



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

CMS/Sharks/MOS4/Doc.7.1  
6 February 2023  
Original: English

4<sup>th</sup> Meeting of the Signatories (Sharks MOS4)  
Bonn, 28 February – 2 March 2023  
Agenda Item 7

**REPORT OF THE SECRETARIAT**

*(Prepared by the Secretariat)*

1. The present report provides an overview of the activities undertaken by the Secretariat since MOS3 per the Terms of Reference for the Secretariat ([CMS/Sharks/Outcome 1.3](#)), adopted at the 1st Meeting of the Signatories (MOS1) and of the tasks that were assigned to the Secretariat in the Programme of Work 2019-2021, adopted at the 3rd Meeting of the Signatories (MOS3).

**Status of Signatures**

2. As of October 2022, the MOU has been signed by 48 countries and the European Union, which brings the overall number of Signatories to 49. The following Range States have become Signatories since MOS2:
  - France (signed on 22 May 2019)
3. The Secretariat continues to reach out to non-Signatory Range States informing them about the objectives of the MOU and the importance of Range States signing, in cooperation with the CMS management.
4. In accordance with paragraph 30 of the MOU and the Terms of Reference for Cooperating Partners the following four organizations have signed the MOU as Cooperating Partners since MOS3:
  - Large Marine Vertebrate Institute, Philippines - LAMAVE (signed on 30 May 2019)
  - Save Our Seas Convention (signed on 4 March 2020)
  - Divers for Sharks (signed on 4 March 2020)
  - Marine Research and Conservation Foundation - MARECO (signed on 26 August 2021)
5. As of February 2023, 16 organizations are Cooperating Partners to the Sharks MOU.

**National Focal Points**

6. According to paragraph 15a of the MOU, Signatories are expected to designate a focal point for communication among Signatories and for coordinating implementation measures and activities under this MOU and the Conservation Plan.

7. The Secretariat constantly updates the list of designated Focal Points and makes this information available online at: <https://www.cms.int/sharks/en/focal-points>. Signatories are reminded of the requirement of an official nomination of their Focal Point(s) by the responsible Minister of higher authority within their government. The Secretariat requests the Signatories that have not yet done so, or whose Focal Point has changed positions, to designate a Focal Point for all matters relating to the implementation of the MOU.

### **Staffing and Organization of the Secretariat**

8. As agreed at COP12 and MOS3, the Secretariat of the Sharks MOU is being provided by the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).
9. At MOS3 Signatories adopted a budget based on voluntary contributions to provide adequate resources for the MOU for the Triennium 2019-2021, which was extended until 2023 ([CMS/Sharks/Outcome 3.10](#)). The budget included a full-time position for an Coordinator at P level and a part-time (50%) position for an Administrative Assistance at G level. The Coordinator position has been filled throughout the past triennium until now, whereas the G part-time position was filled from June 2019 to August 2022. A part-time Individual Contractor was hired to support the Secretariat with substantive preparations for the 4<sup>th</sup> Meeting of the Signatories (MOS4) between September 2022 and March 2023.
10. The Convention Secretariat has continued to make additional in-kind contributions to the Sharks MOU in terms of staff time by the Executive Secretary, senior professional staff, and the Administrative and Funds Management Unit (AFMU). In addition, the Sharks MOU received support from the Information Management and Communications Team (IMCA) and the Conference Service Team (CST) which assisted in the preparations for this meeting.

### **Fundraising**

11. The Secretariat has raised voluntary contributions to fund the budget of the Sharks MOU Secretariat, including for the organization of AC3 and implementation projects. Further details are provided in CMS/Sharks/MOS4/Doc.14.1.
12. Upon request, the Secretariat has supported funding proposals of Cooperating Partners that were relevant for the implementation of the Sharks MOU e.g. by providing endorsement letters and advising on activities to be included in support of the implementation of the MOU.

### **Activities undertaken by the Secretariat during the triennium**

#### **Advisory Committee and Conservation Working Group**

13. The Secretariat has supported the Advisory Committee (AC) and the Conservation Working Group (CWG) in implementing their tasks as defined in the Terms of Reference of the AC and the CWG, by facilitating communication, organizing regular meetings, and preparing documents. The 3<sup>rd</sup> Meeting of the Advisory Committee and Working Group was organized and held in Bonn, Germany from 10-12 December 2019. After the start of the Covid-19 pandemic, when travel was largely impossible, the Secretariat facilitated the work of the AC by organizing and holding regular online meetings. A report on the activities of the AC and CWG is presented as [CMS/Sharks/MOS2/Doc.7.3](#).

## Capacity Building, Communication, Awareness Raising

14. In contribution to the Capacity-building Programme ([CMS/Sharks/MOS3/Outcome 3.6](#)) and the Programme of Work (POW) 2019-2021 ([CMS/Sharks/MOS3/Outcome 3.9](#)), the Secretariat has raised funds to implement a number of important initiatives which are introduced below and as further described in [CMS/Sharks/MOS4/Doc.11.1](#). A brief list is provided below:
- Development of an ‘Onboard Guide for the Identification of Sharks and Rays in West Africa’ ([CMS/Sharks/MOS4/Inf.4](#))
  - Provision of three observer training workshops in shark and ray conservation in West Africa ([CMS/Sharks/MOS4/Inf.10](#))
  - Development of five fact sheets about the threats and human impacts on sharks and rays ([CMS/Sharks/MOS4/Inf.7](#))
  - Development and of two posters to showcase CMS Appendix I, II, Sharks MOU, and CITES-listed species and the critically endangered group of Rhino Rays
  - Establishment of an ‘[Info Hub](#)’ on sharks and rays on the Sharks MOU website.

## Cooperation with CMS

15. The Secretariat carried out its responsibilities according to its Terms of Reference, working closely with the CMS Secretariat to find ways to support the implementation of this MOU. It maintained regular communication with the CMS-appointed Councilors for Bycatch, Marine Fish, and Marine Pollution, and was also tasked by the Signatories to support the CMS on shark and ray conservation and contribute to the preparation of CMS meetings such as COP13.
16. As requested by the Signatories and as included in activity 11 of the [Programme of Work 2019-2021](#), the Secretariat and the Advisory Committee supported the Convention on the Conservation of Migratory Species of Wild Animals (CMS) on matters related to shark and ray conservation and contributed to the preparation of CMS COP13 and other relevant meetings (see [CMS/Sharks/MOS4/Doc.7.3](#) for more details).

### *4<sup>th</sup> and 5<sup>th</sup> Meetings of the Sessional Committee of the CMS Scientific Council (ScC-SC4 & 5)*

17. The Secretariat and members of the AC took part in ScC-SC4 4 (November 2019 in Bonn) and ScC-SC5 (June 2021, online), providing technical advice on several proposals for the inclusion of shark and ray species in the CMS Appendices.

### *13<sup>th</sup> Conference of the Parties to CMS (CMS COP13)*

18. The Secretariat attended CMS COP13, held in India from 17 to 22 February 2020. The Secretariat assisted Parties to CMS on all matters related to sharks and rays, in particular by supporting Parties with expertise regarding their proposals to list species on the CMS Appendices and the development of proposals for Concerted Action. As well as assisting the CMS Secretariat with shark-related issues, this presented another opportunity for discussions with Signatories, non-Signatory Range States, Cooperating Partners, and other relevant NGOs.

*CMS Appendices: New species listings*

19. The following three shark species were included in the Appendices of CMS, which entered into force on **22 May 2020**:

**Appendix I**

Oceanic White-tip Shark (*Carcharhinus longimanus*)

**Appendix II**

Smooth Hammerhead Shark (*Sphyrna zygaena*)

Topo Shark (*Galeorhinus galeus*)

20. Both, the Oceanic White-tip Shark (*Carcharhinus longimanus*) as well as the Smooth Hammerhead Shark (*Sphyrna zygaena*) are included in Annex 1 already. According to [Outcome 3.2 Modifying the Species List \(Annex 1 1\) of the MOU](#) the Topo Shark (*Galeorhinus galeus*) is automatically being proposed for inclusion in Annex 1 of the Sharks MOU at this meeting ([see CMS/Sharks/MOS4/Doc.9.1](#)).
21. Signatories are reminded of [paragraph 13 \(i\) of the Sharks MOU](#), also referred to in activity 4.3 of the Conservation Plan, in which “the Signatories recognize that ... they should make every effort, as appropriate and subject to the availability of necessary resources, to prohibit the taking of species listed in Appendix I of the Convention under Article III (5) of the Convention.” Following its inclusion in App I of the Convention, this strict protection measure also applies to the Oceanic White-tip Shark (*Carcharhinus longimanus*).

**Resolutions and Decisions**

22. COP13 adopted several Resolutions and Decisions with direct relevance to the conservation of migratory sharks and rays, the most relevant of which are presented below. Signatories are reminded of activity 11 in the Sharks MOU [Programme of Work 2019-2021](#), which requests to cooperate with the CMS Family on matters related to shark conservation and to contribute to the implementation of several Resolutions, including those on bycatch, sustainable tourism, and marine debris.

[Resolution 13.3 Chondrichthyan Species \(Sharks, Rays, Skates and Chimaeras\)](#)

23. Resolution 13.3 consolidates, updates, and replaces two older resolutions: Resolution 8.16 (Rev.COP12) on Migratory Sharks and Resolution 11.20 on the Conservation of Migratory Sharks and Rays. It requests CMS Parties to strengthen measures to protect migratory chondrichthyan species against processes that pose threats including habitat loss and destruction and unsustainable fisheries.

[Decisions 13.71 to 13.73 on Chondrichthyan Species](#)

24. The Decisions request CMS Parties to review their existing legislation and enact new legislation, as required, to address the prohibition of the taking of Appendix I-listed chondrichthyan species and to inform the Secretariat, about the need for support. Subject to the availability of resources and in the context of the National Legislation Programme, the Secretariat is requested to prepare guidance materials on legislation and model laws, and to provide technical support to assist Parties in drafting adequate national legislation to support the implementation of Article III (5) of the Convention regarding the prohibition of the taking of Appendix I-listed chondrichthyan species.

[Decisions 13.62 to 13.63 on Bycatch](#)

25. Decisions 13.62 to 13.63 on Bycatch give guidance on implementing [Resolution 12.22 on Bycatch](#) and request the CMS Scientific Council to undertake a review of current data and knowledge about levels of bycatch of CMS-listed chondrichthyan species and existing measures to mitigate bycatch based on species, fishing area, fisheries, fishing season and gear type. The Secretariat is requested to support the Scientific Council with the implementation of this task, including by commissioning a review on bycatch in chondrichthyan species and by facilitating cooperation between the Scientific Council and the Sharks MOU AC.
26. Moreover, the CMS Secretariat is requested, subject to the availability of funds and upon the request of Parties, to commission national or regional reviews to determine relative levels of bycatch of all CMS-listed marine species in commercial and artisanal fisheries. The latter should be done in collaboration with relevant international organizations such as regional fisheries management organizations (RFMOs).
27. Upon consultation with the AC, the COP Appointed Councillors for Bycatch and Marine Fish, the AC has provided a suggested approach to implement this decision. Please refer to document [CMS/Sharks/MOS4/Doc.10.7](#) for further details.

[Decisions 13.66 to 13.68 on Marine Wildlife Watching Species-specific Guidelines for Boat-based Wildlife Watching](#)

28. The Decisions request the development of guidelines, including a recommended code of conduct for operators on recreational in-water interactions with CMS-listed species.
29. The Secretariat facilitated the consultation process with the AC, Cooperating Partners, and other shark and ray experts. The AC, the Manta Trust, and MARECO made significant suggestions to the draft guidelines, which will be presented to CMS COP14 in 2023.

[Decisions 13.64 to 13.65 on Aquatic Wild Meat](#)

30. Decision 13.64 aims to guide the implementation of [Resolution 12.15 on Aquatic Wild Meat](#) and requests the Aquatic Wild Meat Working Group (AWM-WG) of the Scientific Council to work with the Bycatch Working Group to develop an analysis of the extent of instances where bycatch transitions to aquatic wild meat harvest and several other tasks throughout the intersessional period and to report on this to the Scientific Council to provide clear recommendations to COP14. The AWM-WG was requested to incorporate CMS Appendix I-listed Sharks and Rays into all relevant activities of the working group and to develop a criterion for considering if some Appendix II-listed sharks and rays should be included within the scope of the Working Group.

*Concerted Actions*

31. COP13 revised and extended the existing Concerted Action for shark and ray species and adopted two new ones:

<b>Concerted Action</b>	<b>Range</b>	<b>Proponent</b>
<b>1. New proposals adopted by COP13</b>		
<u><a href="#">Concerted Action 13.8</a></u>	Gabon	Gabon (ANPN)
– Common Guitarfish ( <i>Rhinobatos rhinobatos</i> )		
– Largetooth Sawfish ( <i>Pristis pristis</i> )		

– Smalltooth Sawfish ( <i>Pristis pectinata</i> )		
<a href="#">Concerted Action 13.9</a>	Global	IUCN SSC SSG
– Common Guitarfish ( <i>Rhinobatos rhinobatos</i> )	Gabon	
– Bottlenose or White-spotted Wedgefish ( <i>Rhynchobatus australiae</i> )		
<b>2. Revised and extended by COP13</b>		
<a href="#">Concerted Action 12.7 (Rev.COP13)</a>	Global	Philippines
– Whale Shark ( <i>Rhincodon typus</i> )		
<a href="#">Concerted Action 12.5 (Rev.COP13)</a>	Global	Monaco
– Angelshark ( <i>Squatina squatina</i> )		
<a href="#">Concerted Action 12.6 (Rev.COP13)</a>	Global	Manta Trust WCS
– Mobulid Rays (Mobulidae)		

32. Signatories are reminded of activity 1 in the [Programme of Work 2019-2021](#) which requests them to provide support to the implementation of CMS Concerted Action Plans, specifically for the Whale Shark (*Rhincodon typus*) and the Angelshark (*Squatina squatina*) as adopted in CMS/Sharks/Outcome 3.8.
33. As further outlined in [CMS/Sharks/MOS4/Doc.10.1](#) the AC and the Secretariat have taken a lead role in developing the draft Single Species Action Plan for the Angelshark in the Mediterranean Sea.

#### *COP Appointed Councillors*

34. To strengthen the expertise of the Scientific Council in sharks and rays, CMS COP13 decided to enlarge the scope of migratory fish covered, by splitting the role between marine and freshwater species. The COP appointed Dr. Rima Jabado for her experience with marine fish, to augment the position of the existing Councilor, Dr. Zeb Hogan, who is an expert in freshwater fish. Dr. Rima Jabado also currently serves as a member for Asia in the Sharks MOU AC. The COP-Appointed Councilor for Bycatch, Barry Baker, was reappointed. The newly established position of the COP-Appointed Councilor for Marine Pollution has been filled by Mark Simmonds.

#### *Sharks MOU side event*

35. The Secretariat in cooperation with the Chair of the Advisory Committee and the Government of the UAE jointly organized a side event at COP13 “CMS Sharks MOU: A Global Platform to Facilitate Cooperation among Range States of Migratory Sharks and Rays” to raise awareness among non-Signatory Range States concerning the objectives of the MOU and to report on progress made on implementation by the Government of the UAE. The side event was well attended by representatives of governments and non-governmental organizations, and a vivid discussion took place.

#### *Development of a Single Species Action Plan for the Angelshark in the Mediterranean*

36. See document [CMS/SharksMOS4/Doc.10.1](#) for further details on this initiative.



## **Cooperation with International Organizations, Regional Fisheries Management Organizations**

### *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*

37. CMS and CITES Secretariats continue to cooperate on the implementation of the Joint Work Programme (2015-2020)<sup>1</sup>. This includes optimizing the effectiveness of actions taken by Parties to both CMS and CITES concerning sharks and rays and strengthening synergies with FAO, RFMOs, and other relevant bodies. Both Secretariats update each other on recent and upcoming initiatives through regular phone calls and attend each other's meetings where appropriate.
38. In 2022, the CMS Secretariat was invited by the CITES Secretariat to provide comments on several shark and ray species proposals for inclusion in CITES Appendices at CITES COP19. The CMS statement was published on the CITES COP19 meeting website as [CoP19 Doc. 89.3 A1 COP18 Doc. 88.3, Annex 4](#). The Secretariat was represented at COP19 by its Executive Secretary.

## **Cooperation with the International Union for the Conservation of Nature -Species Survival Commission (IUCN SSC)**

39. In preparation for the initiative to develop a global conservation strategy and regional action plans for pelagic sharks, the IUCN SSC Shark Specialist Group (SSG) in collaboration with the IUCN SSC Conservation Planning Specialist Group (CPSG) has held several meetings to discuss the organization of an expert workshop on pelagic sharks. Virtual expert meetings were held in October 2022 and January 2023 involving scientists, policymakers, and stakeholders to collect preliminary input on the scope and scale of the conservation strategy.
40. The Secretariat supported the organization of these workshops in line with activity 16 of the POW, with funding that has kindly been made available by the government of Germany and the Principality of Monaco. Please refer to [CMS/Sharks/MOS4/Doc.10.2](#) for further details on this initiative.

## **Cooperation with the Regional Activity Centre for the Protocol Concerning Specially Protected Areas and Wildlife for the Wider Caribbean Region (SPAW-RAC)**

41. In 2020, the Secretariat with support from the AC has advised the species conservation working group of the SPAW RAC on the development of listing proposals for several Sharks MOU-listed species that were proposed for inclusion in Annex II of the SPAW RAC Protocol at their COP11 in 2021 and attended the Ninth Meeting of the Scientific and Technical Advisory Committee (STAC) to the Protocol.

## **Cooperation with Cooperating Partners to the MOU and other non-governmental organizations**

### *Marine Research (MARECO)*

42. The Secretariat secured funding from the government of Germany to support a research project in collaboration with MARECO to determine the collision risk of whale sharks in shipping traffic and to prepare draft guidelines and recommendations for the designation of high-density whale shark areas as Particular Sensitive Sea Areas (PSSAs) and/or Areas to Be Avoided (ATBAs) with the International Maritime Organization (IMO).

<sup>1</sup> [http://www.cms.int/sites/default/files/uploads/pdfs/CITES-CMS-JWP-2015-2020\\_e.pdf](http://www.cms.int/sites/default/files/uploads/pdfs/CITES-CMS-JWP-2015-2020_e.pdf)

### *The Shark Trust*

43. The Secretariat continued to collaborate with the Shark Trust on the implementation of Concerted Action for the Angelshark. The Secretariat and members of the AC were represented at the “Regional workshop for the development of the Mediterranean Angel Sharks: Regional Action Plan”, held in Tunis, Tunisia, on 25-27 March 2019. The workshop was organized by the government of Tunisia and The Sharks Trust and gathered experts from the Mediterranean region, the IUCN SSC SSG, and agreed. Participants were informed about the status of Angelsharks in the region and beyond. Additional data on the most important threats were collected and discussed and a structure for the Mediterranean Action Plan was developed. The Shark Trust has also contributed its expertise to a series of webinars (April 2021) and an online Range State meeting (July 2022) on the development of the CMS Singles Species Action Plan for the Angelshark in the Mediterranean Sea.

### *World Wide Fund for Nature (WWF)*

44. The Secretariat was invited by WWF Pakistan to contribute to the “Regional Workshop on developing Conservation and Management Measures (CMMs) to bridge Multilateral Environmental Agreements (MEAs): A way forward develop Regional Plan of Action (RPOA) for sharks in the Northern Indian Ocean”, held in Karachi, Pakistan (26 – 28 February 2019). The Secretariat informed about the objectives of the MOU and guided government representatives from the region on implementation requirements. Travel-related costs were largely covered by WWF Pakistan.

### **Other Activities**

45. Upon invitation, the Secretariat attended the “*Legal Workshop: Securing Gabon’s National Heritage: Policies and Practices to Eliminate IUU Fishing in Gabonese Waters*”, held in Libreville, Gabon, 19-21 February 2019. The workshop was organized by the government of Gabon and Sea Shepherd Legal and was attended by 70 participants from the Ministries for Environment, Fisheries and Legislation, the National Park Authority, the coast guard, Fishers Associations, and conservation NGOs. The overall aim of the workshop was to inform about the legal requirements of Gabon in a national, regional, and international context for the conservation of marine species. The participants were informed about legal challenges and gaps and discussed recommendations to improve legislation, enforcement, and management of marine areas. The Secretariat informed participants about CMS and its legal requirements regarding the conservation of marine migratory species in general and about the objectives of the Sharks MOU in particular.
46. The Secretariat represented the Sharks MOU at the “*5th International Whale Shark Conference*”, held in Exmouth, Australia, on 28 May-31 August 2019. The meeting gathered 130 scientists, tourism managers, marine park managers, and conservation groups from across the globe. The Secretariat used this opportunity to network with scientists, tourism managers, marine park managers, and conservation groups, develop collaborations with research scientists, inform scientists about research requirements to inform decision-makers, and liaise with Southeast Asian participants to support the implementation of Concerted Action for Whale Sharks (see [Sharks/MOS3/Outcome 3.8](#)). The Large Marine Vertebrate Institute, Philippines (LAMAVE) signed the CMS Sharks MOU as the 13<sup>th</sup> Cooperating Partner organization in the margins of the conference on 30 May 2019.



Action requested:

47. The Meeting is requested to:

Take note of the report of the Secretariat and provide guidance.