national jurisdictional boundaries to the same extent;
  - Secondly, if global evidence was considered as a whole, there would appear to be little doubt that the global conservation status of this species is unfavourable, as per the 2020 IUCN Red List conclusion of Critically Endangered. However, for Oceania it was an interesting situation. It appeared its populations were some of the most studied globally; and reliable long-term data indicated the New Zealand population was stable, was being managed sustainably, and was classified as Not Threatened.
54. While for Australia, where the species was considered ‘overfished,’ it had been shown to meet the criteria for listing as a threatened species in the Endangered category, it was managed as a ‘Conservation Dependent’ species under Australian national legislation, and was the subject of a rebuilding strategy, developed to provide for the management actions necessary to stop the decline of, and support the recovery of, the species so that its chances of long-term survival in nature are maximised.
55. The model created from the preliminary results of the recent close-kin-mark-recapture-study estimated abundance in Australian waters to be less than previously thought, with an estimated 50,000 mature individuals during 2000, with a possible positive trend (of 0.23), indicating possible signs of recovery between the years 2000 and 2011.
56. Finally, as the AC advice outlined, Tope appears to have complicated stock structure and population biology that we are yet to fully understand.
57. Given the complicated situation for this species, and the substantial experience Australia had in Oceania managing associated fisheries interactions and noting a primary objective of the Sharks MOU as to enhance national, regional, and international cooperation to conserve migratory sharks, Australia saw this species as the ideal candidate for the collaborative approach that a Sharks MOU Annex 1 listing would enable.
58. On the final day of the Meeting, Signatories agreed by consensus to include the Tope Shark (*Galeorhinus galeus*) in Annex 1 (see [CMS/Sharks/MOS4/Outcome 4.1](#)).

## **Agenda Item 10: Conservation Measures (including Habitat, Species, Threats)**

### **Agenda Item 10.1: Single Species Action Plan for the Angelshark in the Mediterranean Sea**

59. The Chair introduced this agenda item, referencing [CMS/Sharks/MOS4/Doc.10.1](#). The AC Chair explained that the AC was asked to help facilitate the production of a Single Species Action Plan (SSAP) for the Angelshark in the Mediterranean Sea. The AC prepared the first draft, followed by consultation with a variety of institutes and organisations including the Angel Shark Conservation Network and various other NGOs, Signatory and other Range State focal points and the Secretariat. The work was conducted online during the pandemic.
60. The Chair noted that the SSAP should not be viewed as being synonymous with the action plans being developed by the non-governmental organisation (NGO) community, but rather as a separate document led by the AC. It is broadly divided into four sections: a biological



assessment that includes a synopsis of the current biological knowledge; threats; policy and legislation; and a framework for action. Four higher level objectives were outlined to ensure appropriate species level protection.

61. The Chair invited MOS4 to take note of the draft SSAP, review the draft decisions and draft activities to support the implementation of the SSAP.
62. The USA asked whether the SSAP would now go to CMS to be agreed, and who was responsible for implementation. The Secretariat explained that the SSAP would be forwarded to the COP for adoption, after which the Signatories, CMS Parties and Range States would play an important role in its implementation.
63. Monaco thanked the Secretariat and AC for their development of an important document.
64. The Shark Trust, with support from Shark Advocates International, Humane Society International, Shark Project, International IFAW and Law of the Wild, welcomed the presentation of the SSAP. They referred to the previous day's side event presented by the Shark Trust on behalf of the Angel Shark Conservation Network partners and collaborators, which showcased the wealth of research and conservation actions delivered by many organisations across the region and displayed the impressive commitment and collaboration to the Mediterranean Regional Action Plan. Overfishing had resulted in critically endangered status for all three Mediterranean Angelsharks. Several coastal states, including Sharks MOU Signatories, had yet to implement regional prohibitions agreed more than a decade ago, leaving Angelsharks exposed to continued and significant risk. They appreciated that the Angelshark was ranked first in "Case Study 2" in [CMS/Sharks/MOS4/Doc.10.5](#) but urged conservation policy action and not just additional research and urged Signatories to actively engage with the SSAP and to support their national organisations in its implementation.
65. WWF supported the SSAP and underscored the importance of inclusion of management measures in the management plans currently under development by countries as part of the "30 by 30" process as an opportunity to ensure that important habitats were protected and that Angelsharks were considered within the management plans. WWF also emphasised the importance of including coastal communities to increase local ecological knowledge and develop meaningful management measures through participatory processes such as co-management.
66. The USA proposed some textual changes to the draft decision, including to specify that MOS4 recommended "CMS Parties to formally adopt the SSAP" and "CMS Parties to implement the SSAP." The word "formally" was considered unnecessary and deleted at the request of Senegal.
67. Monaco and the EU also recommended CMS Parties and MOU Signatories to support the SSAP.
68. On the final day of the meeting, the Secretariat introduced the revised text of the draft decisions, which was adopted by MOS4 without change.

69. Signatories

- a) Welcomed the work undertaken by the Advisory Committee, with support from the Secretariat to develop the Single Species Action Plan for the Angelshark in the Mediterranean Sea (SSAP Angelshark Med).
- b) Recommended that CMS Parties adopt the SSAP Angelshark Med at the 14th Meeting of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP14).
- c) Recommended that CMS Parties and Sharks MOU Signatories implement the SSAP, once adopted by CMS.

70. Implementation activities were agreed and included in the Programme of Work (2023-2025).

**Agenda Item 10.2: Development of a conservation strategy and action plans for pelagic sharks and rays**

71. The AC Chair introduced document [CMS/Sharks/MOS4/Doc.10.2](#) “Development of a conservation strategy and action plans for pelagic sharks and rays”, and [CMS/Sharks/MOS4/Inf.6](#) “Half a century of global decline in oceanic sharks and rays.”
72. An assessment (Nathan Pacoureaux et al., 2019) of the global status of 31 pelagic species, many of them listed on the Sharks MOU Annex and assessed under IUCN criteria, found that their global abundance had declined 71% since 1970, coinciding with an 18-fold increase in relative fishing pressure.
73. The AC recommended the development of a conservation plan and strategy for pelagic sharks and rays aimed to gather data on sharks and rays listed in Annex 1 to the Sharks MOU in cooperation with the IUCN SSC/SSG, starting with a review of what was considered a pelagic species and aligning with those species included in the Conservation Plan as many of the pelagic species use both oceanic and coastal waters.
74. There was currently no formal conservation plan for most at-risk species. There were some national recovery and fishery management regulations for species but not all countries exploiting pelagic species are a Signatory to the Sharks MOU or a Cooperating Partner, so the AC proposed a conservation strategy and action plan to fill the gap and to provide critical information and guidance to government agencies, as well as complement work done by RFMOs and the international fishing community.
75. Australia thanked the AC and IUCN SSC SSG and asked to what extent the AC had already engaged with the IOTC to avoid overlap, as for example, the IOTC was already undertaking data mining to update IOTC databases. The proposal also referred to developing risk reference points for pelagic species which had already started in an ecological risk assessment process.
76. The EU highlighted the risk of overlap with RFMO work and proposed some textual comments to address avoiding duplication of work and to specify that the strategy would be developed in cooperation with relevant partners including RFMOs. The AC Chair agreed with the EU’s suggestions. The EU also emphasised the need to collaborate with the IOTC

Working Party on Billfish and the AC Chair clarified that the intention was to collaborate with the IOTC and become more engaged with the ecosystems group and the IOTC Chair.

77. Defenders of Wildlife made a statement on behalf of Shark Advocates International, Law of the Wild, Shark Trust, Humane Society International, Sharkproject International, and IFAW. They stated that the document noted that most RFMOs had few management measures for Sharks MOU Annex 1-listed shark species, often leaving government agencies without guidance for fisheries management and conservation. They were troubled by the general lack of fishing limits for sharks. However, they noted it was important not to discount RFMO actions and associated obligations where they do exist. As such, they were concerned that the document missed an opportunity to reinforce the vital importance of implementing these measures.
78. For example, ICCAT had adopted fishing limits for oceanic whitetip sharks, shortfin makos, bigeye threshers, silky sharks, and all three Sharks MOU-listed hammerheads, and provides management guidance for porbeagles, common threshers, and longfin makos. To improve policy integration, they recommended that the pelagic shark plan's current focus on improving data be balanced with attention to compliance, and that future drafts highlight gaps in implementation of existing policy commitments - under both RFMOs and CMS - with a view to determining and addressing Parties' challenges.
79. The USA was supportive of the conservation efforts but asked who would be responsible for implementing the strategy and whether the Sharks MOU would maintain any decision-making authority over its development.
80. Ms Jabado explained that the purpose of the online workshops was to consult with stakeholders and researchers to develop the plan which would involve policy decisions, research recommendations and awareness and communications. The IOTC for example was also collaborating. The global framework would address general issues followed by development of a plan at the regional level in consultation with stakeholders including fisheries management authorities in each of these countries to make sure that they were proposing solutions that are implementable. This was the reason for the focus on the Indian Ocean and for holding a working group where fisheries experts from the countries would come together and work with them to see what would be acceptable and potentially implementable as maybe the first top five actions that can be done that could lead to the top 20 actions over time.
81. Shark Advocates International gave a statement on behalf of IFAW, Defenders of Wildlife, Shark Trust, Humane Society International, Law of the Wild, Sharkproject International and WWF. They noted that the methodology was meant to prioritise CMS and Sharks MOU-listed shark and ray species *"for which research and conservation efforts should be increased."* As such, they expressed concern that the case study recommendations all centred on further research into stock status and/or habitat, without mention of conservation. This was particularly concerning in the case of Critically Endangered species, namely, Oceanic Whitetip and Angel Sharks. They recommended that future work include conservation actions aimed at ending overfishing and rebuilding depleted populations.
82. Senegal highlighted the difficulty implementing the plan due to lack of funding.
83. WWF welcomed the proposal and agreed with the urgent need for scientifically based management measures. They underlined, however, the importance of collaboration with

relevant scientific bodies of RFMOs to avoid duplication of work and to ensure the uptake of recommendations in the MOU shark and ray management and recovery plans and programmes.

84. The EU proposed text amendments to the Annex 2 activities for inclusion in the POW to include “*Provide support to the IUCN SSC SSG for the implementation of the initiative in the Indian Ocean (and other regions provided funds become available)*” which was agreed.
85. On the final day of the meeting the Secretariat introduced the revised text which was agreed without comment and adopted.
86. Signatories welcomed the initiative and progress made by the International Union for the Conservation of Nature Species Survival Commission Shark Specialist Group (IUCN SSC SSG) in developing a global conservation strategy and regional action plans for pelagic sharks and rays and agreed to support the approach outlined in [CMS/Sharks/MOS4/Doc.10.2/Rev.1](#) as revised by MOS4.
87. Implementation activities were agreed and included in the Programme of Work (2023-2025).

### **Agenda Item 10.3: Development of a conservation strategy and action plans for rhino rays**

88. Ms Rima Jabado presented [CMS/Sharks/MOS4/Doc.10.3](#) on the development of a conservation strategy and action plan for Rhino Rays. All 67 species of Rhino Rays had been reassessed by the AC using the IUCN Red List categories and criteria, and 68.7% were considered to be critically endangered, endangered or vulnerable. Assessments for four further species were underway, but it was clear they were also threatened. Thus, circa 70% of the species were considered threatened. The only species not threatened were those only occurring in Australian waters which had benefited from some of the conservation work that has happened there.
89. The EU noted that French national institutes would be mobilised for this task. The USA expressed the same concerns as for Agenda Item 10.2, i.e., who would be responsible for implementation and whether the Sharks MOU would maintain any decision-making authority over the development of a conservation strategy and action plan.
90. Sharkproject International welcomed the emphasis in Ms Jabado’s presentation on how threatened the species are and their value in the fin trade. Ms Jabado also suggested addressing the issue of definitions.
91. On the final day of the meeting the Chair introduced the document with no revisions, and it was adopted. The USA reiterated that there was a need to ensure that the draft decisions aligned with any changes made in the POW, which the Secretariat took note of and confirmed.
92. Signatories
  - a) Welcomed the Initiative by the International Union for the Conservation of Nature Species Survival Commission Shark Specialist Group (IUCN SSC SSG) to develop a global conservation strategy and regional action plans for rhino rays and agreed to support the IUCN SSC SSG to advance these approaches.

- b) Requested the Secretariat to continue to liaise with the IUCN SSC SSG on the implementation of their initiative to conserve rhino rays with initial focus on the Indo West Pacific region.

93. Implementation activities were agreed and included in the Programme of Work (2023-2025).

#### **Agenda Item 10.4: Important Shark and Ray Areas**

94. Ms Jabado introduced [CMS/Sharks/MOS4/Doc.10.4](#) "Important Shark and Ray Areas (ISRAs)" and opened by thanking the Government of Germany, who provided much of the seed funding for the project which started in 2022.
95. The AC stated that while a lot of work had been done in terms of fisheries and trade management, this project involved a complementary approach to start thinking about what could be done to support spatial management for these species. The usual approach was to protect species from threats to reduce mortality, but if one also protected critical habitats, positive conservation outcomes would follow. Many recent scientific studies looking at the effectiveness of marine protected areas (MPAs) were not effective for sharks and rays, partly because they did not cover some of the critical habitats for these species. The ISRA project would identify these habitats and assess where protection should occur, and which area it should occur in to have a positive conservation outcome for sharks and rays.
96. The full Web-GIS ISRA Atlas was launched on the first day of MOS4, available on the [ISRA website](#).
97. The USA asked how Signatories would promote the ISRA initiative. Ms Jabado invited them to promote it within the authorities responsible for spatial planning explaining the goal was to align the ISRA initiative with initiatives such as the Key Biodiversity Areas Initiative or the Important Marine Mammal Areas Initiative and to overlay all these areas to really understand what the most biodiverse areas in a country were.
98. The EU asked what the timing would be for involvement with ICES WGs, for example, as it would be useful to take this into account in the planning of the work in regions where ICES had a lot of scientific expertise. Ms Jabado explained they would give at least six months' notice to try and invite representatives from organisations or groups that have different data sources.
99. The EU feared that implementation of the initiative would be prevented due to lack of available knowledge, in particular for the rare species, and wondered therefore if using a biodiversity approach would be more realistic. Ms Jabado argued that one of the problems with current biodiversity approaches was that there were thresholds, and those thresholds implied that there was enough information, which there was not for sharks and rays, which was partly why the AC had developed this approach without the need to set thresholds.
100. The EU asked whether the proposed spatial approach would be broken down by type of species and Ms Jabado replied no. They needed to be able to show regular and predictable presence in a certain area. There were species with a lot more research than others and it was based on the best available information, but they were identifying knowledge gaps which they hoped would spur a lot of the research in these areas about critical habitats.

101. Samoa requested the support of the Secretariat and key partners to look into investing and paying more attention to the Oceania region with related development programmes given its largest ocean state status, and to support national efforts to reflect their national priorities on sharks and other concerned marine species in their National Ocean strategy and national efforts to achieve “30 by 30” targets. Ms Jabado added that with the generous support of the Shark Conservation Fund, they had been able to prioritise some of the regions including the Oceania region and Pacific region. The Shark Conservation Fund had also just launched the Shark Biodiversity Initiative, working with countries and local partners to support the implementation of spatial management for the areas that are identified.
102. Senegal welcomed the initiative and acknowledged the challenge in collecting the information needed to define critical habitats for sharks and rays. Senegal also emphasised that Signatories also have a role to play in carrying out studies and protecting these species.
103. SPREP referenced the Pacific Regional Environment Programme supporting Samoa and Vanuatu and representing 21 countries. They welcomed the ISRA initiative and stated they had experience with some of the other systems such as the Important Marine Mammal Areas and Important Bird Areas. SPREP stressed the importance of the Pacific given its size as well as identifying and prioritising important areas for use within our migratory species programme.
104. WWF, on behalf of Shark Advocates International and Sharks Trust, strongly supported and welcomed the ISRA initiative and underscored the importance of Signatories prioritising putting in place spatial and/or temporal measures in the identified important areas to support the recovery of shark and ray populations.
105. The EU emphasised the need to include the stage effect in models of species occurrence. Ms Jabado invited him to download the fact sheets included in the delineation of these areas and specifically for the application of Criterion C which showed that, where stage effect information was available, it was used. The EU asked for this to be reflected in the Annex and the Secretariat agreed to add a sentence to note that seasonality was incorporated, and the EU offered to send some text to the Secretariat.
106. The USA, EU and Australia worked together on textual changes to the draft decision.
107. On the final day of the meeting, the Secretariat introduced the revised draft decision ([CRP 10.4/Annex 1](#)) and the regional prioritisation ([CRP 10.4/Annex 2](#)). Further textual changes were made, and the draft decisions were adopted with these changes.
108. Signatories
  - a) Welcomed the initiative and progress made by the International Union for the Conservation of Nature Species Survival Commission Shark Specialist Group (IUCN SSC SSG) in developing robust selection and review criteria for identifying “Important Shark and Ray Areas (ISRAs)” that complement and contribute to the Convention on Biological Diversity (CBD) Ecologically or Biologically Significant Areas (EBSAs) and the IUCN Key Biodiversity Areas (KBAs).
  - b) Acknowledged the Important Shark and Ray Areas (ISRA) criteria and identification process described in Hyde et al. 2022 and Notarbartolo di Sciara 2022 and the ISRA Guidance Document posted on the ISRA website ([sharkrayareas.org](http://sharkrayareas.org)) for Sharks MOU

Annex 1-listed species. Signatories made minor changes to these criteria as included in Annex 1 of CMS/Sharks/MOS4/Doc.4/Rev.1.1

- c) Acknowledged that Important Shark and Ray Areas (ISRAs) are an advisory, expert based classification that can be used as a valuable resource for the integration of shark, ray, and chimaera species into existing and future national, regional, and international conservation strategies.
- d) Agreed to, where possible, support and encourage the IUCN SSC SSG to advance these approaches in consultation with Signatories and Range States.
- e) Agreed to support the IUCN SSC SSG, as appropriate and as feasible, with the identification of ISRAs including sharing relevant information and expertise, and for example by providing data where available.
- f) Requested the Secretariat to continue to liaise with the IUCN SSC SSG and to report back to MOS5 on progress.

109. Implementation activities were agreed and included in the Programme of Work (2023-2025).

**Agenda Item 10.5: Regional prioritisation of shark and ray species listed in Sharks MOU Annex 1 and CMS Appendices**

- 110. The AC Vice-Chair presented [CMS/Sharks/MOS4/Doc.10.5](#), “Regional prioritisation of shark and ray species in Sharks MOU Annex 1 and CMS Appendices” outlining the preliminary methodology to prioritise, on a regional basis, recommendations for conservation and management action as tasked to the AC by MOS3.
- 111. The AC emphasised that the methodology was a work-in-progress and should not replace any national work or work ongoing through RFMOs. The AC considered various things in developing a qualitative scoring system, including conservation importance, IUCN and other assessments, current population trends, ecosystem and habitat management measures, interactions between species and fisheries and the importance of the region to the species and its stocks.
- 112. Options for future work included having a more robust basis for the distribution and regional importance of stock units. From the conservation perspective the focus was on the species, and the global listings in the fisheries world were more focused on particular stocks, populations or sub-populations. There was a need to consider other factors.
- 113. The Chair thanked the AC and invited the Signatories to take note of the document and case studies and review the draft decision and activities for incorporation in the POW.
- 114. Shark Advocates International on behalf of IFAW, Defenders of Wildlife, Shark Trust, Humane Society International, Law of the Wild, Sharkproject International, and WWF noted that the methodology was meant to prioritise CMS and MOU-listed shark and ray species “*for which research and conservation efforts should be increased.*” As such, they were concerned that the case study recommendations centred on further research into stock status and/or habitat, without mention of conservation. They considered this of particular concern in the case of Critically Endangered species, namely, oceanic whitetip and angel

sharks and recommended that future work include conservation actions aimed at ending overfishing and rebuilding depleted populations.

115. Australia reminded Signatories that MOS3 had asked the AC to do this work in response to a long discussion around how to prioritise the Sharks MOU work, and that the analyses presented in [CMS/Sharks/MOS4/Doc.10.5](#) were a preliminary first step to addressing this request. The Signatory supported the comments made by Shark Advocates International and suggested the next stage of this work should be broadened to not only consider fisheries stock assessments and management, and habitat and spatial management; but to also provide a regional prioritisation of the conservation actions outlined in the Conservation Plan and the new POW.
116. The USA proposed specifying in the draft decision that the AC would take into account “the issues raised by MOS4” which was agreed.
117. Kenya requested including wording to specify providing financial support to the AC for this work.
118. The EU stressed the importance of RFMO scientific bodies’ listing status under relevant international conservation treaties and status according to the IUCN Red List.
119. The USA, EU and Australia met in the sidelines to agree on wording and in plenary the Secretariat introduced the revisions to address the comments raised, including how to recognize the importance of other scientific bodies’ listing status. Following further discussion in plenary, other revisions were proposed.
120. On the final day of the meeting the Secretariat introduced the revised regional prioritization document and draft decisions including several changes. With some final textual revisions, the revised document and decisions were adopted.
121. Signatories
  - a) Requested the Advisory Committee to continue developing the methodology presented in [CMS/Sharks/MOS4/Doc.10.5/Rev.1](#) as revised by Signatories during MOS4, taking on board comments made during the MOS, and requests the AC to report the results back to MOS5 and agreed to provide financial support to implement this activity.
  - b) Requested the AC to continue to better identify CMS- and Sharks MOU-listed species and conservation measures of highest priority at regional scales (per FAO Major Fishing Area).
122. Implementation activities were agreed and included in the Programme of Work (2023-2025).

**Agenda Item 10.6: Improving reporting of landings data for species listed in Annex 1 of the Sharks MOU**

123. Ms María Pozo Montoro, an invited expert of the Sharks MOU AC, introduced [CMS/Sharks/MOS4/Doc.10.6](#) on “Improving reporting of landings data for species listed in Annex 1 of the Sharks MOU.”



124. The AC stated unsustainable fishing mortality was the biggest issue to the shark and ray species protected through the Sharks MOU and having good quality data was critical to targeting the most pressing conservation needs of these species.
125. The AC highlighted key findings and insights contained in Annex 1 of the document which included some recommendations to the Signatories. It was clarified, however, that the key recommendations for consideration by MOS4 were contained in Annex 2 to the document and the AC invited Signatories to review the draft decision and related activities in Annexes 3 and 4.
126. The AC Chair thanked Ms Pozo Montoro for all her hard work in preparing the document guided by the AC.
127. The USA emphasised distinguishing between CMS-listed and Sharks MOU-listed species and reminded participants of the independent nature of the Sharks MOU from CMS as not all Signatories were Parties to CMS.
128. The draft recommendations were moved to a standalone document and were adopted on the final day of the meeting.
129. Signatories
- a) Acknowledged the result of the study undertaken as outlined in [CMS/Sharks/MOS4/Doc.10.6](#).
  - b) Adopted and agreed to implement “Recommendations to Signatories to improve reporting of landings data for species listed in Annex 1 of the Sharks MOU”, provided in [CMS/Sharks/MOS4/Outcome 4.2](#) from this meeting.
  - c) Requested the Advisory Committee, in collaboration with Cooperating Partners and the Conservation Working Group, to update the analysis of landings data, undertake additional analyses, and develop guidelines for how nations could appraise their national landings data to improve quality control of data being submitted.
130. Implementation activities were agreed and included in the Programme of Work (2023-2025).

**Agenda Item 10.7: Reviewing fisheries-induced mortality of shark and ray species listed in Sharks MOU Annex 1 and CMS Appendices**

131. The AC Vice-Chair introduced [CMS/Sharks/MOS4/Doc.10.7](#) on “Reviewing fisheries-induced mortality of shark and ray species listed in the Sharks MOU Annex 1 and CMS Appendices.”
132. A review of the most effective and appropriate measures to mitigate and reduce bycatch was currently being undertaken by the CMS-appointed Councillor for Bycatch and this study would be made available to the Sixth Sessional Committee on the Scientific Council (Sc-SC6) and COP14.

133. The USA requested guidance on the funding for the project. The Secretariat explained that funding had been provided by the Principality of Monaco for the project and related staff time.
134. The EU asked if ICES would be involved, and the AC Vice-Chair explained that the case study areas were outside the ICES area.
135. Senegal highly recommended the use of LED lights for the prevention of bycatch and the AC Vice-Chair noted that bycatch was an area of growing research but that the AC was not directly involved. The AC Vice-Chair suggested this issue could be addressed by tasking the UN Food and Agriculture Organisation (FAO) WG on Fishing Technology and Fish Behaviour with looking at it in greater detail and collecting data from a range of those studies because they would have the competence to review and synthesize these kinds of studies. The USA flagged the USA work on LEDs in Mexico and South-East Asia was showing great promise.
136. On the final day, the Secretariat introduced the original Doc 10.7/Annex 1 and /Annex 2, as there had been no amendments in plenary during the original discussions, which were adopted without comment.
137. Signatories
  - a) Agreed to assist CMS in the implementation of CMS COP13 Decisions 13.62 (a) and 13.63 (b).
  - b) Welcomed the proposed approach as suggested by the Advisory Committee to focus on fisheries-induced mortality instead of bycatch for the reasons outlined in [CMS/Sharks/MOS4/Doc.10.7](#).
  - c) Agreed to undertake the pilot study for FAO Fishing Areas 37 (Mediterranean and Black Seas) and 87 (Southeast Pacific).
138. Implementation activities were agreed and included in the Programme of Work (2023-2025).

## **Agenda Item 11: Capacity Building**

### **Agenda Item 11.1: Implementation and review of the capacity-building programme**

139. The Secretariat introduced [CMS/Sharks/MOS4/Doc.11.1](#) "Implementation and review of the capacity-building programme," which was adopted at MOS3 and informed about activities undertaken by the Secretariat with kind support of voluntary contributions from Germany and Monaco and in a close collaboration with the AC and the IUCN SSC/SSG.
140. The document is divided in two parts: Part 1: A report on activities implemented; and Part 2 concerning a review of additional capacity building needs. The conclusion of the review was that the existing capacity building programme largely covered all current needs and should not be modified at this point.
141. MOS4 took note of the documents.

**Agenda Item 11.2: Global compendium of the conservation status and management measures of sharks**

142. The EU introduced [CMS/Sharks/MOS4/Doc.11.2](#) “Global Compendium of the conservation status and management measures of sharks,” containing the proposal for the creation of a global compendium covering the conservation status and existing management measures of sharks as a living database to improve overall understanding of the conservation and legal situation in relation to sharks that could be updated at regular intervals or even on a yearly basis. The objective would be to provide Signatories with a clear picture of the conservation situation across the globe helping to identify possible data gaps and conservation issues that would need to be addressed either through direct intervention by the MOU or through the input from the Signatories, in particular in relation to fisheries management. The creation of the Compendium would be funded through voluntary contributions and in-kind contributions of Signatories and other donor countries or organisations.
143. In this context, the EU offered to mobilise up to €50,000 for the setting up of the project should Signatories agree to move forward on this proposal. The proposal contained an overview of activities and objectives which the EU considered core, including technical capacity, awareness raising, communication, cooperation with other range States and funding.
144. The USA proposed establishing a WG on this topic as well as the other proposals on the agenda linking to the POW and budget. Kenya supported establishing an in-session and intersessional WG. The UK supported an in-session WG.
145. A WG on substantive items feeding into the POW, including the Compendium, was therefore established on the morning of Day 1, and met on Day 1 and Day 2 after which it was discussed in plenary.
146. The EU presented non-paper ([CRP 11.2/Annex](#)) outlining the main objective of their proposal, main activities, deliverables, timeline and funding options. Funding included a conditional €50,000 earmarked from the EU and additional functions would be subject to additional funding from Signatories. Any regular updates would require further funding as moving onwards.
147. The Chair asked Signatories if they agreed to include the proposal as an activity in the POW.
148. The UK remarked that the Compendium had the potential to be a lot more than just a tool to raise awareness or increase awareness, it could also be used to help identify gaps and areas where additional support may be needed to help steer action from Signatories and potentially feed into the kind of regional prioritisation work that was presented on under Agenda Item 10. The UK therefore proposed broadening it out to be a comprehensive database of all management information, including measures agreed through RFMOs, CITES, CMS and other relevant bodies and that the draft decision should include urging the parties to provide this information to the Secretariat, with the standalone website as part of the Info Hub.
149. On the stand-alone website, the Secretariat explained that it would be a sub-page of a sub-page on the CMS website and as such, because many people have difficulties finding the

Info Hub, it would be difficult to promote it in the right way so that it is accessible to people and easy to find.

150. Law of the Wild expressed interest in providing technical support for the implementation of the proposed Compendium. Law of the Wild had recently submitted its expression of interest in becoming a Cooperating Partner to the Sharks MOU. Since 2017, they had provided support on the national legislation programme in the concerted action for the Whale Shark and the concerted action for the Atlantic Humpback Dolphin, all of which had involved conducting gap analysis in numerous range states of legal protections for relevant species. They offered continuing support and to contribute to the compendium as needed.
151. The EU responded to some of the points raised by the UK, noting they wanted to be as ambitious as possible but realistic in terms of resources and funding. What is presented is what can be achieved using the EU funding as the first step to set this up and within the means of the Secretariat.
152. The UK explained on the national legislation point that it was to encourage Parties to provide information on national legislation.
153. SPREP proposed adding CCSBT and SPRFMO to the list of RFMOs under paragraph 2a).
154. On the final day of the meeting, the UK proposed some further textual changes, including moving ICES to paragraph d), then at the end of a) added regulatory measures and CITES and CMS, paragraph c) Signatories are encouraged to provide updates to the Secretariat on changes to their national legislation as appropriate, and paragraph d) after scientific advisory bodies add “including ICES but not limited to.”
155. MOS4 adopted [CRP 11.2/Annex](#) as revised.
156. Signatories adopted the proposal to establish a “Global compendium of the conservation status and management measures of sharks” (see [CMS/Sharks/MOS4/Outcome 4.3](#)) and included this activity in the Programme of Work (2023-2025).

## **Agenda Item 12: Programme of Work (POW)**

### **Agenda Item 12.1: Draft POW 2023-2025**

157. The Secretariat introduced [CMS/Sharks/MOS5/Doc.12.1](#), the “Draft POW 2023-2025”, which aimed to provide guidance to the Signatories, AC, Secretariat and Cooperating Partners on the activities the Secretariat suggested to be undertaken in the implementation of the Sharks MOU during the next triennium.
158. The Secretariat explained the draft POW 2023-2025 is in the form of a table in the Annex to the document. Section 1 of the POW outlined the core mandated tasks of the Secretariat and AC with details of associated funding needs and staffing needs. Section 2 outlined extra-budgetary conservation activities recommended to MOS4 by the AC and Signatories (Agenda Items 10.1 to 10.7 and 11.2) or which the Secretariat had secured funding for already.
159. The Secretariat explained the method for calculating staffing requirements, outlined in the document, and also specified in the Annex against each activity. Estimates for Secretariat time required had been added to the draft POW and the Secretariat had calculated the staff

time required to implement each task in both sections. It was explained that undertaking additional extra budgetary activities would require additional staffing support either by staff or a consultant or individual contractor, so Signatories were urged to keep this in mind when discussing the draft budget which contained three different scenarios (see Agenda Item 14.2).

160. Each activity was also prioritised as high or medium priority following the decision at MOS3 to do so. However, as the activities required fundraising, priority would also be determined by specific donors for each activity. The POW included a column with the timeframe for implementation, responsible entities and funding required.
161. The Chair requested the Signatories to review and adopt the draft POW 2023-2025 in parallel with activities agreed under agenda items 10, 11 and 14.
162. Australia was generally supportive of the proposal of the revised structure of the POW and splitting it into the core and non-core functions. Australia emphasised the contribution made by Cooperating Partners in the implementation of the Sharks MOU and wondered how this could be better captured. The Signatory commented that the Secretariat was being generous in its assessment of the items noted as “green” in [CMS/Sharks/MOS4/Doc.12.1](#) “Report on the implementation of the POW (2019-2021)”, in particular in relation to the non-core activities and suggested these should instead be categorised as “yellow” (ongoing) and therefore carried over into the new POW 2023-2025.
163. An In-session Working Group on substantive items feeding into the POW, including the decisions being considered under Agenda Items 10.1 to 10.7, 11.2 (the Compendium) and the budget, was established and met on Day 2.
164. On the final day of the meeting, Signatories adopted the Programme of Work for the triennium 2023-2025 guiding the Signatories, the AC, the Conservation Working Group, Cooperating Partners and the Secretariat (see [CMS/Sharks/MOS4/Outcome 4.4](#)). Unresolved and ongoing tasks from the previous workplan had been included.
165. It was agreed the Secretariat would migrate the relevant wording subsequently adopted in each decision under Agenda Items 10.1 to 10.7 to the POW, so the documents were aligned in the final version.

#### **Agenda Item 12.2: Report on the implementation of the Programme of Work (2019-2021)**

166. The Secretariat presented [CMS/Sharks/MOS4/Doc.12.2](#), the “Report on the implementation of the POW (2019-2021)” which contained an overview of the status of implementation of the POW for the previous triennium, listing activities and actors with a traffic light system to demonstrate the status of implementation. The status of implementation, considering the limited capacity of the Secretariat, was mainly “green”, with some “yellow” and “red.” To a large extent it was the Secretariat and AC that implemented activities. A large portion of activities could not be evaluated because the national reports which were relied on for information were not aligned to the POW. The Secretariat noted this could be a signal to align the national reporting form to the POW to be able to better monitor the implementation of the POW.
167. The Chair invited the Signatories and Observers to take note of the report and provide any guidance based on the report.

168. Australia believed that most “green” activities were only partially implemented, and should be marked as ongoing, and that it was important to prioritise these activities in the ongoing POW even with the ongoing budgetary constraints. The Signatory questioned whether the Sharks MOU had harnessed the complementary efforts and expertise of the Cooperating Partners and related bodies such as FAO, to the best effect and invited Cooperating Partners to comment on how better to reflect synergies in the Annex.
169. The USA fully supported Australia’s comment and invited Cooperating Partners to comment on how to utilise their expertise/talents.
170. Humane Society International supported Australia and the USA and referred to the comment of the Executive Secretary that the main threat to sharks was overwhelmingly overfishing and supported prioritising initiatives that promoted species protection, particularly limits to fishing, over additional research.

### **Agenda Item 13: Advisory Committee**

#### **Agenda Item 13.1: Composition of the Advisory Committee**

171. The Secretariat introduced [CMS/Sharks/MOS4/Doc.13.1](#) on the “Composition of the Advisory Committee”. At MOS3 a procedure had been agreed for replacement of AC members after a certain number of terms served, and conditions that would ensure continuity of the work and regional representation at the same time. There are currently six regions represented on the AC, some regions have two AC members and some regions only one.
172. Africa, Europe, North America and Oceania AC members had served the maximum number of three terms and Asia, Central America and the Caribbean had members who had served only two terms. The Secretariat flagged that Oceania might consider replacing one of their AC members.
173. The Chair called upon each region to nominate its AC members and noted that the European and African regions had provided nominations prior to the meeting. The EU nominated Mr Matthias Schaber to replace Mr Marino Vacchi. The EU thanked Mr Vacchi for the excellent contribution he’s made over his last three terms and believed it was a very positive role for Mr Schaber.
174. The USA elected to maintain Mr John Carlson as the regional representative for North America to maintain continuity of the AC work being aware that this would create an issue at the 5<sup>th</sup> Meeting of the Signatories (MOS5) where both the Chair and the Vice-Chair of the AC would be replaced at the same time. To avoid this situation, the USA indicated it would vacate the position of AC Chair to allow for an orderly transition of a new Chair as well as to give the new Chair the benefit of the presence and mentorship of the current Chair.
175. Senegal requested an exception that the current member for Africa remain as representative despite having completed three terms to maintain continuity. The Chair noted this was the fifth nomination for Africa. The Secretariat requested the African region to meet to agree on two nominees. Togo supported Senegal.
176. Australia noted that Oceania only had the right to one AC representative on the committee and that the rationale for this was not clear given all other regions with multiple Signatories

are allocated two members. As there were now seven Signatories across Oceania, they believed it was challenging to represent the region effectively. Therefore, Australia proposed an increase in the number of representatives to two for Oceania and sought advice from the Secretariat on the process to do that, if MOS4 agreed. Secondly, the Signatory noted that [CMS/Sharks/MOS4/Doc.13.1](#) mentioned a link between the AC members of Oceania and North America and that only one of these members should be replaced at one time. This was agreed at MOS3, but the rationale was not clear, and a request was made to remove the linkage to enable Oceania and North America to ensure continuity within their regions.

177. Samoa supported the continuation of Oceania's current AC representative and the addition of a second member for Oceania.
178. The USA were supportive of the proposal for Oceania to have two representatives, and that the USA and Oceania should not need to remain linked. The Signatory also asked for guidance from the Secretariat on process, which might require amendment of the MOU text.
179. As Australia's proposal was a substantive issue, the EU did not have a mandate to agree on this at this point.
180. The Secretariat explained that Australia's request would require amendment of the MOU text and so require 150 days' notice to the Secretariat prior to a Meeting of Signatories. Hence MOS4 could not decide on an amendment of the MOU in relation to increasing the membership of the AC. There was precedent for sending an additional expert to meetings of the AC, at the cost of the respective Signatory. It was suggested that one or more Signatories could submit to MOS5 a proposal to amend the MOU to increase the membership for the Oceania region.
181. Australia requested information from the Secretariat on costs for attendance of an additional AC member at meetings. The Secretariat explained the position was voluntary so the only cost would be travel if required.
182. On Day 2 the African delegation informed the meeting that they had discussed four candidates and chosen two members for the AC: Mr Mohamed Omar Said and Mr Saïkou Oumar Kide, replacing Mr Mika Samba Diop. The proposal was that Mr Mika Samba Diop would then become a member of the CWG for continuity. The AC Chair welcomed this suggestion, and this was agreed.
183. Australia asked whether they could identify a representative from within their region to join the Conservation WG for the coming intersessional period. This was agreed.
184. Upon request for clarification from Côte d'Ivoire, Senegal informed that the nomination of an expert from Mauritania by Senegal was in line with the Terms of Reference (TOR) for the AC, allowing Signatories to nominate experts regardless of their nationality. Senegal further clarified that AC members serve in their personal capacity as experts in shark conservation and management for the region and do not represent any individual Signatory.
185. On the final day of the meeting the composition of the AC was agreed as follows: Europe appointed Mr Matthias Schaber, replacing Mr Marino Vacchi. Africa appointed Mr Mohamed Omar Said and Mr Saïkou Oumar Kide, replacing Mr Mika Samba Diop, who would become a member of the CWG (see [CMS/Sharks/MOS4/Outcome 4.5](#)). Oceania nominated an additional representative to join the CWG.

## **Agenda Item 14: Administrative and Budgetary Matters**

### **Agenda Item 14.1: Report on the implementation of the budget for the triennium 2019-2021**

186. The Secretariat introduced [CMS/Sharks/MOS4/Doc.14.1](#) “Report on the implementation of the budget for the triennium 2019-2021”, noting that the report also covered 2022 as MOS4 did not take place at the end of 2021 as planned, and the budget had to be carried forward until MOS4 could take place. The report therefore included projected expenditures for December 2022. The Annexes contained details of voluntary contributions and details of the implementation of the budget. The new budget for the next triennium (2023-2025) would be discussed under Agenda Item 14.2.
187. Voluntary contributions totalling €1,072,033 had been received. €729,770 had been provided to cover the costs of the core budget. Table 1 showed that only a few countries had provided voluntary contributions to the MOU. The Secretariat stated the contribution from Monaco might have to be carried over to a different fund because it was earmarked for certain activities.
188. €342,263 extra-budgetary contributions had been received from Australia, the EU and Germany. The total approved budget 2019-2021 was €1,208,868. The Secretariat indicated it had, with careful management of the budget, managed to keep expenditures lower than the contributions. However, the Secretariat noted a budget based on voluntary contributions made it difficult to manage and plan for the long term.
189. The Secretariat concluded with the status of the Trust Fund by drawing attention to Table 2. The estimated budget with forecasted expenditure for December 2022 was €459,443. However, this did not take into account deductions for the MOS4 meeting costs, and the amounts earmarked for extra budgetary activities, so the Trust Fund status would be significantly lower.
190. The Signatories took note of the report.

### **Agenda Item 14.2: Proposed budget for the triennium 2023-2025**

191. The Secretariat presented [CMS/Sharks/MOS4/Doc.14.2](#), “Proposed budget for the triennium 2023-2025”, containing three budget scenarios, aimed at providing adequate and predictable resources for the Sharks MOU and suggestions to provide the Secretariat with financial security. Attached to the document were five annexes containing: three budget scenarios (0, 1 and 2); the indicative annual contributions of Signatories and a revised Terms of Reference (TOR) for the Trust Fund.
192. The Chair invited the Signatories to review the budget scenarios, also considering discussions under Agenda Items 10, 11 and 12, and to adopt a budget for 2023-2025, the indicative Scale of Contributions in Annex 4, as well as adopt the revised TOR for the Trust Fund, presented in Annex 5 and request the UNEP Executive Director to extend the Trust Fund for a further three years.
193. It was agreed that there was a need to consider the budget and the POW together as they were interconnected. The Signatories and Observers therefore met in a WG to discuss the budget and review and agree activities for the POW.



194. On the final day of MOS4, the proposed budget was discussed in plenary. The Secretariat introduced the budget, and the Chair opened the floor for comments and questions.
195. The USA supported Scenario 2 in principle, a P3 supported by a G5 administrative assistant. The USA noted that voluntary contributions consistently fell short and questioned if Signatories who had earmarked funding for specific projects would be able to make contributions to the core budget.
196. Germany also supported Scenario 2. Unfortunately, Germany stated it could only, as they had in the past, provide support with extra budgetary contributions earmarked for specific projects, not contribute to the core budget.
197. The EU and France supported Scenario 0, a full time P3 position and a contractor in 2024 and 2025.
198. Australia supported Scenario 2 and thanked the Government of Germany for their support of the Secretariat to date but was concerned about the ongoing shortfall in funding. Australia was supportive of the concept of applying the UN scale contributions approach to apportion the volunteer contributions of the Sharks MOU Signatories. Australia could not commit funding throughout the triennium but could pledge for the current financial year a voluntary contribution of AUD160,000 with half of this to go to core funding and half to be available for project activities, as prioritised for Oceania.
199. The UK supported Scenario 2 and pledged GBP60,000 towards the core budget. Saudi Arabia, Costa Rica, and Ecuador also supported Scenario 2.
200. Monaco supported Scenario 2 but reiterated the question on the financing of this scenario. They could not confirm a contribution to the core budget, but noted they had funded individual activities in the past
201. The European Union, wishing to move forward, stated that it would not oppose the implementation of scenario 2. France and Senegal declared their support for scenario 0, but they would not oppose scenario 2, which was supported by the majority of the Signatories at the meeting, so as not to block discussions on the budget. The President welcomed the agreement on scenario 2.
202. The Secretariat referred to Annex 5 of the document, the draft TOR for the administration of the Trust Fund, which needed to be extended, and highlighted the changes made to the original document. Signatories were invited to review the changes and adopt the TOR.
203. Discussion focused on the revisions concerning invoicing in paragraph 12 of the document.
204. The USA asked for clarification whether invoicing would be “opt in” rather than “opt out”. The Secretariat explained that any Signatory could advise on the way they would like to be invoiced but having the default position that invoices would be sent is a more efficient way of working. The Secretariat reiterated that any Signatory could advise the Secretariat if they would like a different method or invoice amount as the budget was voluntary and so the invoice was not binding.
205. The USA agreed and proposed an amendment indicating that Signatories would receive an invoice unless otherwise stated, was agreed.

206. Senegal explained that there would be a heavy burden for some Signatories if they could not communicate to the Secretariat the relevant department and amount to be invoiced.
207. The Secretariat then introduced the “Scale of Indicative Contributions” contained in Annex 4 of the document and drew attention to the Scenario 2 column that had been previously agreed.
208. The USA indicated they hoped to maintain their voluntary contributions at the current level, but the amount they could contribute was subject to availability of funds appropriated by Congress so they noted that they may not be able to pay the indicative amount. The Signatory also noted that the USA, over the life of the Sharks MOU, had contributed almost USD1,000,000.
209. Senegal noted that payment by bank transfer was challenging as fees were high and asked if there was another way to pay. The Secretariat explained with regret that this was the only possible means but invited Senegal to discuss this further with the Secretariat.
210. The Chair concluded this agenda item by summarizing that Signatories agreed budget scenario 2 for the triennium 2023-2025, the Indicative Scale of Contributions and the revised Terms of Reference for the Trust Fund, and requested the UNEP Executive Director to extend the Trust Fund for a further three years (see [CMS/Sharks/MOS4/Outcome 4.6](#)).

#### **Agenda Item 15: Date and Venue of the Next Meeting**

211. The Secretariat proposed that MOS5 take place at the end of 2025 and invited offers to host the meeting.
212. Kenya thanked the Secretariat for a well-organised meeting and offered to host MOS5 at the Pride Inn Paradise Beach Resort, in Mombasa, followed by a video of the venue. This offer was accepted.

#### **Agenda Item 16: Any Other Business**

213. There were no further items of business.

#### **Agenda Item 17: Closure of the Meeting**

214. After the Chair and the Secretariat made their final remarks and the customary expression of thanks to all who had contributed to the successful organization and execution of the meeting, proceedings were declared closed.

## ANNEX 1

### Opening Remarks by CMS Executive Secretary Ms Amy Fraenkel

Thank you, Mr Chair.

I am delighted to welcome you all to Bonn for this 4th Meeting of Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks. I'd like to give a special welcome to the Ambassador of Côte d'Ivoire. Bienvenue.

The UN Campus in Bonn is the home of the Secretariat of the Convention on the Conservation of Migratory Species and many of its specialized agreements and MOUs, including the Sharks MOU. CMS is the only legally binding global agreement that addresses the conservation and sustainable use of migratory species. Its central objective is to bring countries together to find solutions to shared conservation challenges around these unique species.

The Sharks MOU is an excellent example of an effective specialized instrument developed under the Convention, specifically designed to try to improve the conservation of a group of species. Established in 2010, the Sharks MOU is the only global framework for shark conservation. It is still relatively young and is still growing –currently with 49 Signatories and 16 Cooperating Partners. I would like to strongly encourage other countries to join as Signatories if they have reason to do so as range states.

Since it was established, the Sharks MOU has been at the forefront of global action to improve the conservation status of 37 different migratory shark species, from the whale shark to mobulid rays to hammerheads, from largely protected species to commercially exploited species. It is truly unique in how it coordinates conservation initiatives as well as strengthened efforts by countries that exercise jurisdiction over the migratory range of listed shark populations. It also includes countries whose flag vessels are engaged outside national jurisdictional limits in activities that may affect these populations. The MOU has also established a solid science-base through its strong and dedicated Advisory Committee and through the effective partnerships it has built with the IUCN Sharks Specialist Group and other Cooperating Partners over the years. - I would like to thank the members of this committee for their work.

Now, unfortunately, as I am sure you know, we have a great deal of work ahead of us. Sharks and rays are facing an unprecedented crisis. And when you look at the status of migratory species, the ones that are in most trouble in terms of taxonomic groups are sharks and rays by far. According to the latest IUCN Red List assessment, more than one-third of sharks and rays are threatened with extinction. In fact, it is estimated that the global abundance of oceanic sharks and rays has declined by over 70 per cent in the last 50 years.

CMS is in the process of preparing the first-ever State of Migratory Species report, which we will be delivering at our COP14 this October in Uzbekistan – and I hope we will see many of you there. We will be looking at all migratory species, not only those on Appendix I and II of the Convention, from available data. We did a deep look at Appendix II species – which are those that can be legally taken and where many sharks and rays are listed, to determine whether they might benefit from additional conservation measures. 100 % of the sharks and rays listed on Appendix II were found to be of high or very high priority for needing additional attention and action for conservation. The graph for this is quite striking when one looks at the colour scheme and all the shades of red

and orange for sharks and rays, much more than the other taxa groups.

We also know that overfishing is clearly the main threat to these species, – whether it is illegal or unsustainable intentional takes or unintentional bycatch. We have been talking about this situation for a very long time and we need to turn the corner on this – and this is the group to do this. I really hope to see the results of good discussions about what we can do, including to raise awareness globally about the situation – down to the technical level of how we can turn this around.

While there are many important issues on the agenda of this meeting, one interesting topic is the “ISRA Initiative” – the IUCN SSC SSG-led initiative to identify Important Shark and Ray Areas for the species listed under the MOU.

ISRA is a tool through which one can identify critical areas for listed shark species and make recommendations for targeted conservation actions related to these areas. And it comes at an opportune time, as it could be used to help deliver on the “30 by 30 target” adopted in the Global Biodiversity Framework.

Another topic of interest is the proposal to list the tope shark on Annex 1, a critically endangered species. There are many other policy and technical topics that are all aimed at improving the conservation status of sharks covered by the MOU.

I want to draw your attention to a particularly important agenda item: the budget. The Sharks MOU Secretariat is comprised of a single staff person, who has done an extraordinary job in supporting the many streams of work of this MOU, not least of which includes the organization of this meeting and preparation of the many high-quality documents before you. However, the P2 level of this position must be upgraded, in keeping with UN practices, as well as the conclusions of an independent consultant who did a review of positions within the CMS Family. We have included this adjustment in the budget, which I call on you to please support.

In addition, the budget for the Sharks MOU is funded by purely voluntary contributions, which have been generously provided by only a very few signatories. This is a very challenging way to run the Secretariat and I would urge every single Signatory to provide financial contributions for the work of the Secretariat. This is what we do in the CMS Secretariat. Even if they are small, those contributions make a huge difference. We use a little bit of money, and we make it go far – I promise you – including my time and Melanie’s time, which is not in your budget. I would also like you to consider how you could help to put the Secretariat on a firmer footing, to ensure that we don’t have to worry every day whether or not we have the funding.

I would finally like to sincerely thank the Signatories who have contributed funds as well as those that have provided other support to both the operation and implementation of the Sharks MOU over the past three years as well as the many volunteers who have contributed their time and expertise to this MoU.

Finally, I would like to thank our depositary, the government of Germany, and the German Environment Ministry - BMUV for providing the Interpreters for MOS4 as well as the kind invitation for the dinner reception this evening.

Before closing, I would like to give my sincere thanks to the Secretariat team for the excellent way in which this meeting has been organized. In particular, I would like to give special thanks to Andrea Pauly, the heart of the Sharks MOU Secretariat who has worked for months to get us to

this point, Melanie Virtue, for her leadership and guidance, and also all of our wonderful conference services team.

Finally, I would like to thank all of you – for your dedication and commitment to the Sharks MoU and for making the journey to Bonn – despite the travel challenges – to be part of this meeting. I look forward to hearing the outcomes of your deliberations. I invite discussions on the margins and am here across the way in the tall building if we have a chance to have some chats. I really look forward to the results of this meeting and wish everyone a very productive and wonderful meeting.

**ANNEX 2****LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS /LISTA DE PARTICIPANTES***\* online participation***Signatory Range States / États de l'aire de repartition signataires / Estados del área de distribución signatarios**

Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
Australia	GIDDING-REEVE, Lesley	Australian Government Department of the Environment and Energy, Director	lesley.gidding-reeve[a]environment.gov.au
	* EASTON, Ariane	Department of Climate Change, Energy, the Environment and Water	ariane.easton[a]dcceew.gov.au
	* HULME, Alex	Department of Climate Change, Energy, the Environment and Water / Assistant Director	alex.hulme[a]dcceew.gov.au
Brazil	FERREIRA MAGRINI, Flávia	Brazilian Embassy in Berlin	flavia.magrini[a]itamaraty.gov.br
Colombia	* REYES VARGAS, Catalina	Ministerio de Ambiente y Desarrollo Sostenible	lcreyesV[a]minambiente.gov.co
	* LÓPEZ, Carmen	Ministerio de Ambiente y Desarrollo Sostenible	calopezanaya[a]minambiente.gov.co
Comoros	SOULE, Hamidou	Direction Générale de l'environnement Point focal national	soulehamidou[a]yahoo.fr
Costa Rica	CUZA JONES, Gina Giselle	Sistema Nacional de Áreas de Conservación SINAC-MINAE Ministerio de Ambiente y Energía	gina.cuza[a]sinac.go.cr
Côte d'Ivoire	N'DA, Kognan Degrace	Ministère de l'Environnement et du Développement Durable / Direction de l'Écologie et de la Protection de la Nature Point Focal National CMS	ndakognan[a]yahoo.fr
	KOTCHI, Serge	Ambassade de la République de Côte d'Ivoire	constchy[a]yahoo.fr
	MANGOU, Philippe	Ambassade de la République de Côte d'Ivoire	premier.conseiller[a]ambaci.de

Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
Ecuador	HERRERA CABRERA, Marco Antonio	Instituto Público de Investigación De Acuicultura Y Pesca, Investigador Agregado	mherrera[a]institutopesca.gob.ec
	LADINES, Beatriz	Ministerio del Ambiente, Agua y Transición Ecológica. Administradora de Área Protegida	beatriz.ladines[a]ambiente.gob.ec
Egypt	SALEM, Mohamed Salem Abdelrahman	Ministry of Environment of Egypt Head of the Nature Conservation Sector	mohammedsalem[a]hotmail.com
European Union	HOWARD, Séamus	EUROPEAN COMMISSION - DG MARE International Relations Officer	seamus.howard[a]ec.europa.eu
	ROUSSEVA, Antonina	Council of the European Union Political Administrator	antonina.rousseva[a]consilium.europa.eu
	VALLETTA, Marco	EUROPEAN COMMISSION - DG MARE International policy officer - Alternate Head of EU Delegation	marco.valletta[a]ec.europa.eu
France	CORBEAU, Clémence	Ministère de la transition écologique. Chargée de mission Gestion de crises environnementales (dont POLMAR), protection des élasbranches et des amphihalins	clemence.corbeau[a]developpement-durable.gouv.fr
Germany	FRIEDRICH, Jürgen	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection International Species Conservation	juergen.friedrich[a]bmuv.bund.de
	GEWERT, Berit	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection	berit.gewert[a]bmuv.bund.de
	KAMMER, Andy	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection	andy.kammer[a]bmu.bund.de
	PILZ, Christiane	Bundesministerium für Ernährung und Landwirtschaft	christiane.pilz[a]BMEL.Bund.de
	SCHABER, Matthias	Federal Ministry of Food and Agriculture/Thünen-Institute of Sea Fisheries, Fisheries Biologist/Scientist	matthias.schaber[a]thuenen.de

Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
	* WIIK, Astrid	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection	astrid.wiik[a]bmuv.bund.de
Guinea	KEITA, Kerfalla	Ministère de l'environnement et du développement durable, Chef de section planification à l'office guinéen des parcs et réserves de faune	kkkeita[a]yahoo.com
Kenya	OMAR, Mohamed (Chair)	Kenya Wildlife Service Principal Research Scientist - Marine and Coastal Ecosystems	msaid26474[a]gmail.com
	MUITA, Lucy	Kenya Wildlife Service Multilateral Environmental Agreements Assistant Director	lmuita[a]kws.go.ke
	MUSEIYA, Silvia	Ministry of Tourism, Wildlife and Heritage State Department for Wildlife, Principal Secretary	pswildlife2018[a]gmail.com
	NYAMBUGA, Gideon	Ministry of Tourism, Wildlife & Heritage Wildlife Conservation, Senior Wildlife Officer	nyambugagideon[a]gmail.com
Madagascar	SOLONOMENJANAHARY, Jadyde Simonide	Ministry of Environment and Sustainable Development	jadydesolo[a]yahoo.fr
Mauritania	* OULD KHOUNA MEKIYOUN, Mohamed Elhacene	Ministere de l'Environnement et du Développement Durable	madou.mr[a]gmail.com
Monaco	IMPAGLIAZZO, Céline	Ministry of Foreign Affairs and Coopération, Head of Division	cimpagliazzo[a]gouv.mc
Netherlands	SVOBODA, Anne-Marie	Ministry of Agriculture, Nature and Food Quality, Senior Policy Officer	a.m.svoboda[a]minlnv.nl
New Zealand	* PULOKA, Charity	Fisheries New Zealand / Fisheries Analyst	charity.puloka[a]mpi.govt.nz
Portugal	DUARTE, Márcio	ICNF / DAN, Environmental Officer	marcio.duarte[a]icnf.pt
	LOUREIRO, João	ICNF, I.P., Ministry of Environment and Climate Action, National Coordination of Preventive Surveillance and Inspection (UCNVPF), Institute of Nature Conservation and Forests (ICNF), Head of Unit	joao.loureiro[a]icnf.pt



Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
Samoa	FAILLAGI, Afele	Ministry of Natural Resources and Environment, Assistant Chief Executive Officer	afele.faiilag[a]mnre.gov.ws
Saudi Arabia	ALHARTHI, Ibrahim	Researcher at Marine & Coastal Wildlife Conservation	i.alharthi[a]ncw.gov.sa
	AL-MUBARAK, Zuhair	Researcher	z.almubarak[a]ncw.gov.sa
	ALQAHTANI, Tareq	Saudi Wildlife Authority	t.alqahtani[a]ncw.gov.sa
Senegal	DIOUCK, Djibril	DIRECTION DES PARCS NATIONAUX / SENEGAL. Ministère de l'Environnement et de la Protection de la Nature	djibrildiouck[a]hotmail.com
	* ALI, Mohamud Hassan	Federal Ministry of Fisheries and Marine Resources, Department of Coastal Environment, Head of Coastal and Marine Biodiversity	mohamudboya[a]gmail.com
Sweden	ADRIAENSSENS, Bart	Swedish Agency for Marine and Water Management. Unit for Fisheries Policy Senior Analyst	bart.adriaenssens[a]havochvatten.se
	ARRHENIUS, Fredrik	Department for Rural Affairs, Division for Fisheries, Game Management and Reindeer Husbandry, Desk Officer	fredrik.arrhenius[a]regeringskansliet.se
	DAHLSTRÖM, Marie		marie.dahlstrom[a]gov.se
	VIKER, Susanne	Swedish Agency for Marine and Water Management, Senior Analyst	susanne.viker[a]havochvatten.se
Togo	TCHEGRE, Akondo	Direction des Ressources Forestières (DRF). Ministère de l'Environnement (MERF)	akondotchedre[a]yahoo.fr
United Arab Emirates	* ALSHEHHI, Rumaitha	Fisheries Sustainability Department Research Assistant	raalshehhi[a]moccae.gov.ae
United Kingdom	BELL, Catherine	Defra, Head of Marine Species Conservation	catherine.bell[a]defra.gov.uk
	TURTLE, Lara	Defra, Senior Policy Advisor - Marine Species Conservation	lara.turtle[a]defra.gov.uk

Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
United States	BERTZ, Christine	U.S. Department of State / Office of Marine Conservation, AAAS Science & Technology Policy Fellow	bertzca[a]state.gov
	* KELLER, Bryan	NOAA Fisheries - International Affairs, Trade, and Commerce, Foreign Affairs Specialist	Bryan.Keller[a]noaa.gov
	*MADAD, Mahvish	U.S. Department of State / Office of the Legal Advisor, Bureau of Oceans and International Environmental and Scientific Affairs, Attorney Advisor	madadmz[a]state.gov
	MCCARTY, Cheri	National Marine Fisheries Service, Office of International Affairs, Trade, and Commerce, Senior Foreign Affairs Specialist	cheri.mccarty[a]noaa.gov
Vanuatu	HAM, Jayven	Vanuatu Government, Department of Fisheries Principal Research officer	jayven04[a]gmail.com

**OBSERVERS / OBSERVATEURS / OBSERVADORES**

**NON-SIGNATORY RANGE STATES / ÉTATS DE L'AIRES DE REPARTITION NON-SIGNATAIRES / ESTADOS DEL ÁREA DE DISTRIBUCIÓN NO SIGNATARIOS**

Country / Pays / País	Name / Nom / Nombre	Institution / Institution / Institución	Email
Canada	* BENCHETRIT, Jose	Fisheries and Oceans Canada / Senior Policy Advisor	Jose.Benchetrit[a]dfo-mpo.gc.ca
Croatia	* VUKOV, Ivana	Ministry of Agriculture, Directorate of Fisheries / Head of Unit for Data Collection Programme in Fisheries	ivana.vukov[a]mps.hr
Malta	* PISANI, Luca	Fisheries Research Unit / Principal Scientific Officer	luca.pisani[a]gov.mt

**ADVISORY COMMITTEE MEMBERS / MEMBRES DU COMITE CONSULTATIF / MIEMBROS DEL COMITE ASESOR**

Region / Région / Región	Name / Nom / Nombre	Institution / Institution / Institución	Email
Asia	JABADO, Rima	IUCN SSC SSG, Elasmobranch Project Chair of IUCN SSC Shark Specialist Group, CMS COP Appointed Councillor for Marine Fish	rimajabado[a]hotmail.com
Europe	ELLIS, Jim (Vice-chair)	Centre for the Environment, Director of CEFAS' Fisheries International Centre of Excellence	jim.ellis[a]cefass.gov.uk
North America	CARLSON, John (Chair)	National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Research Biologist	john.carlson[a]noaa.gov
South and Central America & Caribbean	POLO, Carlos	Universidad Jorge Tadeo Lozano Senior Researcher	carlosj.polos[a]utadeo.edu.co
Invited Expert	POZO MONTORO, María		mposo-montoro[a]outlook.com

#### COOPERATING PARTNERS / PARTENAIRES OPÉRATIONNELS / SOCIOS COLABORADORES

Institution / Institution / Institución	Name / Nom / Nombre	Email
Defenders of Wildlife	GOYENECHEA, Alejandra	agoyenechea[a]defenders.org
Humane Society International	CHLEBECK, Lawrence	lchlebeck[a]hsi.org.au
International Fund for Animal Welfare (IFAW)	SLEE, Barbara	bslee[a]ifaw.org
	EISSA DARWICH, Akram	adarwich[a]ifaw.org
Save Our Seas Foundation	FOWLER, Sarah	sarah[a]saveourseas.com
Shark Advocates International	FORDHAM, Sonja	sonja[a]sharkadvocates.org
The Shark Trust	HOOD, Ali	ali[a]sharktrust.org
World Wide Fund For Nature (WWF) International	NIEDERMUELLER, Simone	sn[a]wwf.at

#### INTER-GOVERNMENTAL ORGANIZATIONS (IGOs) / ORGANISATIONS INTERGOUVERNEMENTALES / ORGANIZACIONES INTERGUBERNAMENTALES

Institution / Institution / Institución	Name / Nom / Nombre	Email
Secretariat of the South Pacific Regional Environmental Programme (SPREP)	BAIRD, Karen	karenb[a]sprep.org

**NON-GOVERNMENTAL ORGANIZATIONS (NGOs) / ORGANISATIONS NON-GOUVERNEMENTALES / ORGANIZACIONES NO GUBERNAMENTALES**

Institution / Institution / Institución	Name / Nom / Nombre	Email
International Union for Conservation of Nature – Species Survival Commission - Shark Specialist Group (IUCN SSC SSG)	CHARLES, Ryan	ryancharlescareer[a]gmail.com
Dutch Elasmobranch Society	* WALKER, Patricia	walker[a]elasmobranch.nl
Law of the Wild	PRUETT, Catherine	catherine[a]lawofthewild.org
	SOMMERMEYER, Brett	brett[a]lawofthewild.orgi
Sharkproject International	ZIEGLER, Iris M.	i.ziegler[a]sharkproject.org
Zoologischen Forschungsmuseums Alexander Koenig - Angelshark Project	* MEYERS, Eva	e.k.m.meyers[a]gmail.com

**SHARKS MOU SECRETARIAT / SÉCRETARIAT Mde SUR LES REQUINS MIGRATEURS / SECRETARÍA Mde TIBURONES MIGRATORIOS**

Name / Nom / Nombre	Position / Poste / Puesto	Email
PAULY, Andrea	Sharks MOU Coordinator	andrea.pauly[a]un.org
WOOD, Fenella	Individual Contractor	fenella.wood[a]cms.int

**CMS SECRETARIAT / SÉCRETARIAT CMS / SECRETARÍA CMS**

Name / Nom / Nombre	Position / Poste / Puesto	Email
VIRTUE, Melanie	Head of Aquatic Species Team	melanie.virtue[a]un.org
FRISCH-NWAKANMA, Heidrun	IOSEA Marine Turtle MOU Coordinator	heidrun.frisch-nwakanma[a]un.org
RENELL, Jenny	ASCOBANS Coordinator	jenny.renell[a]un.org
LINDBERG-RONCARI, Tine	Team Assistant	tine.lindberg-roncari1[a]un.org
OLUNGA, Mercy	Finance Assistant	mercy.olunga[a]un.org
REINARTZ, Bettina	Administrative Assistant	bettina.reinartz[a]un.org
BRUECKNER, Catherine	Team Assistant	catherine.brueckner[a]un.org
CANCINO, Ximena	Team Assistant	ximena.cancino[a]un.org
JAKUTTEK, Melanie	Team Assistant	melanie.jakuttek1[a]un.org
* GARCÍA, Ana Berta	Support Consultant to Aquatic Species Team	anaberta.garcia[a]cms.int

**REPORT WRITER / RÉDACTEUR DE RAPPORT / REDACTOR DE INFORME**

Name / Nom / Nombre	Email
* GORDON, Leonie	leoniegordon[a]gmail.com

**INTEPRETERS / INTERPRÉTEURS / INTÉRPRETES**

Name / Nom / Nombre	Email
DE CHAVARRÍA, Inés	dechava[a]gmx.de
JAECK, Sabine	sabine.jaeck[a]bmuv.bund.de
KLAPPROTH, Britta	mail[a]dolmetschteam.de
PUHLMANN, Viviana	v.puhlmann[a]aiic.net
SCHNEIDER, Sebastian	sebastian.schneider[a]bmuv.bund.de
SCHUELER, Ingeborg	mail[a]ingeborgschueler.de