



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/MS/CS.2
Concluding Statement 2

13 December 2007

Original: English

MEETING TO IDENTIFY AND ELABORATE AN OPTION FOR
INTERNATIONAL COOPERATION ON MIGRATORY SHARKS
UNDER THE CONVENTION ON MIGRATORY SPECIES
Mahe, Seychelles, 11-13 December 2007

STATEMENT ON THE OUTCOME OF THE MEETING AGREED BY PARTICIPANTS

1. The Participants considered that an agreement developed under Article III, IV and V of CMS would add value to current global shark conservation and management efforts, and that the process to develop such an agreement should continue with a view to finalising the proposed instrument at or before the 9th Conference of the Parties to CMS in December 2008*. The goal of the agreement should be *to achieve and maintain a favourable conservation status for migratory sharks listed in the Annexes of the agreement.*
2. Participants focused their deliberations on those elements of a shark conservation agreement that they believed would be essential irrespective of the precise form of the final instrument. This included key elements related to **the geographical scope, species covered, fundamental principles, shark conservation/management components (including non-consumptive use) and co-operation with other bodies.**
3. With regard to **geographical scope**, participants agreed that for the purpose of this instrument, it should be global in scope with opportunity to incorporate regional or species-specific initiatives where required.
4. With regard to **species covered** there was consensus that the agreement should focus on the three species listed in the Appendices of CMS. In addition there should be an enabling mechanism built into the agreement that allows Parties to add species to the agreement.
5. Three **fundamental principles** recommended were (i) the need to address the broad range of measures that deal with shark conservation and management; (ii) the need for precautionary and ecosystem approaches to shark conservation; and (iii) the need for cooperation and immediate engagement with the fisheries industry, FAO and Regional Fisheries Management Organizations (RFMOs), if the development of this instrument and shark conservation and management in general is to be successful. Participants were of the view that the CMS instrument could re-invigorate the implementation of the FAO IPOA for sharks by incorporating and building on it.

* The working group documents as amended by the Plenary provide further details on the issues summarized in this paper and can be consulted at Annex A. These will guide the preparation of a draft agreement.

6. **Shark conservation and management components** should include:

- measures to build capacity (e.g., research & monitoring, enforcement, compliance) in developing countries to manage sharks;
- identification and protection of critical shark habitats and migration routes;
- the creation of a standardized species-specific global shark database;
- coordination of stock assessments and research;
- promotion and regulation of non-consumptive use including ecotourism;
- processes to encourage the prohibition or strict control of shark finning;
- active cooperation with the fisheries industries;
- studies of shark aggregation and breeding ground and shark behaviour and ecology;
- strict conservation measures for species listed on Appendix I of CMS in accordance with Article III of the Convention;
- regulation of exploitation of species listed on Appendix II of CMS;
- encouragement of relevant bodies to set targeted fishery quotas, and effort and other restrictions;
- processes to encourage restrictions of shark by-catch in non-directed fisheries; and
- Enforcement and compliance measures, including observers on fishery vessels.

7. Further consideration should also be given to include within the agreement provisions to encourage

- global promotion of shark conservation and wise use;
- reducing pollution, marine debris and ship strikes; and
- reporting structure on measures taken to comply with the agreement.

8. With regard to **cooperation with other bodies** the participants agreed that the new agreement should establish a technical and advisory body including representatives of CITES, IUCN, FAO and RFMOs. The Executive Secretary should approach RFMOs individually by letter to follow up the meeting (see CS1). The Chairman of the meeting should deliver messages on behalf of the meeting to the FAO and the European Commission (see CS1).

9. The meeting also considered the **institutional structure** and **funding** for the agreement. Options were identified for further analysis by an inter-sessional group prior to discussion at a second meeting in 2008. Participants strongly recommended the use of existing bodies and mechanisms wherever possible to maximize synergies and reduce costs. It was acknowledged that the final choice of institutional options, and any central funding from CMS, would need to be agreed at the second meeting and at the next CMS Conference of the Parties in December 2008.

10. The meeting recommended that the text of a **draft CMS agreement** incorporating the conclusions reached should be prepared by the CMS Secretariat in consultation with an inter-sessional steering group comprising Australia, Chile, Costa Rica, EC, New Zealand and Seychelles. This would be circulated to all participants and interested organisations for further consideration and refinement at a follow-up meeting in the first half of 2008, as well as for subsequent discussion with, and reflection by, potential partners and UN organizations within the global shark conservation and management community. The CMS Secretariat offered to host the next meeting at its headquarters in Bonn, Germany in the first half of 2008, subject to the availability of resources.

Report Working Group 1

Objectives

1. Achieve and maintain a favourable conservation status for migratory sharks listed in the Appendices of the Instrument (as well as for those not yet listed but whose conservation status may also improve?).
2. PRECAUTIONARY APPROACH
Lack of scientific knowledge should not be used as a reason for postponing measures to enhance the conservation status of migratory sharks.

Scope

1. Request all Parties to take or strengthen measures to achieve or maintain a favourable conservation status of migratory sharks species listed in the Appendices of the instrument. Of particular importance are measures to address threatening processes such as *inter alia* habitat destruction IUU fishing and fisheries by-catch + directed overfished fisheries and trophy fishing, ships strike Overfishing of targeted (and by-catch) species.
Develop conservation mechanisms where such measures are insufficient.
2. Encourage the FAO Committee on Fisheries to promote greater uptake of the International Plan of Action for the Conservation and Management of Sharks as a matter of urgency.
3. Call upon Range States of migratory sharks listed on Appendix I or II to develop a global migratory sharks conservation instrument in accordance with Article III and V of the Convention, noting that discussions on the development of the instrument could, *inter alia*
 - a) Consider the potential value of developing subsidiary regional and/or species specific conservation management plans to the instrument;
 - b) Involve for the greatest extent possible, governments intergovernmental organizations and local communities + NGOs + Industry;
 - c) Identify as appropriate, effective mechanisms to mitigate threats such as by catch entanglement in marine debris and IUU fishing (ships strikes?);
 - d) Identify viable and practical alternatives to consumptive uses (such as non consumptive use) of migratory sharks while recognizing the cultural and the economic importance of these species for some communities; and
 - e) Develop mechanism to facilitate developing country participation in the implementation of the instrument.
4. Request the Secretariat to bring this to the attention of RFMOs (US and Belgium to propose a draft) the FAO Committee on Fisheries and CITES and to explore future avenues of cooperation with these organizations within their respective mandate as well as with Range States of migratory sharks that will lead to enhanced protection, conservation and management of these sharks.
5. The parties to this agreement will work through RFMO's and FAO when adopting and implementing fisheries measures to deliver the objectives of this agreement as appropriate. Fisheries measures include *inter alia* catch limits for directed fisheries as well as for fisheries by catch and control and enforcement of management measures, including finning bans.
6. The Parties to this agreement will further work through other relevant international, regional and sub-regional bodies including *iter alia* CITES and regional seas programmes, in delivering the objectives of this agreement.

7. The Secretariat may enter into arrangements, and shall consult and cooperate, when appropriate, with:
 - The Convention Secretariat, and its relevant bodies;
 - The Secretariat of the relevant conventions and international instruments, mentioned above, in respect of matters of common interest; and
 - Other organizations or institutions with the competence in the fields of fisheries measures, as appropriate as well as in to fields of conservation of Migratory sharks and their habitats, research, education and awareness raising.

8. The instrument shall include a mechanism whereby Parties to the Instrument can amend its annexes to include sharks deserving of protection or to amend the status of sharks where favourable conservation status has been achieved.

Structure

The Instrument would have the classic structure of text plus annexes:

Two annexes at least are envisaged at this stage. Appendix 1 would cover shark species where obligations at least equivalent to those laid down in Article 3 of the CMS Convention would apply. The Instrument would need to contain an article equivalent to Article 3 of the Convention. In the first instance, the draft Instrument would include in Appendix 1 the shark species currently listed on CMS Annex 1.

Appendix 2 would cover other sharks where Parties would be encouraged through the Instrument to take measures designed to achieve the GOAL and OBJECTIVE of the Instrument (see above). In the first instance, the draft Instrument would include in Appendix 2 the shark species currently listed on CMS Annex 2.

1. The text of the instrument could already indicate in broad terms more specific measures, e.g. of the kind specified in the FAO Shark IPOA (para 22 etc.), the draft EU Shark Action Plan; National Shark Action Plans etc. Such measures could include stock assessment, critical habitat protection, shark finning bans, capacity building, ecotourism, provision for targeted fishing and quotas etc.

BUILD IN HERE SOME OF THE PRIORITIES FOR KEY ELEMENTS IDENTIFIED FROM RESPONSES TO THE QUESTIONNAIRE (CMS Secretariat to advise).

Report Working Group 2

Chairman: Selby Remie – Seychelles
Rapporteur: Riaz Aumeeruddy – Seychelles
Anmol Kumar – India
Patrick Jacobs – South Africa
Hans Nieuwenhis – Netherlands
Sarah Fowler – IUCN
Clinton Duffy – New Zealand
John Stevens – Shark advisor (Australia)
Tom Blasdale – UK
Oystein Storkersen – Norway
Richard Bagine – Kenya
Brad Wiley – USA
George Hutchford – Ghana
Ana Kobablic – Croatia
Danielle Annese – Australia
Anwar Sheik Mamode – Mauritius
Zeb Hogan – CMS
Sergio Golabeoea – Argentina

Institutional Structure

- Head some form of secretariat and scientific body. The group did not conclude on any specific option, but rather the need to have an interim group set-up to explore the issue further. However, the group discussed various options that this interim group should consider further:
 - ? minimalist approach (a few institutions involved in secretariat);
 - ? option for more institutions involved in coordination and running secretariat;
 - ? Scientific body: e.g. CMS Scientific Council; and
 - ? CMS Secretariat mandated by COP could take on the task of acting as Secretariat of the instrument.
- Financing mechanism: another group to look at that. Different options from CMS Secretariat.
 - ? contributions for MoUs charged according to UN scale (not all countries can afford);
 - ? Parties pay part of the contribution and donors pay the rest;
 - ? CMS to absorb the costs, but need to go to the COP of CMS to get approval for a budget (then all CMS parties will be asked to finance);
 - ? Nations that trade in shark products could be asked to pay more (might be contentious and difficult to negotiate);
 - ? Consider back to back meetings with other instruments to reduce costs; and
 - ? Build synergies to reduce costs (e.g. use scientific council of CMS for scientific issues).

Mechanism for engagement/membership structure

- CMS secretariat to send a letter to RFMOs with the following questions: how do RFMOs see their role in shark management: is it a priority for them, catch, by-catch;
- Outcome of this meeting will be put forward to joint RFMO meeting in 2008;
- Any article in CMS instrument containing fisheries instrument should commit RFMO to the instrument,? Via the parties of RFMOs;
- CMS Secretariat can conclude MoU with RFMO;
- CMS Secretariat can participate in RFMO meetings; and
- Invite RFMOs to be observers of CMS instrument.

Engagement of FAO (CMS Secretariat, CMS Parties and FAO members to lobby FAO)

Engage major fishing nations in the formulation of the instrument (CMS Secretariat, CMS Parties especially at bilateral level, good opportunity to approach them at FAO COFI).

Engagement with non signatory states, non CMS Parties, with NGOs and intergovernmental organisations: Secretariat to take lead role but states can also use their influence.

Priority issues (result of the questionnaire would have been useful)

The group agreed on the following priority points (not in order of priority)

- Development of shared database (interaction with RFMO), standardisation of data collection
- Reporting structure (mechanism) on conservation status to be implemented, actions taken to be fed in the database (capacity building needed)
- Develop taxon specific Action Plans that produce recommendations to RFMOs
- Identification of critical habitats & important migratory corridors
- Create a direct link between the instrument developed here and FAO IPOA sharks (building momentum on the IPOA, help develop NPOAs)
- Help capacity building in developing countries (research and monitoring, enforcement, compliance)
- Public awareness
- Identify key information gaps (go down to species level when information is available at group level)
- Address non consumptive use (ecotourism issues)
- Role of how to engage non CMS signatories, fishing states etc.
- Protection of existing populations and restoration of population and stocks in depleted areas (can be put in species specific action plans)
- Building synergies (eg. CMS scientific council can take the role of scientific body of this instrument)

The group also touched on two points which should be addressed in other sections of the instrument, possibly in the Preamble.

- The importance of the precautionary and ecosystem approach.

Reference to the statement in the IPOA Sharks supporting the notion that FAO encourages other mechanisms to manage sharks (*"25. States, within the framework of their respective competencies and consistent with international law, should strive to cooperate through regional and subregional fisheries organizations or arrangements, and other forms of cooperation, with a view to ensuring the sustainability of shark stocks, including, where appropriate, the development of subregional or regional shark plans."*)