MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

CMS/Sharks/MOS2/Report

26 September 2016

Original: English

Second Meeting of the Signatories
San José, Costa Rica, 15-19 February 2016

DRAFT REPORT OF THE MEETING

Agenda Item 1: Opening of the Meeting

Opening Addresses were delivered by:

- Melanie Virtue (UNEP/CMS Secretariat)
- H. E. Edgar Gutiérrez (Minister of Environment and Energy, Costa Rica)
- Kryssia Brade (UNDP, Costa Rica, on behalf of the Head of Mission, Alice Harding Shakelford)
- Sarah Fowler (IUCN Shark Specialist Group, Save Our Seas Foundation)

Agenda Item 2 - Rules of Procedure

Agenda Item 2.1 - Provisional Rules of Procedure for Meetings of the Signatories of the CMS Sharks MOU

In the absence of Fernando Spina, who had served as Chair of the First Meeting of the Signatories (MOS1), Ms Virtue of the Secretariat presided over the meeting for the opening items of the agenda. She explained that in the absence of agreed Rules of Procedure, those used at MOS1 would continue to apply.

The representative of the European Union (EU) underlined that the EU would be working constructively in a spirit of cooperation to achieve the best results for shark conservation during the MOS. Concerning the Rules of Procedure, he indicated that the absence of provisions concerning voting in the provisional Rules of Procedure was an issue that should be addressed as a matter of priority, and therefore specific amendments had been proposed. The EU would, however, be prepared to proceed on the understanding that progress would be made towards finalizing the Rules of Procedure, building on the headway achieved at the previous day's informal working group.

The representative of the United States of America (USA) endorsed the position of the EU.

The provisional Rules of Procedure contained in CMS/Sharks/MOS2/Doc 2.1 were adopted pending conclusion of the discussion on permanent Rules.

Agenda Item 2.2 - Proposed Rules of Procedure for the Meeting of the Signatories to the CMS Sharks MOU

The Co-Chairs of the Intersessional Working Group (IWG), Jamie Rendell (UK) and Cheri McCarty (USA) joined the podium and introduced document CMS/Sharks/MOS2/Doc.2.2/Rev.1.

The main points in the draft Rules of Procedure where a decision was still required were highlighted. Consensus would be sought on the underlying principles and the attention of the meeting could focus on the details of the areas still unresolved. The principal issue occurred in the section on decision-making (Rule 14)[1] and whether the MOS should operate solely by consensus (Option 1) or whether voting should be introduced where consensus could not be reached for certain matters (Option 2). The areas where consensus should always be required were amendments to the MOU, amendments to the Annexes, the budget and possibly also the Rules of Procedure.

New Zealand, attending a MOS for the first time as a Signatory, thanked the Co-Chairs for their summary and expressed a preference for the second option on offer, which balanced efficiency in decision-making with the desire to operate by consensus avoiding votes if at all possible. New Zealand also agreed that core issues should only be decided by consensus.

The representatives of Australia and the EU agreed with New Zealand.

The observer from Norway also agreed and pointed out that in his experience of many different forums under CMS voting was exceptionally rare. He also suggested deleting the words *in exceptional cases* in connection with roll-call votes.

The representative of South Africa said that the Rules of Procedure should not be restrictive and would be able to accept voting on a wider range of issues but was aware that there was universal support for trying to operate by consensus as much as possible.

The representative of Colombia said that she preferred Option 1, as consensus was a powerful tool, but could accept Option 2 if the text were modified slightly by promoting sub paragraph 3) to the top.

The EU thought that the proposal made by South Africa was far more radical than the amendment that had been submitted.

Mr Rendell turned to the majority required for a vote to pass, the current draft specifying that a two-thirds majority of Signatories present would be necessary.

The EU stated that it was content with the proposal.

[1] the rule numbers cited in this section of the report are those from the draft Rules of Procedure contained in Annex 2 of CMS/Sharks/MOS2/Doc.2.2/Rev.1 and the subsequent Conference Room Papers and differ from the final version of the Rules adopted in part by MOS2

Turning to Rule 13 (Procedural motions) Mr Rendell said that the IWG suggested that a simple majority was sufficient for votes on appeals on points of order (Rule 13 (1). Rule 13 (2) dealt with the question of whether it should be possible to reopen Agenda Items after proposals had been accepted or rejected.

Observers were covered by various Rules, notably Rules 6 and 2(j) and 12. A balance needed to be struck between openness and ease of administration. It was proposed that observers should notify the Secretariat 75 days before the MOS of their intention to attend.

Colombia sought clarification of the rights of observers to take part in the decision-making process or votes. Mr Rendell said that observers would only be able to take part in the discussions.

Cooperating partners were covered by **Rule 5** and the EU amendment to the MOU. The question before the MOS was whether to retain the threshold for rejecting a partner at one third of the Signatories objecting.

The proposed **Rule 16** would establish **a Bureau** to review progress at the MOS and would consist of the Chair and Vice-Chair of the session and the Chair of the Advisory Committee plus the Chairs of Working Groups. The MOS should decide whether it wanted to establish a Bureau, and if so, what its composition should be.

There was a discussion about admitting observers to the Bureau, with some delegates suggesting that numbers attending should be kept to a minimum. New Zealand understood the idea of the Bureau to be a means of facilitating the smooth-running of the MOS, and thought that some of the proposals were bestowing more duties on the Bureau than necessary. It was agreed to delete references to the Bureau in **Rules 3** and **8** and restrict its duties to aiding the MOS Chair in managing sessions of the MOS.

Rule 11 concerned the **Quorum** and as drafted, it would require half of the Signatories to register for the MOS to be valid and for plenary sessions to proceed half of the registered delegations to be present and able to vote.

The representative of Chile suggested that the wording be changed to "50 per cent plus one". It was agreed in the end that the wording should refer to a "simple majority".

Colombia said that as decision-making by consensus was the guiding principle of the MOU, the reference to being "able to vote" should be deleted. It was agreed to change this to "participate in the decision-making process" and the retention of this reference was linked to delegates having valid credentials.

New Zealand was concerned that the quorum could be reached with delegations from just one region, so proposed additional wording requiring that at least three of the regions recognized by the MOU should be represented.

Rule 6 bis on **Media** was a late addition but was deemed to be important as the issue had been raised at the Advisory Committee. It was pointed out that Rule 3 (1) stated that sessions of the MOS would be held in public unless decided otherwise, but the question of how the Secretariat accredited media representatives should be addressed.

The observer from Norway suggested restricting media access at the discretion of the Chair, pointing out that the MOS was primarily the decision-making forum and an MEA rather than a media event.

New Zealand was generally in agreement with **Rule 7 on Credentials** as proposed but asked that the wording to be checked to ensure consistency.

The EU pointed out that in some paragraphs, the word "will" was used and in others "shall" and proposed some new wording for the footnotes relating to Regional Economic Integration Organizations.

The USA considered that the wording in Rule 7(2) describing the authorities that could issue Credentials was too prescriptive and restricted Signatories' sovereignty and suggested adding the words "or their designee".

Colombia questioned the reference to voting and taking part in the decision-making process in Rule 7(5) allowing Signatories to participate provisionally until such time as their Credentials were approved. Senegal and Togo both raised the issue of Signatories being allowed to participate in the meeting provisionally pending a decision of the Credentials Committee on the acceptability of the documentation. Togo asked what would happen to delegates whose credentials were not approved. Mr Rendell said that the delegation would still be allowed to attend the MOS and speak but not take part in any decision making.

Regarding the **Secretariat (Rule 8)** the word "interim" had been included in square brackets, and it was suggested that this could be deleted given that there were moves to confirm the CMS Secretariat as the permanent Secretariat of the MOU which would be discussed when Agenda Item 10 *Administrative and Budgetary Matters* was taken. The EU agreed with deleting the word and the USA confirmed its support for making the Secretariat arrangements permanent in the interests of stability.

The observer from Norway suggested that the deletion of "interim" should be referred to the CMS Secretariat for its opinion.

Revised draft Rules of Procedure were presented as CMS/Sharks/MOS2/Doc.2.2/Rev.1/CRP1 (further revisions were subsequently presented as CMS/Sharks/MOS2/Doc.2.2/Rev.1/CRP1.1 and CMS/Sharks/MOS2/Doc.2.2/Rev.1/CRP1/Rev.1).

Mr Rendell ran through the main changes contained in the revision. These were:

- the deletion of the word "Interim" to describe the Secretariat in Rule 2 (k), as the MOS was considering the status of the Secretariat and there were proposals to make permanent arrangements

- regarding the deadline for submission of documents, Rule 3(8) had been deleted, with the intention of ensuring some flexibility to allow the introduction of new material

- it was agreed to harmonize the wording of Rule 5 on the rights of cooperating partners to participate in discussions with that of the Terms of Reference for cooperating partners

New Zealand suggested drawing on the text of Rule 4 which dealt with restricting the number of seats for each delegation from Signatories when space was limited for an equivalent provisions for observers.

South Africa sought clarification of whether Rule 6 bis made provision for the media to be excluded from closed sessions of the MOS. It was pointed out that Rule 3(1) referred to sessions being open to the public unless otherwise decided. To avoid doubt as to whether "the public" included the media, it was agreed to refer simply to sessions being "closed".

Regarding Rule 11 on the quorum, an amendment had been made to the first paragraph addressing the concerns raised by New Zealand to ensure that several regions were represented. The third paragraph addressed treatment of REIOs, regarding which Chile questioned whether the wording was consistent with the requirements for accreditation of delegations. Australia sought clarification whether an REIO could vote on behalf of all of its members that were Signatories regardless of whether they were present at the meeting.

The EU said that the established practice was for the EU to be able to vote for all Members States that were Signatories or Parties regardless of whether they were present at the meeting.

The Secretariat confirmed that similar wording was used in the CMS Rules of Procedure concerning voting but not in the Rules relating to quorums. The current draft would mean that member states of REIOs would not need to be present when calculating the quorum.

Mr Rendell pointed out a discrepancy where one paragraph referred to Signatories having to be present, and the paragraph concerning REIOs which implied that they did not.

Colombia felt that paragraphs 1 and 2 were essentially covering the same point in different wording and Senegal raised concerns that the MOS would not be able to start its work until the Credentials Committee had established that sufficient Signatories were present. Mr Rendell said that two separate circumstances required a quorum: one being the MOS where a majority of the Signatories would have to be registered and the other sessions of the MOS requiring half of the accredited delegations to be present. In response to a question from Togo, Mr Rendell said that in the event of a session becoming inquorate, business would be suspended until such time as the number of delegates present reached the required level, rather than abandoned.
For Rule 13 on procedural motions, it was agreed that a simple majority would suffice for votes on appeals against rulings by the Chair.

Rule 14 being the most contentious area, as it concerned the business that would be subject to voting, was held over.

The USA announced that legal advice had been received indicating that the Rule of Procedure contained wording that was binding in nature and that as a result a blanket provision should be added to the start of the document. A third paragraph was added to Rule 1 with the wording "Considering the non-binding nature of the underlying MOU, the Signatories agree that the Rules of Procedure do not create any legally binding commitments". After internal consultations, the EU said that it could accept this addition. Australia, Chile, Colombia, Costa Rica, Kenya, New Zealand, Palau, Samoa, Senegal and USA also supported its inclusion.

Returning to the Plenary on the fourth day of the meeting, the Co-Chairs recapitulated the areas where agreement had been reached and which areas still needed to be resolved, the first of which was the issue of quorums.

The EU said that the question about how the EU and its Member States contributed to the quorum had not been raised in the context of the MOU before, and rather than reinvent the wheel, the examples of other MEAs had been examined, in particular the Raptors MOU. The Rules of Procedure of the Raptors MOU also provided for voting (requiring a two-thirds majority) although decision by consensus was preferred. The EU had therefore based its proposed wording on the Rules of Procedure of the Raptors MOU, adapted to reflect the requirement for wider regional representation and the restricted use of votes.

The USA raised the issue of how paragraph 4 on voting applied to REIOs, questioning whether the EU would be allowed to cast votes on behalf of its Member States that were Signatories regardless of whether they were present at the meeting and accordingly proposed additional wording in Rule 4.

The USA questioned whether precedents from other MEAs were relevant to the Sharks MOU, reminding the meeting that the USA was not Party to the parent Convention and was not bound by it.

The initial reaction of delegations was supportive, but Colombia reserved its position until a written translation of the proposal was available.

South Africa presented its proposals for Rule 14 (Decision making) as set out in conference room paper CMS/Sharks/MOS2/Doc.2.2/Rev.1/CRP1.1 in which the merits of introducing a degree of flexibility were highlighted, a position that South Africa had voiced throughout the existence of the Intersessional Working Group. South Africa welcomed the proposed amendments put forward by the EU and stressed the importance of ensuring that the text of the MOU and the Rules of Procedure were compatible.

Australia said that it was creditable that CMS operated through consensus and avoided taking votes and such a spirit should also guide the MOU. However, as the conservation of sharks and rays meant that the MOU was operating in controversial territory, there was a possibility that a single Signatory could effectively veto changes to the list of species covered and therefore Australia favoured extending voting to amendments to Annex 1.

The EU reported that it had received legal advice concerning the question of whether "should" should be used instead of "shall". Given the non-binding nature of the MOU, "should" was the

appropriate terminology. Germany stressed that irrespective of the language used, the Rules of Procedure would have to be considered binding on the Signatories for how they conducted the meeting, the non-binding nature of the MOU was not relevant. Germany added that given the small donor base of the MOU, consensus should be retained for decisions on the budget.

Colombia pointed out that consensus had soon been reached at the Meeting on the substantive issue of adding 22 species to the Annex, because the scientific case had been well made. Some flexibility was, however, desirable and certain issues could be made subject to voting where necessary. New Zealand also stressed that it was desirable to maintain the cooperative spirit in which the decision on adding the species to Annex 1 had been reached.

The observer from Deepwave, speaking on behalf of a number of other NGOs, agreed that decision making by consensus was ideal but pointed out that CITES would not have added any shark species to its Appendices had it operated in that way.

Regarding the Bureau, South Africa asked whether the chairs of regional working groups would also be represented. Mr Rendell was not aware of there being any regional working groups, and the regional coordination group of the EU had been established by the Signatories from the EU themselves not through the MOU. The representative of UNEP confirmed that only working groups established by the Plenary of the MOS would be eligible to attend the Bureau. South Africa saw merit in having some regional representation on the Bureau to ensure that decisions were disseminated and that regional concerns were heard.

Returning to the question of the quorum, the USA sought clarification of whether the member states of an REIO needed to be present, or whether for example the EU could claim to represent all of its member states that were Signatories. Important was the inclusion or not of the additional wording "present and eligible to vote". The USA felt that it was important that as was the case with Rule 14(4) on decision making, Signatories should be present, and sought confirmation that this view was shared by other Signatories and that the rule would be so interpreted.

The Chair recapitulated that so far consensus had not been reached on the decision making process and the options being presented excluded voting on amendments to the MOU and to the Annexes, the budget and the Rules of Procedure.

The USA, Chile and Costa Rica preferred the first option, with the Rules of Procedure being added to the areas that would require consensus.

Colombia also supported the first option but with the Rules of Procedure being subject to voting if necessary.

Togo, the UAE and Senegal also supported the first option. Senegal reminded the meeting that the Intersessional Working Group had spent a great deal of time working on drafts and as the species that were the subject of a shared resource, the Signatories should seek to work on the basis of consensus. The MOU as original agreed and as most Signatories had signed it foresaw decision making by consensus. The idea of introducing voting was a later addition.

The EU supported the second option and asked why other Signatories felt that the Rules of Procedure needed to be agreed by consensus. South Africa welcomed the fact that the EU was posing fundamental questions about the operation of the MOU. The EU pointed to paragraph

33 of the MOU requiring consensus and paragraph 21 which stated that the Rules of Procedure should not be unduly restrictive.

A number of delegations, including Australia, Costa Rica, Germany, New Zealand and the UAE said that they would be prepared to accept voting on the Rules of Procedure. The USA however pointed out that the Rules of Procedure had been the subject of intense discussion during the intersessional period and had been identified as a fundamental concern.

Those countries that had earlier indicated support for Option 1 including the Rules of Procedure were asked whether they were willing or able to accept their exclusion. Chile said that it would be necessary to consult, Palau was prepared to change its position while Senegal stood by the principle that the Rules of Procedure were too fundamental.

The EU reported back on bilateral discussions that it had held with the USA over the treatment of REIOs with regard to voting, explaining that the EU and its 28 Member States had developed elaborate rules over the years and it was therefore difficult to unravel them or even remove a single word of what had been agreed. The EU was also not clear why the USA, which was not an REIO, was so concerned with the issue. Under EU legislation, competence rested either with the Member States, with the EU or was shared. Depending on the issue, the EU cast its votes *en bloc* or, as Germany pointed out, in areas where the EU did not have competence, the Member States could vote independently. The EU had also listed some international instruments in which USA had accepted the provisions proposed here for the REIOs.

The USA reiterated its concerns over a process, which would, if it had been correctly understood, mean that the EU could vote on behalf of its Member States that were Signatories even if the individual countries were not attending the meeting. The USA also reiterated that each MOU concluded under CMS was a separate instrument and the Signatories of each could establish their own Rules of Procedure. The Rules of Procedure were a fundamental issue for the USA as the principle that species included on the CMS Appendices should not be automatically listed on the MOU Annex.

A number of delegations, including Germany, the Netherlands, Sweden and the UK and the observer from Portugal expressed support of the position of the EU. South Africa saw no reason not to adopt similar procedures that had been accepted in other forums. The USA however said that it was unable to change its position.

Following a further round of bilateral discussions, the USA reported that despite their best efforts, the EU and the USA had been unable to resolve their differences regarding the issue of the quorum. With regard to decision making, the EU was prepared to accept the view of the USA regarding the Rules of Procedure, which would have to be agreed by consensus but agreement had not been reached on the rights of REIOs to vote on behalf of their Member States, regardless of whether they were present at the meeting.

It was therefore agreed that the text that was still to be agreed should be placed in square brackets, while the remaining 19 Rules could be adopted.

The Rules of Procedure as agreed by the MOS can be found in CMS/Sharks/Outcome 2.4. Consensus was not reached on the issues of the quorum (what is now Rule 12) and decision making (now Rule 15), the text of both of which remains bracketed.

Agenda Item 3 - Election of Officers

The EU and its Member States nominated Mr Fernando Mora Rodríguez (Vice Minister for Environment and Energy of Costa Rica) as Chair of the Meeting, seconded by Australia and Costa Rica.

Costa Rica nominated Mr. Scott Gallager (Head of delegation of New Zealand) as Vice Chair of the Meeting, seconded by the EU.

Mr Mora Rodríguez took his place on the podium and assumed the Chair, thanking the meeting for the confidence it had shown in him.

Agenda Item 4 - Agenda and Schedule

The Secretariat introduced documents CMS/Sharks/MOS2/Doc 4.1 the Provisional Agenda and List of Documents and CMS/Sharks/MOS2/Doc 4.2, the Provisional Annotated Agenda and Meeting Schedule, and highlighted a number of documents that had been subject to revisions; these were the Rules of Procedure for the MOS (CMS/Sharks/MOS2/Doc 2.2), the admission of observers (CMS/Sharks/MOS2/Doc6.1 Annex 2) and the recommendations of the Advisory Committee (CMS/Sharks/MOS2/Doc13.2).

Agenda Item 4.1 - Provisional Agenda and List of Documents

The Provisional Agenda and List of Documents were adopted.

Agenda Item 4.2 - Provisional Annotated Agenda and Meeting Schedule

The Provisional Annotated Agenda and Meeting Schedule were also adopted.

Agenda Item 5 - Credentials Committee

Upon the invitation of the Chair the following members were nominated for the Credentials Committee by each region in accordance with Rule 19 of the Rules of Procedure.

Africa: Ghana

North America: USA

Europe: United Kingdom (UK)

Oceania: Australia

South, Central America and the Caribbean: Costa Rica

Asia: United Arab Emirates (UAE)

Australia took the role of the Chair.

Reports of the Credentials Committee

In the absence of agreed Rules of Procedure, some Signatories had followed those provisionally adopted at MOS1. It had been agreed that provided that the authority signing the credentials for MOS2 was the same as the one that had signed them for MOS1, the credentials would be accepted. Signatories that had not provided acceptable credentials would be allowed to participate on the understanding that correct documentation would be submitted to the Secretariat within a month of the conclusion of the Meeting.

Of the 24 Signatories present, all had submitted credentials that had been approved. However, those of the UK and South Africa were copies and those of the Netherlands were provisionally accepted pending confirmation that the authority signing them was the same as that for MOS1.

Agenda Item 6 - Admission of Observers

The Secretariat presented Document CMS/Sharks/MOS2/Doc.6.1/Annex/Rev.2, a list of observers registered for the meeting.

Paragraphs 22 and 23 of the Memorandum of Understanding provided guidance on entities that could be admitted as observers and these were: "any State not a Signatory to the Memorandum of Understanding, the United Nations, any specialized Agency of the United Nations, any Regional Economic Integration Organization (REIO), and any secretariat of relevant international conventions and other instruments, particularly those concerned with the conservation and management of marine living resources or conservation and management of sharks" (paragraph 22) and "any relevant scientific, environmental, cultural, fisheries or technical body concerned with the conservation and management of marine living resources or the conservation and management of sharks" (paragraph 23).

There being no comments from the floor, all observers on the list, representing twelve non-Signatory Range States, five IGOs and thirty-four NGOs and universities were admitted to the meeting.

Agenda Item 7 – Reports

Agenda Item 7.1 - Report of the Secretariat

The Secretariat presented its report (document CMS/Sharks/MOS2/Doc.7.1/Rev.1).

The team supporting the MOU comprised Melanie Virtue, the Head of the Aquatic Species Team, Andrea Pauly, Assistant Programme Officer, Tine Lindberg-Roncari, Meetings Services Assistant and Eva Meyers, a Consultant.

The MOU was growing and now had 39 signatories, 14 of which had signed it since the first Meeting of the Signatories, with New Zealand being the most recent. Several countries from the Middle East had signed, and the regions where numbers were lower were South-East Asia and the Americas. Moreover, of the 39 Signatories, only 34 had nominated a Focal Point, and the remaining five were requested to do so as soon as possible.

The Secretariat had provided support to the Advisory Committee. An online workspace had been set up, but members preferred to use email to communicate. A desk study had been commissioned from Mr David Ebert on the conservation priorities for the shark and ray species included or proposed for inclusion in Annex 1 (see CMS/Shark/MOS2/Inf. 12).

The Secretariat had assisted the Advisory Committee with designing the reporting format, the review of criteria for listing species, re-prioritizing the actions contained in the Conservation Plan, conducting a survey amongst potential cooperating partners and the organization of both the first meeting of the Advisory Committee and the Working Group dealing with the Rules of Procedure, which had taken place just before the MOS. Preparation for the MOS including the drafting of the documents had also been a major task.

The Secretariat had also undertaken fundraising efforts to support conservation projects and attendance at meetings. Two research projects had been supported through the CMS Small Grants Programme, which was funded by UNEP, one dealing with Great White Sharks in the Gulf of Gabès and one dealing with Manta Rays around the Galapagos and South American mainland. Monaco had made a voluntary contribution towards awareness-raising activities in Palau.

Training workshops had been organized in conjunction with IFAW in Yemen, Egypt and the UAE. These workshops were thought to have been a significant factor in persuading nine countries in the region to sign the MOU.

Two experts, Mr John Carlson and Ms Rima Jabado, had been sent to a workshop of the Indian Ocean Tuna Commission (IOTC) on observer schemes in Oman in October 2015. An identification guide for sharks of the Arabian Seas, which was funded by the German government in 2015, and produced in English and Arabic, was used on this occasion in trainings on species identification.

In order to formalize the future cooperation between CMS and IOTC, a draft MOU was being prepared on the CMS Convention level. Contracting Parties of the IOTC, however, had reservations about extending the MOU to include sharks and rays. The document was presented as CMS/Sharks/MOS2/Inf.16.

Working with the Joint CMS/AEWA Communications Team a number of fact sheets and media articles had been produced and announcements and posts made on social media. The Conference Services, Administration and Fund management and Fundraising teams in the CMS Secretariat were also providing considerable support. Sharks also featured strongly at the CMS COP in Quito in 2014, with 22 species added to the Appendices and the adoption of Resolution 11.20 on the conservation of migratory sharks and rays. COP11 had also adopted the Strategic Plan for Migratory Species, which was aimed at CMS, the CMS Family and beyond. The Signatories to the MOU were invited to consider aligning their strategy to it and providing sub-targets.

The Secretariat was working closely with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and was seeking to find synergies with the FAO and fisheries organizations.

With regard to the MOU with IOTC, the EU asked that Signatories be consulted in the early stages of negotiation of such initiatives.

The Secretariat's report was noted.

Agenda Item 7.2 - Report of Signatories and Cooperating Partners

Signatories and Cooperating Partners were invited to inform the meeting of any new developments or highlights, not included in their national reports.

The representative of Germany announced that a side event would be taking place concerning research on sharks in the North and Baltic Seas.

The Human Society International (HSI) USA said that both it and its Australian sister organization, which was also attending MOS2, were working closely with CMS and the MOU as well as with ASCOBANS and ACAP and a formal report of their activities would be submitted to the Secretariat.

Agenda Item 7.3 - Report of the Advisory Committee

Mr John Carlson (Chair, Advisory Committee) reported on activities of the Advisory Committee (AC) during the past triennium (CMS/Sharks/MOS2/Doc 7.3).

The AC had been established at MOS1 and eight regional members had been appointed, with two members from the Asia region still missing, whose nominations were expected during the course of MOS2.

The first face-to-face meeting of the Advisory Committee had taken place 12-13 February 2016 when the members had been joined by various experts and observers. The Committee's assessment of species listing proposals had been reviewed along with the criteria for adding species to Annex I (although no definitive decision was reached on the criteria so this would be addressed in the next intersessional period) and the prioritization of actions contained in the Conservation Plan. It had been agreed to suggest to Signatories to establish only one Working Group under the guidance of the Committee rather than separate ones for species and bycatch. Terms of Reference for a Conservation Working Group were developed.

The dedicated workspace set up on the website had not proved popular with the members of the Advisory Committee who preferred to communicate using conventional email.

The recommendations arising from the first meeting of the Advisory Committee were contained in CMS/Sharks/MOS2/Doc.13.2. The Annexes to this document included revised texts of a number of meetings documents:

- Annex 1: additional information provided by Advisory Committee Members and Invited Experts on the Annexes of document CMS/Sharks/MOS2/Doc 8.2.10;
- Annex 2: Conservation Plan (with amendments proposed to CMS/Sharks/MOS2/Doc.8.3.1.rev 1);
- Annex 3: Draft Programme of Work (with amendments proposed to CMS/Sharks/MOS2/Doc.9.1);

- Annex 4: Terms of Reference of the Conservation Working Group;
- Annex 5: Key elements to be retained regarding National Reporting; and
- Annex 6: Terms of Reference of the Advisory Committee, and these would be examined in closer detail throughout the meeting.

Agenda Item 7.4 - Report of the Intersessional Working Group

The Co-Chairs of the Intersessional Working Group (IWG), Jamie Rendell (UK) and Cheri McCarty (USA) were invited to report on its deliberations.

Ms McCarty pointed out that no agreement had been reached at MOS1 regarding the ROP for the MOS or the procedure for accepting cooperating partners. The IWG had been set up to resolve these issues and a number of Signatories had participated in its work, communicating by email. A first draft of the Rules of Procedure was circulated in December 2014 and a revision followed in the spring of 2015. An informal meeting had been held on 14 February 2016 attended by Australia, Comoros, Costa Rica, the EU, Germany, Italy, the Netherlands, Sweden, the UK and the USA.

Regarding the Rules of Procedure, both the original document submitted to the MOS and the subsequent revision (CMS/Sharks/MOS2/Doc 2.1 ad Rev.1) would be discussed in detail later in the meeting. The draft Rules of Procedure should be read in conjunction with the proposal from the EU to amend the MOU.

Regarding the acceptance of cooperating partners, a survey of organizations likely to be interested in applying had been undertaken (see CMS/Sharks/MOS2/Inf.6). It was agreed that many benefits could accrue to the MOU through the involvement of cooperating partners. Draft Terms of Reference for cooperating partners were contained in CMS/Sharks/MOS2/Doc.11.1.

Agenda Item 7.5 - Report of Observers

The Secretariat said that it would post any reports from observers to the MOS webpage. The Chair opened the floor to any observers wishing to make brief oral statements.

The observer from Portugal said that his country, like Costa Rica, had a small terrestrial surface but extensive maritime areas under its jurisdiction. Portugal intended to sign the MOU during the course of MOS2.

The observer from Norway reaffirmed his country's interest in signing the MOU. He recalled a resolution on fisheries passed by the UN General Assembly which called upon all Range States to sign the MOU.

Agenda Item 8 - Proposals to Amend the MOU including its Annexes

Agenda Item 8.1 - Proposals for the Amendment of the CMS Sharks MOU

Introducing CMS/Sharks/MOS2/Doc.8.1.1/Rev 1 and Annex I, the representative of the EU reminded delegates that Paragraph 18 in Section 6 of the MOU stated that the decision-making

procedure for the MOS was based on consensus. The Rules of Procedure were consistent with that, so did not include provisions for voting. The EU, however, saw the need for greater flexibility to facilitate the work of the MOS and had therefore proposed introducing voting for certain aspects, but these would not include amendments to the MOU or its Annexes. It was emphasized that wherever possible, consensus should remain the basis for decision-making for the MOU.

The parallel provisions in the draft Rules of Procedure would be dealt with under Agenda Item 2.2, "Proposed Rules of Procedure for the Meetings of the Signatories to the CMS Sharks MOU", and they had been discussed at length at the informal working group which had preceded the MOS.

South Africa welcomed the amendment proposed by the EU, agreeing that the additional flexibility would contribute to easing the work of the MOS.

Australia also supported EU and reaffirmed the desire that every effort should be made to secure consensus before resorting to a vote.

The USA also supported the EU but stressed that the MOU and the Annexes should only be changed by consensus.

Chile agreed that priority should be given to achieving consensus and it had to be clear on which issues and in what circumstances votes would be taken.

New Zealand also supported the proposal and favoured having clear Rules of Procedure that should be adopted as soon as possible so that the MOS could concentrate on conservation issues. New Zealand felt that matters of great substance should be agreed by consensus, but voting could be adopted for lesser matters where consensus was not reached.

As there appeared to be consensus, it was agreed to return to making a decision on this item after the Credentials Committee had reported. The Secretariat suggested that some fears might be allayed after the discussion had turned to the Rules of Procedure (Agenda Item 2.2).

Regarding cooperating partners, the representative of the EU referred to Paragraph 30 in Section 10 of the MOU which dealt with this issue. While it did define the role of cooperating partners, the MOU was silent on how they were to be selected by the Signatories, and therefore the EU was proposing an amendment introducing a process by which Signatories could vet candidate organizations before deciding whether to accept them. This amendment had some bearing on the Rules of Procedure (see agenda item 2.1).

On the budget, the EU said that one of the challenges faced by the MOU as a legally non-binding instrument was the lack of a secure financial basis as it depended on voluntary contributions. In the 2013-2015 triennium, the Trust Fund had received half of the amount expected. The EU was therefore proposing an amendment to Paragraph 15 in Section 5 of the MOU by adding a new sub-paragraph exhorting Signatories to make regular voluntary contributions, which might add weight to efforts to persuade finance departments to make payments.

The USA shared the EU's concerns at the MOU's precarious financial foundation, and along with Australia supported the EU's proposed amendment.

The Chair called for further comments, of which there were none, and declared that consensus had been reached. The amendment would be put to the Signatories for a decision as soon as the report of the Credentials Committee had been heard.

The EU commented that the Advisory Committee had struggled because of insufficient guidance and too few resources to be able to cover its full range of tasks. In these circumstances, the Advisory Committee was to be commended for all that it had achieved. In view of the economic climate, imaginative solutions were required and one answer might be to reduce the scope of the Advisory Committee's duties so that attention could be concentrated on the priorities defined by the MOS.

The EU therefore proposed an amendment to Section 7 Paragraph 24 of the MOU so that it would read "The tasks of the Advisory Committee will be defined by the MOS and should include:" (new text shown underlined).

The EU also proposed opening the Advisory Committee's membership by allowing each Signatory to appoint a representative, although care should be taken to ensure regional balance. The aim was to provide the Advisory Committee with greater capacities so that it could deliver the advice that the MOU needed.

The USA agreed with the sentiment behind the proposals, but had concerns about the financial implications, given that the travel costs of the Advisory Committee members were met from the MOU budget.

The EU did not think that its proposal would have adverse effects on the budget, as many Signatories would fund their own representatives. Only representatives on the Advisory Committee from eligible countries would be funded, and therefore resources would actually be freed for other uses.

New Zealand, although generally comfortable with the EU's proposals, said that it was concerned as the question of regional balance was important that the reference to Annex II, which defined the regions recognized under the MOU, was being discarded.

The observer from Norway, noting that the current membership of the Advisory Committee was set at ten, asked about the status of observers.

The Secretariat confirmed that under the EU's proposal Annex II of the MOU would be redundant and further commented that if the amendment were accepted, the MOU would be going in a diametrically opposite direction to CMS, which had just set up a Sessional Committee of its Scientific Council, having found that the Council was unwieldy and expensive with universal membership.

The EU agreed that Annex II would no longer be required if the model for the Advisory Committee being proposed was adopted. The EU reiterated its view that it felt that the current model was not entirely appropriate, and not having heard outright opposition to the direction being proposed, undertook to provide a revised proposal taking into account the comments made by other delegations.

New Zealand stated that it would welcome a revised draft stressing that Signatories should be encouraged to engage and not be deterred by the cost of doing so.

Colombia sought reassurance that the system would ensure that all regions could participate and pointed out that there would be knock-on effects to the Advisory Committee's Terms of Reference.

The representative of Senegal said that he shared New Zealand's concerns and also sought reassurance that the EU's proposals would not have a negative impact on the budget given that resources were scarce.

The Secretariat confirmed that the Terms of Reference of the Advisory Committee would have to be revisited to ensure consistency with any related changes agreed to the MOU.

The amendments to the MOU text agreed at the meeting can be found in CMS/Sharks/Outcome/2.1.

Agenda Item 8.2 – Annex I to the MOU

The Chair called upon Mr John Carlson, the Chair of the Advisory Committee to introduce the proposals to amend Annex 1 of the MOU.

Mr Carlson said that paragraph 20 of the MOU dealt with amendments to the Annexes. It had been agreed that the MOS should consider adding any species that had been included on the Appendices of CMS at COP11. CMS Parties had added a further 22 shark and ray species to Appendix I and/or II of the Convention.

The supporting documentation submitted to the CMS COP had been circulated to the Advisory Committee which had subsequently agreed that all met the criteria for inclusion of Annex 1 of the MOU. The advice of the Advisory Committee to the MOS was therefore that five species of sawfish, the Reef and Giant Manta Rays, nine species of Mobula, the Silky Shark, the Great and Scalloped Hammerhead Sharks and three species of Thresher Sharks, 22 species in total, should be added to Annex 1 of the MOU (see CMS/Sharks/MOS2/Doc 8.2.10).

When the Chair sought comments from the floor, the representatives from Australia, Colombia, Costa Rica, the EU, Guinea, Kenya, Mauritania New Zealand, Palau, Samoa, Senegal, Sudan, Togo and the UAE, all expressed their support for the addition of all species proposed. Appreciation was also expressed to the Advisory Committee for its work in processing the proposals.

The representative of the USA, in expressing her country's support, stated that the USA had introduced management measures for the Thresher Shark fishery on the West Coast as a result of declining stocks. Regulations had established pupping zones and thresholds for catch, and stocks had recovered, demonstrating that timely action could be effective.

The observer from Sri Lanka said that his country, although not a Signatory to the MOU, supported the listing and brought the meeting's attention to the fact that there were proposals relating to sharks at the forthcoming CITES. He called upon CMS Parties to vote in favour of the changes.

The observer from the Pew Charitable Trusts pointed out that Silky Sharks had declined by 80 per cent and Thresher Sharks by 83 per cent and all were migratory. He welcomed the fact that the Signatories to the MOU were following the Parties to CMS by listing the species.

The observers from Project Aware, speaking on behalf of a number of other NGOs and the Manta Trust and WWF (also speaking on behalf of TRAFFIC) all supported the additions. Attention was drawn to CMS/Sharks/MOS2/Inf.20 in which several NGOs were calling for the implementation of the strict protection required for Appendix I listed species and for the end of the practice of finning.

The observer from SPREP added her appreciation to the Parties of CMS and the Signatories to the MOU.

As consensus had clearly been reached, the Chair declared that all of the amendments were adopted**.**

The revised list of species included on Annex 1 of the MOU can be found in CMS/Sharks/Outcome 2.2 Amendments to Annex 1 of the Sharks MOU: Species Covered by this MOU and their Ranges.

8.2.10 Assessment of Proposals for the Inclusion of Species in Annex I of the Sharks MOU

Mr John Carlson, the Chair of the Advisory Committee, introduced this item and the recommendations of the Advisory Committee under the previous Agenda item 8.2.

8.3 Annex III to the MOU

8.3.1 Proposal for the Amendment of Annex III to the MOU

The MOS was invited to examine the last three columns of the Conservation Plan, these being headed "Priority", "Time frame" and "Responsible entity". The draft had been circulated to Signatories earlier and no comments had been received. The Advisory Committee had also examined the document, and the Secretariat suggested that its Chair, Mr John Carlson, be asked to run through the Committee's recommendations.

Mr Carlson commented that as many of the listed species had a different conservation status and the same was true for different populations of the same species, more radical amendment of the Conservation Plan should be considered to take account of species- or population-specific needs. Equally, pelagic and coastal species faced different threats.

The representative of the EU sought clarification of the implications of the Advisory Committee's observations and suggested that the Advisory Committee undertakes a fundamental review of the Conservation Plan over the coming three years. The EU added that a report published by TRAFFIC, quantifying the risk posed to sharks stocks from overexploitation, could be used as a basis for the work of the Advisory Committee in prioritising and assessing vulnerable shark species.

The Secretariat pointed out that the Programme of Work was still open for revision before it was adopted and that this might provide an appropriate vehicle for adjusting priorities.

The EU also thought that the highest priority should be accorded to all of the activities listed under Objective A of the Conservation Plan. This proposal was supported by the USA and New Zealand, although Mr Carlson recalled that the Advisory Committee had deliberately chosen to use the full range of scores, not wishing to allocate too many of the highest score of 5.

There being no further comments, the Chair declared that the revised Conservation Plan had been adopted.

The revised Conservation Plan can be found in CMS/Sharks/Outcome 2.3 Amendments to Annex 3 of the Sharks MOU: Conservation Plan

Agenda Item 9 - Programme of Work

Agenda Item 9.1 - Draft Programme of Work (2016-2018) to support the implementation of the CMS Sharks MOU

The Secretariat reported that the Advisory Committee had reviewed the Programme of Work and a revised text was contained in CMS/Sharks/MOS2/Doc.13.2 Annex III. Progress had been made concerning procedures for accepting cooperative partners and it was being recommended that a single Conservation Working Group be established (rather than separate ones for bycatch and species as originally proposed).

The main elements of the Programme of Work reflected key activities identified in Objective A of the Conservation Plan, and including capacity-building and outreach and cooperation with other organizations (e.g. the Food and Agriculture Organization (FAO), CITES, RFMOs and Regional Seas Conventions and Action Plans (RSCAPs)).

Finance was another fundamental question (see also CMS/Sharks/MOS2/Doc.10.1) and the right-hand column of the Programme of Work contained details of how activities would be funded, e.g. through the core budget or voluntary contributions. The Secretariat would only be able to progress work when the requisite resources were available.

After the Secretariat's presentation, the Chair opened the floor for comments and questions from the Signatories.

New Zealand thanked the Secretariat for having prepared the draft Programme of Work, which demonstrated clearly the amount of effort that would be required to achieve the aims of the MOU.

Costa Rica declared itself to be content with the draft, which could serve to help support research activities.

Australia thanked the Secretariat and the other members of the Advisory Committee, agreeing that the Programme of Work was ambitious, which therefore necessitated careful consideration of priorities and where to deploy limited resources.

The EU agreed but felt that it was right to be ambitious given the wide range of tasks facing the MOU.

It was agreed to run through the text adding descriptions and further text explaining species-specific priorities.

The term "Bycatch" needed to be clarified. However, some comments from the floor suggested that there was an adequate and wide definition, and no further time should be spent on this issue.

Clarification was sought on point 1(f) on providing guidelines for those attending FAO, RFMO or RSCAP meetings on the implementation of the MOU Annex 1 listings, and in particular the reference in parenthesis to CMS listings and CMS Parties. The Secretariat explained that it had been requested to provide briefing on issues relevant to the MOU for representatives of Signatories attending fisheries-related meetings.

Australia, which had chaired the drafting group at the Advisory Committee, confirmed that this was the intention, adding that activity 1 (g) covered similar ground.

The EU welcomed the idea of support being offered to Signatories in relation to developing fisheries legislation, but thought that the amount and difficulty of the work that would be involved would be too much given the limited resources. As no other Signatory objected, this activity was deleted.

With regard to activity 27, the EU suggested that the MOU needed its own distinct website and should have a distinct email address, citing ACAP as an example that might be followed. At present the MOU was rather submerged within CMS, only having its own pages within the CMS Family website, so some reshaping should be done.

It was essential that the MOU attract more Signatories particularly from countries with shark fisheries, some of which were not Parties to CMS either. The connection to the parent CMS, although generally extremely helpful, might be a deterrent in some circumstances.

The Secretariat welcomed the interesting suggestions, but recalled that the Parties at the CMS COP made clear calls for greater synergies across the CMS Family, and some of the EU's suggestions seemed to indicate moves in the opposite direction. Following the Future Shape process for the CMS Family, it would be difficult to divorce the MOU from CMS, and this in any case was unlikely to attract new Signatories. The MOU could still maintain its own identity while being part of the CMS Family.

New Zealand would welcome exploring better ways to use social media but asked what the budgetary implications would be. It was noted that the Secretariat was using an impressive variety of media platforms to spread its messages.

Signatories agreed to establish an intersessional working group (IWG) that would develop a Communication and Awareness Raising Strategy and would report back to MOS3.

The IWG was established on the fifth day of the Meeting with Australia, Colombia, Costa Rica, the EU, Germany, New Zealand, Senegal, South Africa, the UK and the USA among the Signatories and the Humane Society International from the cooperating partners who volunteered to serve on it. Australia and Colombia offered to serve as Co-Chairs.

Regarding the list of experts (activity 48), the EU sought clarification whether it would be possible for any Signatory to make nominations.

The observer from the FAO gave an update on developments concerning a database on measures relating to sharks which was being developed by the FAO and CITES with funding from the EU and Japan as part of the "Blue Growth" initiative.

The Programme of Work as adopted by the MOS can be found in CMS/Sharks/Outcome 2.6

Agenda Item 9.2 - Conservation priorities for shark and ray species included and proposed for inclusion in Annex I of the Sharks MOU

The Chair invited Mr John Carlson to introduce this item.

A desk study had been commissioned from Mr David Ebert, who had presented it at the Advisory Committee immediately before the MOS, and in whose absence Mr Carlson outlined the main features of the report, Study on Conservation Priorities for Shark and Ray Species included and proposed for inclusion in Annex 1 to the Sharks MOU (CMS/Sharks/MOS2/Inf.12) which had highlighted some common themes: lack of data, taxonomic issues, identification guides, old stock assessments, data on populations and sub-populations and the identification of key habitats.

Mr Carlson asked that Signatories use the study as a guide when setting priorities.

There were no comments from the floor and the meeting duly noted the report

Agenda Item 10 - Administrative and Budgetary Matters

Agenda Item 10.2 - Report on the Implementation of the Budget for the Triennium 2013-2015

Ms Pauly (Secretariat) introduced the report on the implementation of the budget for the previous triennium on behalf of the Secretariat, explaining that the duration of the budget had been extended so that it could cover the MOS, which was taking place in 2016 rather than 2015 as originally planned.

The agreed budget for 2013-2015 had amounted to €1,045,000, but only €600,000 had been received. A further €60,000 had been received from the EU to help meet the cost of the MOS but these funds had arrived after the preparation of the documentation for the meeting.

Expenditure had amounted to €750,000 using €500,000 from the Trust Fund, the difference being made up from funds from external sources. The CMS Secretariat had provided in-kind support.

Annex 1 listed the countries that had made voluntary contributions and showed a shortfall of 50 per cent in revenue.

Germany had also funded a full-time P2 staff member for two years and some other activities. The EU and Monaco had also given support to extra-budgetary activities.

Because of the insecurities of funding, the need to build a 15 per cent reserve and fund some activities under the MOS, the Assistant Programme Officer post had been maintained as a P2 rather than a P3 and the part-time G5 assistant post had been left vacant. A consultant had been engaged during times with peak workloads and in particular in the run-up to the MOS.

The table in Annex 2 showed how much money had been spent against each of the budget lines.

Annex 3 indicated that the balance of the Trust Fund at the end of 2015 was US$552,000[2] and it was forecast that the balance after payment of the costs of the MOS would be in the vicinity of €250 000.

It was explained that UNEP had adopted a new financial system known as Umoja, which had a different set of budget categories, so the Secretariat would have to devise ways of presenting budget information transparently.

The Signatories were invited to comment on the report.

Agenda Item 10.1 - Proposed Budget for the Sharks MOU Secretariat

The Chair invited the Secretariat to present the proposals for the budget for the triennium 2016-2018, which were set out in CMS/Sharks/MOS2/Doc.10.1/Rev.1.

The aim was to provide the Secretariat with sustainable and sufficient resources so that the Programme of Work (CMS/Sharks/MOS2/Doc 13.2 Annex 3) could be implemented. Two scenarios had been prepared, one proposing an increase of 9 per cent to allow a reasonable delivery of the activities foreseen and one involving a decrease in the budget of 20 per cent to reflect the reality of the level of contributions received in the 2013-2015 triennium.

Both options contained a full-time P staff member and a part-time G staff assistant dedicated to the Sharks MOU to reduce dependency on the parent Convention's Secretariat. Both scenarios made provision for MOS3 and the second meeting of the Advisory Committee; the second scenario included provisions for the third meeting of the Advisory Committee. Scenario 1 included some funds for activities and two meetings of the Conservation Working Group.

The table in Annex 1 allowed easy comparison of the two scenarios against the actual budget adopted at MOS1 for the 2013-2015 triennium, highlighting which budget lines had been increased, reduced or added. €500 000 was foreseen for staff (down 11 per cent because of a new standard costs system more closely reflecting the reality in Bonn) and an element for staff

[2] Although, the budget and reports on expenditures of the budget are in Euros, the official UNEP statement on the Status of the Trust Fund is being provided in USD

training as required by UN rules. Assessment of the duties envisaged for the P staff post suggested that P3 would be in the Secretariat's views a more appropriate level than P2. Secretariat activities had been maintained for all budget lines, with some reductions reflecting the experience of 2013-2015 triennium.

With regard to Advisory Committee activities, much of the budget was foreseen to cover travel to meetings of the Committee itself and of fisheries bodies. The second scenario would confine support for attending meetings to the Chair of the Advisory Committee.

A major difference between the two scenarios concerned the organization of meetings, with the second one requiring far more fund-raising on the part of the Secretariat to secure resources, particularly for paying the expenses of sponsored delegates. Savings could be made by holding meetings at the UN facilities in Bonn, where among other economies, interpreters could be recruited locally thus incurring no travel or accommodation costs.

Meetings of the Conservation Working Group could also be held at the UN premises in Bonn, but Scenario 2 contained no provision at all for such events.

Currently the MOU relied on voluntary contributions and most Signatories had not paid anything, a state of affairs that made planning very difficult. In these circumstances, it was not prudent to engage permanent staff when there was no guarantee that the funds required to pay their salaries would be available.

To achieve a higher level of financial security, the Secretariat asked for an indication from Signatories what they would be able to contribute. A table listing all the Signatories was made available, and representatives were asked to fill in the amounts that they could pay each year or over the next triennium.

CMS/Sharks/MOS2/Inf.15 contained indicative contributions for each of the Signatories based on an adapted UN Scale, with a ceiling of 20 per cent and a minimum payment of €3,000 for the triennium.

Annex 5 dealt with the Terms of Reference for the Trust Fund, as procedurally the Executive Director of UNEP had to be formally invited to extend the Trust Fund for a further three years. The dates in the heading would be corrected.

The EU thanked the Secretariat for the presentation and for having prepared the options. The Signatories faced a reality check of adopting an ambitious Programme of Work and having high expectations of the MOU but without providing the required resources, as shown by the fact that receipts to the Trust Fund amounted to only 60 per cent of what had been foreseen. The representative of the EU was not comfortable with either option presented by the Secretariat and suggested an alternative closer to the budget of the previous triennium. He also had some comments on the extension of the Trust Fund.

Germany supported the position of the EU and shared its concerns about the discrepancy between the Programme of Work and the funds being made available for its implementation. All Signatories were urged to make their contribution to the budget. Germany was only able to make pledges of money one year at a time but hoped to be able to confirm its continued support for the P2 post for the next three years.

The USA was also concerned at low level of financial contributions which meant that the MOU could not deliver what the Signatories wanted. The USA had made voluntary contributions and would carry on doing so, but pointed out that other Signatories not paying their share made it more difficult to persuade Congress to approve the payments. The Secretariat should be authorized to send invoices to Signatories seeking contributions.

The UK agreed with the USA, the EU and Germany. Signatories needed to balance the Programme of Work with the budget. The UK would prefer to give a longer-term commitment but was unable to guarantee future funding; it could, however, promise one payment of £15,000.

The Chair invited the EU to lead an in-session Working Group to elaborate a third budget scenario, as a smaller number of people might work more productively on this than the plenary.

The plenary was therefore suspended and the Working Group met in closed session. The EU nominated the observer from Portugal who was associated with the EU delegation to chair the Working Group.

On the third day of the MOS, the Chair invited the observer from Portugal, as Chair of the Working Group on the budget to report on developments.

The Chair of the Working Group said that the Working Group had developed a third scenario and considered how to share the costs. It had not had time to address the Terms of Reference for the Trust Fund.

The three additional activities covered in the budget were staff training, the Advisory Committee and the Conservation Working Group. An error had come to light in the figures in the table, which meant that rather than a surplus of €50,000, there was a shortfall of €25,000. This had been rectified but reducing the allocations to budget lines for support to the Advisory Committee and training.

Currently, there is a P2 Associate Programme Officer in place, and therefore, the offer from Germany is to fund a post at the P2 level.

The Secretariat explained the details of two options. The first would entail an increase of 2.27 per cent in the budget and would maintain a P2 Associate Programme Officer using the new, lower UN salary scales applicable to Bonn, the addition of a training budget as required by UN rules, the elimination of maintenance of the online workspace which was not being used, increases for travel of delegates to reflect the fact that there were more eligible Signatories, funding meetings of the Advisory Committee and the Conservation Working Group and reductions in operational costs to reflect less than expected expenditure over the past three years. The total required to fund this scenario was €1,171,900 but did not include the cost of staff provided by the parent Convention.

The zero-growth option provided for less training and had no allocation for a meeting of the Conservation Working Group.

On the Terms of Reference for the Trust Fund, the EU referred to paragraph 16 on page 13 of CMS/Sharks/MOS2/Doc 10.1 Annex V which stated that "i*n the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director should consult with the Secretariat, which should seek the advice of the* Chair and/or Vice-Chair *regarding priorities for expenditure."* The EU suggested substituting "Chair and Vice-Chair" with the word "Signatories", as it would not be

appropriate to bother the Vice-Minister should problems arise. This also applied to paragraph 17, where there were two similar references.

The Secretariat said that the working of the Trust Fund Terms of reference were usually standard, but the changes proposed by the EU were minor and could be accepted.

The Chair declared that the budget had been adopted.

The Budget as adopted can be found in CMS/Sharks/Outcome 2.5 Administrative and Budgetary Matters.

Agenda Item 11 - Partnerships and Cooperation

Agenda Item 11.1 Cooperating Partners to the CMS Sharks MOU

The Chair called upon the USA (Co-Chair of the IWG) to introduce this item, which was linked to Agenda Item 8.1, the Programme of Work, and associated documents.

The USA stating that Article 30 of the MOU described the entities that could be cooperating partners pointed to the absence of any procedure for accepting them. Consensus had not been reached at MOS1 on any such procedure, and the issue was passed to the IWG to consider. A survey had been undertaken among NGOs and IGOs thought likely to wish to enter a formal association with the MOU, and the results, including expressions of interest and a description of their potential contribution, were available in CMS/Sharks/MOS2/Inf.6. The draft Terms of Reference for cooperating partners were presented in CMS/Sharks/MOS2/CRP5, which was based on the original document, CMS/Sharks/MOS2/Doc.11.1.

There was only one comment on the first seven paragraphs, relating to Paragraph 5, where the EU suggested that the joint activities and initiatives should be endorsed by the Signatories possibly through a correspondence process but not necessarily by the MOS which met only once every three years.

In Paragraph 8 (Attendance at Meetings) Colombia questioned the reference to voting in the light of the discussions on the Rules of Procedure, and suggested that the "decision making" might be more appropriate.

Australia did not think that the requirement to provide information of their remits and mandate should apply to non-Range States, even though they could also be cooperating partners under the terms of the MOU, and requested the reinstatement of the previous paragraph 9.

The EU suggested deletion of the first paragraph in the section headed "Termination of Partnership"

Paragraph 18 required a two-thirds majority to end an association with a cooperating partner. Colombia suggested that this could be deleted as the provisions for voting would be contained in the Rules of Procedure. In any case, as worded, there was no reference to trying to reach

consensus and therefore implied that votes would be the norm. The EU disagreed saying that it would be better for this document to be clear and not rely of cross references to others.

Senegal pointed out some inconsistencies in the text, where there were some references to a two-thirds majority, some references to two-thirds of those present and elsewhere to one third of Signatories objecting being sufficient to reject an application.

There were no changes proposed to the last four paragraphs in the section on "Termination of Partnerships" nor to the final Paragraph under "General Provisions".

The Terms of Reference for cooperating partners agreed by the MOS can be found in CMS/Sharks/Outcome 2.9.

On the fourth afternoon of the MOS, six of the seven organizations that had expressed an interest in becoming cooperating partners were invited to make presentations (the observer from the seventh, the Mar Alliance had had to leave the meeting earlier). Representatives of IFAW, Project Aware, the Sharks Trust, Sharks Advocates International, the Manta Trust and the Wildlife Conservation Society in turn explained the nature of their organization and how they could contribute to the implementation of the MOU.

The Chair having drawn delegates' attention to CMS/Sharks/MOS2/Doc 11.1 (Cooperating Partners to the CMS Sharks MOU) and CMS/Sharks/MOS2/Inf.18 (Mar Alliance Letter of Interest to become a Cooperating Partner to the MOU) asked whether any Signatory had questions, comments or objections.

Australia was impressed by the submissions and warmly welcomed the prospect of working with all the candidates as cooperating partners.

The EU expressed its thanks to all the candidate NGOs and asked the Secretariat to list all the activities that had been proposed by the NGOs to help with the implementation of the MOU. The Secretariat agreed that such a compilation would be useful and pointed out that much of the information was contained in CMS/Sharks/MOS2/Inf.6, the survey on cooperating partners.

There being no objections to accepting the candidates as cooperating partners, representatives of the six organizations still present were invited to the podium to sign the MOU.

WWF and TRAFFIC said that they were both seriously considering applying to become cooperating partners.

The Humane Society International said that it was the original cooperating partner and had had a hand in drafting the Conservation Plan. It looked forward to working with the new partners. Attention was also drawn to the Shark Identification Guides which had just been posted as CMS/Sharks/MOS2/Inf.22.

Agenda Item 11.2 - Strategy for Cooperation with Regional Fisheries Management Organizations, Regional Seas Conventions and Fisheries-related Organizations

The Secretariat considered cooperation with RFMOs, RSCAPs and other fisheries-related organizations to be an important element of the MOU, and references to these potential partners was made in the preamble. Originally, it had been proposed to include liaison with these bodies and identifying priority actions in the remit of a Bycatch Working Group, but at its meeting, the Advisory Committee had decided to recommend a single working group covering conservation generally, for which terms of reference had been drafted (see CMS/Sharks/MOS2/Doc.13.2 Annex 4). The tasks of the Conservation Working Group would include reviewing the work of other forums relevant to shark conservation.

Another question for the MOU was how to ensure that it was represented at other forums so that its concerns were heard. To this end, policy briefings could be prepared. Similarly, guidance should be developed on how to implement measures relating to the species listed on Annex 1. A clear understanding of what was meant by "bycatch" in the context of the MOU had to be agreed. Finally, it was also proposed to convene a workshop in 2016 or 2017.

While the Terms of Reference currently appeared as part of activity 1 in the Programme of Work, they would become a stand-alone document. The original text prepared before the MOS was contained in CMS/Sharks/MOS2/Doc 11.2 and the amendments proposed by the Advisory Committee were contained in CMS/Sharks/MOS2/Doc.13.2 Annex 4. Further proposed amendments to the Terms of Reference were contained in CMS/Sharks/MOS2/CRP3.

The EU proposed additional text which would allow Signatories to appoint members of the Working Group at their own cost. Colombia pointed out that members of the Advisory Committee were funded by the MOU but different rules seemed to apply to the Working Group. Togo added that some Signatories were unlikely to be in a position to fund the participation of an expert which would leave them at a disadvantage.

New Zealand welcomed a proposal from Australia to change the wording to open the door to as many possible sources of funding as possible. What was important was for the Working Group to be established and operating as soon as possible.

The EU said that some of the deletions agreed earlier were still in the current draft. However, once these corrections had been made, the Terms of Reference for the Conservation Working Group were ready for adoption.

The text of the Terms of Reference for the Conservation Working Group adopted by the MOS is contained in CMS/Sharks/Outcome 2.8.

Agenda Item 12 - National Reporting

Agenda Item 12.1 - Draft Format for National Reporting

The Chair of the Advisory Committee, Mr John Carlson said that as requested by MOS1, the Advisory Committee had developed a draft reporting form, a version of which had been submitted as CMS/Sharks/MOS2/Doc 12.1. At its meeting immediately before the MOS, the Advisory Committee had re-examined the draft and produced a revised version, taking into account comments made by Committee members, the invited experts and observers. Many of

the changes made sought to simplify the form and the reporting process. The revised text could be found in Annex V to CMS/Sharks/MOS2/Doc.13.2.

It was thought that providing national level data on the conservation status of some of the species would be difficult given their migratory nature, but other elements in the report were highly useful and important, such as describing efforts made to protect habitat and measures taken to prevent the taking of CMS Appendix I species. It was recognized that other forums, notably the FAO and CBD also retained useful data, which could be mined, if the appropriate inter-agency agreements were in place and software available.

New Zealand thought that the latest draft was more user-friendly and the USA urged Signatories to ensure that they submitted reports under the new streamlined system. Costa Rica said that it was content with the draft as presented.

The EU, however, did not think that the draft could be considered finalized. He suggested that other Signatories be asked if they would be prepared to adopt the version before them or whether an inter-sessional working group should be established. It was pointed out that several members of the Advisory Committee that had contributed to the earlier discussion were not at the MOS, which made matters more difficult.

The Secretariat advised that an in-session working group could be set up to incorporate all the comments arising from the discussions at the Advisory Committee and the comments being made in plenary. The Secretariat pointed out that one inter-sessional period had already been spent on devising the format.

The Chair of the Advisory Committee agreed to chair an in-session Working Group to progress further the National Reporting format.

Reporting back to plenary on the third day, Mr Carlson said that some headway had been made, but the wide variety of views expressed had meant that progress had been slow. He proposed that he should be allowed some time to work on a revision based on all the comments received from the Advisory Committee and the in-session working group. He would consult the other members of the in-session Working Group on his redrafting before returning to plenary.

Subsequently, Mr Carlson reported to the plenary that he had reduced the report from thirteen to five pages and had consciously retained the links to the Conservation Plan. The feedback that he had received from the other members of the in-session working group had been positive.

Refreshing the meeting's memory as the plenary resumed consideration of the National Reporting format on the fourth afternoon, Mr Carlson said that the Advisory Committee had discussed the draft and after comments from the Committee members and the experts, a number of revisions were being proposed. The draft had been further considered by an in-session Working Group.

Togo agreed with the EU, pointing out that one person in his country was responsible for the MOU and a wide range of other MEAs.

Mr Carlson asked the EU and Togo to suggest the appropriate activities from the Conservation Plan upon which Signatories should be expected to report. He suggested that for sustainable fisheries (Section 3) yes/no options could be available for each species, with follow-up questions about whether they were targeted or not and in what quantities they were caught. It might prove difficult to provide all the possible options for replies in drop-down menus.

The EU asked with regard to the question of measures applied to species listed in Appendix I what was more stringent than the total ban on taking required by the Convention.

The observer from Sri Lanka pointed out that within the same country a species might be taken in targeted fisheries or as incidental catch. Palau also liked the abridged form and wanted to see an online version.

Mr Carlson outlined Section III concerning the protection of critical habitat and corridors for critical life stages. There were some yes/no options and follow-up questions in a drop box plus a free text area because the scope for measures taken in MPAs was too large to condense to a few set responses. It was suggested that Signatories be asked to include the area of protected sites.

Norway proposed that the wording be reviewed because as written the implication was that all habitat was being protected.

Australia reiterated support for linking the form to the Conservation Plan and therefore maintaining the distinctions in Sections II and III, with the former concentrating on species and the latter on habitats. The EU however pointed out that many measures might apply equally to both. The Secretariat pointed out that the wording in the chapeaux of Sections II and III had been taken directly from the Conservation Plan.

Colombia suggested adding a requirement to describe the areas and the measures being taken and explain whether the measures were seasonal or carried out at all times of year.

Mr Carlson introduced Section IV which dealt with public awareness-raising for which a series of tick box questions had been devised. The EU however thought that simpler yes/no questions would be better coupled with a free text box to describe the efforts being made to increase public awareness.

Mr Carlson said that Section V dealt with international work and much of the text had been taken over from earlier versions of the form.

Again the EU proposed the removal of the tick boxes but this was opposed by the UAE, as the options served as a guide to respondents as to the type of information required. Australia agreed saying that uniform responses were easier to compare when the reports were analysed. Senegal and Costa Rica concurred with the UAE and Australia.

In summary, Signatories appeared to be generally content with the direction in which the revision was going, but more work would be needed to reduce the first substantial section and the part on research.
The National Reporting format agreed at the MOS can be found in CMS/Sharks/Outcome 2.10.

Agenda Item 13 - Advisory Committee (see also 8.1.1)

The Secretariat reported that discussions had been held during the meeting of the Advisory Committee which had immediately preceded the MOS. The Advisory Committee had proposed some amendments to its draft Terms of Reference and the revised text was contained in Annex 6 of CMS/Sharks/MOS2/ Doc.13.2.

The EU referred to the amendments that it and its Member States had put forward concerning the text of the MOU itself that were linked to the Terms of Reference for the Advisory Committee. The EU had proposed that each Signatory should be entitled to appoint a representative to the Committee as this would broaden both "ownership" and its membership, enabling the Committee to tackle its heavy workload. The proposal should have no impact on the MOU's budget as developed countries would be expected to fund their own representatives. The EU had modified its amendment to take account of concerns expressed by other Signatories that the regional balance of the Committee would be affected.

Mr John Carlson speaking on behalf of the USA rather than as Chair the Advisory Committee welcomed the idea of helping the Advisory Committee with handling its tasks, but still feared that the regional balance of the Advisory Committee would be skewed, as some Signatories would be better placed to fund their representatives than others. Revised wording was proposed, to the effect that Signatories might appoint experts at the request of the Secretariat or the Advisory Committee to assist the Committee in completing its tasks. It was stressed that such experts would attend at their own costs.

The EU said that it appeared that there was consensus that the Advisory Committee should be strengthened. Regarding regional balance, the EU suggested that this was of secondary importance compared with securing the required expertise on the Committee. The EU also differentiated between members of the Committee who would be expected to follow all aspects of the Committee's work, and experts who would be called in for particular issues.

The revised text proposed by the USA deviated too far from what the EU had intended and it was agreed that a sessional working group should examine the issues.

The draft Terms of Reference for the Advisory Committee had been reviewed and an additional paragraph had been added concerning the established of working groups (separate Terms of Reference for the proposed Conservation Working Group had been elaborated – see agenda item 11.2 and CMS/Sharks/Outcome 2.8).

The final part of Paragraph 21 linking meetings of the Advisory Committee to the MOS was deleted in view of the decision to decouple the meetings of the two bodies.

In Paragraph 22, the notice for meetings was increased from 45 days to 150.

There being no other comments, the Chair declared that the Terms of Reference for the Advisory Committee were adopted.

The revised Terms of Reference for the Advisory Committee can be found in CMS/Sharks/Outcome 2.7.

Agenda Item 13.1 - Advisory Committee

The Secretariat explained that the Advisory Committee had been established at MOS1, where all regions except Asia had appointed their allocation of either one or two members.

The representative of the UAE said that after consultations with other Signatories in the region, it had been agreed to nominate Moonyeen Alava and Ms Rima Jabado as the members for Asia.

The representative of Colombia said that the South and Central America and the Caribbean region wanted to nominate Mr Mario Espinoza in place of Jairo Sancho Rodríguez.

These additions and changes were agreed.

Agenda Item 13.2 - Recommendations from the First Meeting of the Advisory Committee

The recommendations of the Advisory Committee relating to the amendments to Annex 1 of the MOU, the Conservation Plan, the Programme of Work, the Terms of Reference for the Conservation Working Group, the key elements of national reporting and the Terms of Reference for the Advisory Committee had been dealt with under the relevant Agenda Items.

Agenda Item 13.3 - Proposal for the Creation of a List of Experts concerned with Shark Conservation

The Chair of the Advisory Committee said that Objective 2.5 A of the Conservation Plan foresaw the creation of a list of experts and such a list had been created at MOS1.

Australia proposed the addition of Ms Michelle Heupel to the list and this suggestion was accepted.

The representative of the EU noted the advice of the Advisory Committee that there was a lack of fisheries expertise and urged that this should be addressed. It was however pointed out that Mr. Colin Simpfendorfer and Mr. Nick Dulvy were both experts in fish stocks.

The EU also asked whether further experts could be added to the list intersessionally. It was agreed that the list would remain open and that the Secretariat would post further nominations on line as and when they were received.

Agenda Item 14 - Date and Venue of the Next Meeting

The Chair said that the third Meeting of the Signatories was due to be held in late 2018. When the Chair invited expressions of interest for hosting it from the floor, no Signatory sought to intervene. Any Signatory interested in hosting the next meeting was asked to contact the Secretariat.

Agenda Item 15 - Any Other Business

Secretariat

The USA pointed out that the Meeting had earlier made the decision to appoint the CMS Secretariat as the permanent Secretariat of the MOU. In order to progress this decision, a number of steps were required and the USA proposed the following procedure:

In furtherance of Paragraph 27(b) of the Sharks MOU, the Signatories of the Sharks MOU:

- decided that the Secretariat should be the permanent Secretariat of the Sharks MOU
- invited the CMS Parties to request the CMS Secretariat to become the permanent Secretariat of the Sharks MOU, in line with the decision taken by the Signatories of the Sharks MOU to have the CMS Secretariat serve as the Sharks MOU as the permanent Secretariat of the Sharks MOU; and
- requested the interim Secretariat of the Sharks MOU to communicate with the Executive Secretary of the Convention on Migratory Species to bring this invitation to the attention of CMS, as appropriate.

Agenda Item 16 - Closure of the Meeting

The meeting was officially closed by the Chair at 6pm after concluding remarks from Bert Lenten (Deputy Executive Secretary, CMS) and the Chair.

TRANSCRIPT OF THE OPENING ADDRESS BY MINISTER EDGAR GUTIÉRREZ ESPELATA

Palabras de Apertura

2da Reunión de Signatarios del Memorando de Entendimiento de Tiburones Migratorios

Dr Edgar Gutiérrez Espeleta

Ministro de Ambiente y Energía

15 de febrero, 2016

Sra Melanie Virtue, Secretaría CMS,

John Carlson,

Luis Felipe Arauz Cavallini, Ministro de Agricultura,

Muy buenos días a todas las personas que nos acompañan en este Encuentro.

Para Costa Rica es un grato honor ser anfitrión de esta Segunda Reunión de Signatarios del Memorando de Entendimiento de Tiburones Migratorios, realizada en el marco de la Convención de Especies Migratorias de Animales Silvestres CMS. Abrimos calurosamente las puertas de nuestra Nación a esta importante convocatoria conscientes de ineludible compromiso que, como signatarios, adquirimos conjuntamente en torno a la conservación de las especies migratorias de tiburones; conservación que en el orden de resultar eficaz e impactar exitosamente debe partir del reconocimiento de principios superiores a cualquier frontera, norma interna y política nacional, privilegiando el fin ulterior de la conservación global de los ecosistemas marinos y terrestres.

Costa Rica tiene la fortuna de ubicarse en una zona tropical privilegiada, que nos concede una serie de características invaluables como un generoso clima que permite un perenne verdor en nuestros bosques y el albergue oneroso de un sinnúmero de especies dentro de nuestros linderos. Representando apenas el 0,01% de la extensión del territorio global hospedamos el 5% de las especies conocidas en el planeta.

Somos un país con una muy pequeña extensión territorial pero con un inmenso espacio marino bajo nuestra tutela. Esta clase de contrastes se expresa en las amplias responsabilidades de conservación que ostentamos pese a ser un país difícil de hallar en un mapa mundial.

De ello se deriva que nuestro compromiso con la protección del medio ambiente se haya mantenido incólume por décadas, colocándonos en una posición de liderazgo en la región y el mundo; exigiéndonos entonces estar constantemente en la búsqueda de instrumentos que nos permitan ir a la vanguardia a efectos de implementar acciones de manera permanente, creando alianzas entre los diversos sectores para proteger, conservar y promover la investigación y el conocimiento de nuestras riquezas naturales, incluidas entre ellas la marina, para el aprovechamiento sostenible de estos recursos.

Desde 1949, nuestros antecesores tuvieron la visionaria idea de plasmar en nuestra Constitución Política el principio el respeto al medio ambiente, consagrándolo posteriormente en el artículo No 50 de la Carta Magna que obliga al estado a procurar el mayor bienestar a todos los habitantes del país, garantizando el derecho a un ambiente sano y ecológicamente equilibrado, en respeto al derecho a la protección de la salud humana que se deriva del derecho a la vida.

No podía ser de otra manera. La ruta nacional de conservación es un fiel reflejo de las obligaciones que nos demandan nuestras privilegiadas condiciones naturales y en reto permanente de estar a la altura de las exigencias que la protección de nuestros ecosistemas nos reclama.

Por ejemplo, la riqueza costero-marina de Costa Rica es de incalculable dimensión y dado que nuestro territorio marino es diez veces más grande que el área continental (51,000 km^2 vs 568.054 km^2 de superficie marina), no es en vano el reconocimiento que se nos hace como un "hot spot" de biodiversidad marina, dado que la riqueza de nuestros hábitats marinos incluye 7.000 especies, de las cuales el 90% son endémicas. Además, debe reconocerse que más allá de la vital importancia biológica que esto significa, tiene un papel preponderante en el soporte de los medios de vida de las poblaciones locales, dada la importancia ecológica, su atractivo escénico y su relevancia para el sustento económico de muchas familias.

En virtud de este rol esencial, el Gobierno tiene un alto interés en desarrollar el conocimiento científico y la investigación altamente calificada de la ida marina y sus riquezas; y de implementar acciones dirigidas a la gestión integral de os recursos marinos y marino costeros, con una serie de estrategias y políticas, tales como la "Estrategia Nacional para la gestión de los Recursos Marinos y Costeros de Costa Rica", "la Política Nacional del Mar 2013-2028", el "plan Estratégico del Sistema Nacional de Áreas de Conservación" y le "Plan de Desarrollo Pesquero y Acuícola". Todo ello, bajo un paradigma que integre los diferentes modeles de gobernanza de las Áreas Marinas Protegidas y las Áreas de Pesca Responsable, ejes transversales de nuestra política de Gobierno, orientados a manejar integral y participativamente los recursos naturales de estas zonas.

Más allá del ámbito doméstico, contamos con estrategias regionales bilaterales apoyadas por la sociedad civil, como lo es el "Corredor Marino del Pacifico Este Tropical", una iniciativa de conservación y uso sostenible de los recursos marinos que compartimos con Ecuador, Colombia y panamá, cuyo objetivo es realizar una adecuada gestión de la biodiversidad y los recursos marinos y costeros mediante un manejo ecosistémico.

Somos un país que ha suscrito y participado activamente de diversas convenciones internacionales enfocadas en la conservación y el uso sostenible de la biodiversidad marina como lo son la Convención de Diversidad Biológica, la Convención sobre Comercio Internacional de Especies en Peligro de Extinción, la Convención Ballenera Internacional y la Convención de la Naciones Unidas sobre el Derecho del Mar, y no menos importante, la Convención para la Conservación de Especies Migratorias de Animales Silvestres, que hoy nos motiva a congregarnos, en esta su cases, mediante esta reunión de Signatarios del Memorando de Entendimiento sobre Tiburones Migratorios.

Cuando firmamos este Memorando de Entendimiento se reconoció de manera colectiva el papel crítico de los tiburones migratorios en los ecosistemas marinos y en las economías locales, y reivindicamos una preocupación compartida por la significativa y continua tasa de mortalidad de los tiburones debido a diversos impactos y amenazas, que incluyen la pesca dirigida insostenible, la pesca accidental, la pesca ilegal, no declarada y no regulada, la caza de trofeos, los residuos marinos, las modificaciones del ecosistema, las perturbaciones antropogénicas y la crecientes presiones sobre el medio ambiente marino debido al cambio climático.

Hoy día podemos reiterar la vigencia de estas amenazas y resaltar entre ellas la grave aceleración de los efectos del Cambio Climático que nos obliga (tal y como lo afirmamos recientemente mediante el Acuerdo de Paris) a desarrollar con urgencia las medidas de adaptación necesarias, iniciando con cambios individuales y colectivos en los patrones de consumo, la implementación de mejores prácticas para el aprovechamiento sostenible de los recursos naturales y en el establecimiento de áreas que sirvan de refugio a las especies, y de protección de sus poblaciones.

Es palpable aún la necesidad de seguir articulando esfuerzos y en este particular se tornan imprescindibles instrumentos globales como el "Memorando de Entendimiento sobre Tiburones", que se enfoca en la conservación saludable de la especies migratorias de tiburones y rayas basada en la mejor información científica disponible y considerando el valor económico que estas especies representan para las poblaciones de los Estados signatarios.

Hoy, debemos ser conscientes de que la cooperación local, regional e internacional en torno a la investigación e intercambio de la información, permitirá generar conocimiento oportuno en aras de lograr que las poblaciones costeras puedan desarrollarse a partir del uso y gestión correctos de los propios recursos marinos que el país posee. Debemos considerar como un principio orientador la búsqueda de dinámicas positivas entere las comunidades y el medio ambiente: en las que la participación activa de la sociedad civil sea un eje medular en la política pública.

En esta línea, no debemos pasar por alto, la necesidad de avanzar hacia paradigmas de manejo sostenido que logren equilibrar la balanza del desarrollo con la conservación, entendiendo que no puede haber conservación con pobreza ni riqueza sin conservación. Así, visualizar a las comunidades y sus poblaciones como aliadas en el proceso y no como amenazas, es uno de los principales retos de conservación que temeos por delante, con el horizonte puesto en alcanzar conservación de la mano con la gente.

Lo resumía a la perfección, desde 1992, la estrategia Global para la Biodiversidad que posicionaba la conservación ambiental a partir de una triada de acciones fundamentada en conocer, conservar y aprovechar sosteniblemente la biodiversidad. Invertir en investigación científica para conocer a detalle la salud de nuestros recursos y su disponibilidad para el ser humano, y establecer las políticas requeridas para garantizar la sostenibilidad de su aprovechamiento para que se logre abastecer las necesidades de las personas e impulsar el desarrollo, constituyen ese cauteloso y vital proceso que como Estados debemos procurar en nuestros territorios.

Aspiramos con esmero a lograr acuerdos comunes y acciones coordinadas en procura de que nuestros Estados sean garantes de la sostenibilidad en las actividades desarrolladas en el mar, que estimulen las buenas prácticas pesqueras, la conservación de los ecosistema marinos y la promoción de una cultura que proteja, aproveche adecuadamente y sea consciente de que un océano saludable permitirá el equilibrio y la estabilidad necesarios para el bienestar de todos los habitantes.

Muchas gracias.