



## **SUMMARY OF THE SECOND MEETING OF SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS: 15-19 FEBRUARY 2016**

The Second Meeting of Signatories (MOS2) to the Memorandum of Understanding (MOU) on the Conservation of Migratory Sharks convened from 15-19 February 2016 in San José, Costa Rica. Organized by the Convention on the Conservation of Migratory Species of Wild Animals (CMS), this was the second MOS since the Sharks MOU came into effect in 2011. It was attended by almost 200 participants, including 32 Signatories and the European Union (EU).

Some of the main agenda items addressed at MOS2 included: proposals to amend the MOU, including its annexes; the rules of procedure; the draft Programme of Work (2016-2018); administrative and budgetary matters; partnership and cooperation; and national reporting. Several reports were shared, including from the Secretariat, the Advisory Committee (AC), and the Intersessional Working Group (IWG).

On Wednesday, Costa Rican President Luis Guillermo Solís offered a special address. On Thursday, Portugal signed the Sharks MOU, becoming the fortieth member, together with six cooperating partners. Cooperating partners include non-range states, inter-governmental and non-governmental organizations, and other relevant entities, which support the Signatories, range states, and the Secretariat to meet the MOU's objectives. A seventh cooperating partner was unable to attend, but expressed interest.

By the end of the week MOS2 agreed to: amend the MOU with respect to sections on decision making, budget, cooperating partners and the AC; amend Annex 1 of the MOU to add 22 additional shark and ray species; amend Annex 3 (the Conservation Plan); approve the 2016-2018 budget and Trust Fund; and approve terms of reference for the AC, the Conservation Working Group (CWG) and cooperating partners. MOS2 also agreed on a format for national reporting and approved the creation of a list of experts. Signatories also agreed to task the IWG over the next triennium to develop a new communication strategy to elevate the profile and interest in the Sharks MOU.

Although the meeting proceeded smoothly and achieved all of its main objectives, procedural discussions clouded many of MOS2's wider accomplishments. Participants spent significant time trying to finalize the MOU's rules of procedure, an item left unresolved since MOS1. In the final hours on Friday, following informal deliberations, the rules of procedure were approved. However, this could only be accomplished with the addition of a chapeau, stating that the rules of procedure were adopted at MOS2 with the exception of bracketed text regarding rules on decision making and quorum. Signatories agreed to work intersessionally and reevaluate the matter at MOS3, as appropriate.

### **A BRIEF HISTORY OF CMS AND MIGRATORY SHARKS CONSERVATION**

A significant proportion of threatened shark species are migratory, some undertaking large-scale movements across the ocean basins. These extensive migrations mean that conservation efforts in one state can be undermined by actions in the waters of other states or on the high seas. Such species, therefore, require conservation and management actions across their entire range. While a number of international instruments contain provisions for the conservation and management of migratory sharks, they have generally failed

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to deliver practical improvements in the conservation status of the species, and vulnerable populations are continuing to decline. A few other international organizations and agreements, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as some regional fisheries management organizations (RFMOs) and regional instruments, such as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, also address migratory sharks.

**CMS:** The Convention on the Conservation of Migratory Species of Wild Animals was adopted in 1979 in Bonn, Germany, in an effort to address vulnerable migratory species, and entered into force on 1 November 1983. CMS, or the Bonn Convention, recognizes that states must protect migratory species that live within or pass through their national jurisdiction, and aims to conserve terrestrial, marine and avian migratory species throughout their ranges. To date, CMS has 122 parties.

CMS was designed as a framework through which parties may conserve migratory species and their habitats by: adopting strict protection measures for migratory species characterized as endangered throughout all or a significant portion of their ranges (species listed in Appendix I of the Convention); concluding agreements for the conservation and management of migratory species that have an unfavorable conservation status or would benefit from international cooperation (species listed in Appendix II); and joint research and monitoring activities. At present, over 150 migratory species are listed in Appendix I.

CMS also provides for the development of specialized regional agreements for Appendix II species. To date, there are seven legally binding agreements and 19 MOUs, including the Sharks MOU. The agreements and MOUs are open for signature to all range states of a particular species, regardless of whether they are a party to CMS.

**CMS COP6:** CMS effectuated its first shark listing at its sixth meeting of the Conference of the Parties (COP6) (4-16 November 1999, Cape Town, South Africa), where resolutions were adopted on, *inter alia*: institutional arrangements; bycatch; and concerted actions for Appendix I species. Seven species were added to Appendix I and 31 species to Appendix II, including the whale shark. Recommendations were approved on cooperative actions for various Appendix II species, including the whale shark.

**CMS COP7:** This COP (18-24 September 2002, Bonn, Germany) added 20 species to Appendix I, and 21 to Appendix II, with three whale species and the great white shark listed on both. COP7 also adopted a bycatch resolution.

**CMS COP8:** This COP (20-25 November 2005, Nairobi, Kenya) adopted resolutions on, *inter alia*: the CMS strategic plan, including a paragraph stating that CMS should, where appropriate, cooperate with the UN Convention on the Law of the Sea (UNCLOS) on highly migratory marine species; cross-cutting issues, including climate change and bycatch; and the implementation of existing and future agreements, including on migratory sharks.

In particular, Resolution 8.5 (implementation of existing agreements and development of future agreements) endorses the development of a global instrument on migratory sharks, under the auspices of CMS, and urges cooperative action

through a species-specific action plan. In Recommendation 8.16 (migratory sharks), the COP, *inter alia*: requests all parties to strengthen measures to protect migratory shark species against threatening processes; calls upon range states of CMS-listed migratory sharks to develop a global migratory sharks conservation instrument in accordance with CMS; and requests the Secretariat to explore avenues for cooperation with the UN Food and Agriculture Organization (FAO), CITES and relevant range states to enhance protection, conservation and management of sharks. The COP also agreed to include the basking shark in Appendices I and II.

**SHARKS I:** The first meeting on International Cooperation on Migratory Sharks under the CMS (SHARKS I) (11-13 December 2007, Mahé, Seychelles) was convened to identify and elaborate an option for international cooperation on migratory sharks under CMS. Participants elaborated several options and prepared a general-purpose statement for the meeting, and an outcomes statement to guide future work. Participants welcomed the emerging convergence towards either a global legally binding or non-legally binding instrument, supported the involvement of existing regional and intergovernmental organizations in the future governance arrangements for sharks, and agreed on key elements for the instrument. An Intersessional Steering Group on Migratory Sharks was established, with the expectation of finalizing the instrument at CMS COP9.

**CMS COP9:** This COP (1-5 December 2008, Rome, Italy) agreed in Resolution 9.2 (priorities for CMS agreements), *inter alia* to: encourage the Secretariat to continue exploring partnerships with interested organizations specialized in the conservation and management of migratory species; urge range states to ensure the definite conclusion and entry into effect of an instrument on sharks; and list the shortfin and longfin mako sharks, porbeagle shark, and the spiny dogfish northern hemisphere's population on Appendix II.

**SHARKS II:** This meeting (6-8 December 2008, Rome, Italy) decided whether the instrument to guide the management of migratory sharks would be legally binding or not, and agreed that the instrument should be non-legally binding in the form of a MOU. Participants revised the proposed draft MOU and informally considered draft elements for the plan of action to be developed by an Intersessional Drafting Group, with expectation that both documents would be finalized and adopted at SHARKS III. Among the meeting's most contentious issues was whether to limit the MOU's scope to the basking, great white and whale sharks, or whether the spiny dogfish, porbeagle, and shortfin and longfin mako sharks should also be listed on the CMS Appendices.

**SHARKS III:** This meeting (10-12 February 2010, Manila, the Philippines) reviewed the draft text of a non-legally binding MOU on the Conservation of Migratory Sharks under CMS, adopted the MOU, and opened it for signature.

**CMS COP10:** This COP (20-25 November 2011, Bergen, Norway) welcomed the entry into effect of the Sharks MOU, agreed to include sharks among fauna affected by marine debris, and to list the giant manta ray in Appendices I and II.

**CMS COP11:** This COP (4-9 November 2014, Quito, Ecuador) adopted 35 resolutions, including on the Strategic Plan for Migratory Species 2015-2023, the Programme of Work

on Climate Change and Migratory Species, the relationship between CMS and civil society, management of marine debris, and enhancing synergies and common services among the CMS family of instruments.

**SHARKS MOU MOS1:** This meeting (24-27 September 2012, Bonn, Germany) established an Advisory Committee, considered a draft conservation plan, administrative and budgetary matters, and Secretariat arrangements. The Conservation Plan was adopted, recognizing work was still needed on prioritizing actions. A working group on administration and budget addressed the terms of reference for the Advisory Committee and the rules of procedure for amending the list of shark species covered by the MOU.

The Sharks MOU, which covers migratory sharks and rays, had 29 species listed prior to MOS2: the whale shark, the great white shark, the basking shark, porbeagle, spiny dogfish, shortfin mako and the longfin mako. Prior to MOS2, the Sharks MOU had 39 Signatories, including 38 national governments and the EU. It is open for signature by all range states (and regional economic integration organizations) of listed shark species.

### **OTHER RELEVANT INITIATIVES**

**UNCLOS:** This Convention, which was adopted in 1982 and entered into force in 1994, is one of the main legal frameworks for the conservation and management of marine resources. It grants coastal states rights and responsibilities for the management and use of fishery resources within their national jurisdictions, and establishes exclusive economic zones. With respect to the high seas, UNCLOS recognizes free access and freedom of fishing to all states, and calls upon states, to cooperate in the conservation and management of fishery resources. UNCLOS Annex I (highly migratory species) lists over 70 migratory shark species. Under UNCLOS, coastal states are required to consider the effects of fishing on associated species, which is directly relevant to shark bycatch.

**UNFSA:** The Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, or the UN Fish Stocks Agreement (UNFSA), was adopted in 1995, entering into force in 2001. This agreement facilitates the implementation of UNCLOS provisions on the conservation and management of fish stocks in the high seas, and offers mechanisms for cooperation between coastal and fishing states, such as establishing regional fisheries arrangements or organizations.

**IPOA-Sharks:** Adopted in 1999, FAO's International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) was designed in the context of the voluntary FAO Code of Conduct for Responsible Fisheries. It highlights actions required for the management and conservation of sharks to ensure their long-term sustainable use. IPOA-Sharks calls on states to produce a Shark Assessment Report and, if they have shark fisheries, to develop and implement national plans of action, which identify the research, monitoring and management needs for all *Chondrichthyan* fishes in their waters. In implementing IPOA-Sharks, states are urged to ensure effective conservation and management of sharks that are transboundary, straddling, highly migratory and high-seas stocks.

**CITES:** CITES entered into force in 1975 and constitutes the international legal framework to prevent trade in endangered species of wild fauna and to regulate international trade in other vulnerable species. The basking, whale and great white sharks are listed on CITES Appendix II (species requiring control measures). Under Resolution 12.6 (conservation and management of sharks), CITES maintains an active involvement in shark conservation measures.

In 2007, CITES CoP14 agreed to list sawfish on CITES Appendix I (vulnerable species that may only be traded under exceptional circumstances), but rejected proposals to list porbeagle and spiny dogfish sharks on Appendix II and to impose trade measures. An expanded species range was later discussed within the CITES Animals Committee's Intersessional Shark Working Group. In 2010, CITES CoP15 adopted a decision on South American freshwater stingrays and amended Resolution 12.6 to address the need for greater capacity building in developing countries regarding shark activities. The CoP rejected proposals from the US, Palau and the EU on the inclusion of several shark species in Appendices I and II. In 2013, CITES CoP16 adopted 55 new listing proposals, including on sharks and manta rays, and adopted strong enforcement measures to address wildlife crime.

In 2015, the CITES Animals Committee addressed issues, including: extinct or possibly extinct species; freshwater stingrays; periodic review of species in Appendices I and II; and shark conservation and management. Delegates considered proposals for possible listings at CITES CoP17, which will take place from 24 September - 5 October 2016 in Johannesburg, South Africa.

### **REPORT OF THE MEETING**

On Monday morning, Melanie Virtue, CMS Secretariat, on behalf of Bradnee Chambers, CMS Executive Secretary, welcomed participants to MOS2.

Emphasizing that his country's marine territory is 10 times larger than its land territory, Edgar Gutiérrez Espeleta, Costa Rica's Minister of Environment and Energy, highlighted Costa Rica's national strategy for the integrated management of marine and coastal resources and the National Sea Policy 2013-2028. He noted bilateral agreements on marine resources, identifying the Marine Corridor of the Eastern Tropical Pacific, which includes Ecuador, Colombia and Panama, explaining that it seeks to sustainably manage biodiversity and marine resources. Underscoring that Costa Rica is party to the Convention on Biological Diversity (CBD), CITES, UNCLOS and CMS, he said that the MOU recognizes, *inter alia*, threats to sharks such as unsustainable, accidental as well as illegal, non-declared and unregulated fishing.

Kryssia Brade, UN Development Programme (UNDP), on behalf of Alice Harding Shakelford, UNDP, said that few species are as threatened as sharks, and urged global fishing practices to shift, given that unsustainable practices in one country will impact sharks in the waters of other nations. She urged Signatories to set aside traditional geographic and mental borders and work collaboratively and strategically for the common good of present and future generations.

Sarah Fowler, Save Our Seas Foundation and International Union for Conservation of Nature (IUCN) Species Survival Commission (SSC) Shark Specialist Group, stressed the importance of sharks, including exerting top-down control on smaller predators and regulating marine ecosystems. Underscoring marine ecotourism's economic potential, she stated well-managed shark and ray populations can, among other issues, support fisheries, provide income and food security. Fowler stressed that the Sharks MOU, as a voluntary global instrument, can build social capital to protect natural capital.

Recollecting the "sixth birthday" of the MOU, agreed 12 February 2010, Virtue stated it has grown to 39 Signatories, with a growing number of organizations interested in becoming cooperating partners. She stressed that MOS2 has an "ambitious agenda" to tackle, highlighting, *inter alia*, the listing of 22 shark and ray species during CMS COP11, which are also applicable and eligible to be listed under the Sharks MOU, urging Signatories to do so.

**ORGANIZATIONAL MATTERS:** On Monday morning, Virtue, on behalf of MOS1 Chair Fernando Spina (Italy), recalled that MOS1 had not adopted rules of procedure, and suggested MOS2 continue using the provisional rules of procedure until they are adopted. She explained that MOS1 established an IWG to address, among other issues, the rules of procedure for adoption at MOS2. The European Union (EU), supported by the US, voiced hesitation with this approach, noting inconsistencies regarding voting in the provisional rules, while noting "in the spirit of good will" their support to tentatively accept the provisional rules. MOS2 adopted the provisional rules of procedure (CMS/Sharks/MOS2/Doc.2.1), without the provision on voting.

Delegates elected Fernando Mora Rodríguez, Vice Minister of Waters, Oceans, Coasts and Wetlands (Costa Rica), as Chair and Scott Gallacher (New Zealand) as Vice Chair.

Delegates adopted the provisional agenda (CMS/Sharks/MOS2/Doc.4.1/Rev.2) and the provisional annotated agenda and meeting schedule (CMS/Sharks/MOS2/Doc.4.2).

The following countries agreed to serve as regional representatives on the Credentials Committee: Ghana for Africa; the US for North America; the UK for Europe; Australia for Oceania; Costa Rica for South and Central America and the Caribbean; and the United Arab Emirates (UAE) for Asia.

Virtue introduced documents on admitting observers (CMS/Sharks/MOS2/Doc.6.1 and Doc.6.1/Annex/Rev.2). She noted paragraphs that allow any state, UN body, regional organization or relevant secretariat to participate as observers still apply. She asked Signatories to admit all observers present at MOS2, to which they agreed.

**REPORT FROM THE SECRETARIAT:** On Monday morning, Andrea Pauly, CMS Secretariat, introduced the Secretariat's report (CMS/Sharks/MOS2/Doc.7.1/Rev.1). Highlighting that the MOU now has 39 Signatories, with New Zealand being the most recent, she called on the five Signatories that have not yet nominated their focal points to do so. She presented on activities that supported the AC such as: developing an online workspace; commissioning a study on conservation priorities for species to be proposed in Annex 1 of the Sharks

MOU (CMS/Sharks/MOS2/Inf.12); and reviewing Annex 3, the Conservation Plan of the Sharks MOU (CMS/Sharks/MOS2/Doc.8.3.1/Rev.1).

Pauly mentioned initiatives supporting Signatories, including fundraising and advice on implementation of the MOU. She presented studies supported by Signatory donors on, *inter alia*: manta ray populations; awareness raising in Palau; and capacity building in Yemen, Egypt and the UAE. She referred to a draft MOU between CMS and the Indian Ocean Tuna Commission (IOTC) (CMS/Sharks/MOS2/Inf.16) and the CMS/CITES Work Programme 2015-2020.

The EU asked for elaboration on the background of the draft MOU between CMS and the IOTC and noted that, while they see the initiative's merit, Signatories should be more involved.

**REPORT OF SIGNATORIES AND COOPERATING PARTNERS:** Germany referenced its side event on Tuesday, discussing threats and conservation of sharks, skates and rays in the North and Baltic Seas.

**REPORT OF THE ADVISORY COMMITTEE:** AC Chair John Carlson (US) presented the AC's report (CMS/Sharks/MOS2/Doc.7.3) and recommendations from the first meeting of the Advisory Committee (AC1) that took place from 12-13 February 2016, prior to MOS2 (CMS/Sharks/MOS2/Doc.13.2). He focused on, *inter alia*: proposals and information for the inclusion of 22 species in Annex 1 of the Sharks MOU; the Conservation Plan; and a draft format for national reports.

MOS2 took note of the report.

**REPORT OF THE INTERSESSIONAL WORKING GROUP:** IWG Co-Chair Cheri McCarty (US) presented the IWG report, noting its mandate to further develop the rules of procedure and the process for admitting cooperating partners. She underscored that the two items are interlinked, as well as the EU's proposal to amend the MOU. The EU noted that the IWG's progress enables Signatories to finalize and adopt outstanding issues. MOS2 took note of the draft document.

**REPORTS OF OBSERVERS:** Portugal expressed its readiness to sign the MOU. Norway said they intend to sign the MOU later in 2016.

**REPORT OF THE CREDENTIALS COMMITTEE:** On Tuesday morning, Credentials Committee Chair Lesley Gidding-Reeve (Australia) explained that some Signatories followed different accreditation rules, stating that they would be deemed valid if their accrediting authority for MOS2 is identical to that which was accepted by MOS1's Credential Committee. She noted several Signatories had not yet submitted their credentials.

On Thursday afternoon, she announced that all Signatories present at MOS2 had submitted their credentials.

### SPECIAL ADDRESS

On Wednesday morning, Costa Rican President Luis Guillermo Solís declared that as long as discussions are based on the "false dichotomy" between natural resource conservation and economic production, conflicts would prevail. He called for balancing the interests of fishing and local communities, academics and the private sector in legislating policy, while underscoring that the responsibility of developing long-term policies does not solely lie in the hands of politicians.

Referring to his 30 years in academia, Solís stressed that a long-term policy for marine resources should be based on reliable data and include the participation of local communities and fishermen. He called for sustainable use of pelagic species and increasing knowledge of fish stock populations. Solís called oceans a “treasure” for Costa Rica’s natural heritage and economic resources, highlighting, *inter alia*: ten times more ocean than land surface area in Costa Rica; World Heritage Sites such as *Isla del Coco*; and that fishing represents a significant economic resource. He concluded, hoping participants would not remember him as the “Enemy of Sharks,” referring to Sharkproject International’s 2016 award.

Virtue presented the President with the CMS publication, “Survival: Saving Endangered Migratory Species.”

### **SIGNING CEREMONIES**

On Thursday morning, Portugal signed the Sharks MOU, becoming its fortieth Signatory. Virtue congratulated them, stating they have a great contribution to make as a fishing nation.

On Thursday afternoon, six cooperating partners signed the MOU, namely International Fund for Animal Welfare (IFAW), Project AWARE, Shark Trust, Sharks Advocates International, Manta Trust, and the Wildlife Conservation Society (WCS). Mar Alliance, unable to attend MOS2, has expressed their interest and will sign in the near future.

### **PROPOSALS TO AMEND THE MOU INCLUDING ITS ANNEXES**

#### **PROPOSALS TO AMEND THE TEXT OF THE MOU:**

**Voting Provisions:** On Monday afternoon, the EU introduced its proposal to amend the Sharks MOU to allow for voting provisions in decision making in paragraph 18 of the MOU, in particular for non-substantive matters (CMS/Sharks/MOS2/Doc.8.1.1/Rev.1/Annex1). He reassured Signatories that the EU’s proposal did not intend to introduce voting for all matters, but rather to introduce flexibility within the MOU’s rules of procedure. He underscored that Signatories should make all efforts to agree by consensus before considering voting provisions.

Stressing “the desirability” of including voting provisions to enable the Sharks MOU to progress, South Africa, with Australia, the US and New Zealand, expressed support for the EU’s proposal. Chile expressed caution, underscoring that priority should be given to consensus.

**Final Outcome:** On Wednesday, Signatories agreed to allow voting on non-substantive matters, while preferring consensus (CMS/Sharks/Outcome 2.1). They acknowledged that the detailed rules governing voting provisions would be addressed within the MOU’s rules of procedure.

#### **Budget, Cooperating Partners and the Advisory**

**Committee:** On Monday afternoon, the EU introduced a second proposal (CMS/Sharks/MOS2/Doc.8.1.1/Rev.1/Annex2) to amend the MOU with respect to its budget, the AC and cooperating partners. These items were introduced by the EU and then addressed under their corresponding agenda items.

In the section on implementation, reporting and financing (Section 5, paragraph 15 of the Sharks MOU), the EU proposed to add a distinct clause on **budget**. He explained this was to encourage annual voluntary contributions and stronger financial

commitments to facilitate implementation of the MOU and delivery of its Conservation Plan. Expressing concern over the MOU’s lack of funding, the US, with Australia, supported the EU’s proposal.

In the section on **cooperating partners** (Section 10, paragraph 30 of the Sharks MOU), the EU, supported by New Zealand, introduced an amendment to the MOU, regarding the inclusion of an approval or rejection procedure for cooperating partners. He clarified that non-range states, inter-governmental organizations (IGOs) and non-governmental organizations (NGOs) or other relevant bodies and entities may associate themselves with the MOU as cooperating partners, after having been invited to sign the MOU on the basis of a decision by the Signatories, notably to support the implementation of the Conservation Plan.

These two items were further discussed and addressed under their corresponding agenda items, proposed budget and Trust Fund, and cooperating partners, and adopted on Wednesday.

In the section on the **Advisory Committee** (Section 7, paragraphs 24 and 25 of the Sharks MOU), the EU proposed two amendments. To paragraph 24, the EU suggested reducing the AC’s scope to focus on priorities as defined by the MOS.

To paragraph 25, the EU proposed an amendment to strengthen the AC’s financial support, namely that Signatories could pay for their own travel to attend an AC meeting. Explaining that many multilateral environmental agreements’ (MEA) scientific bodies have their own budgets, whereas the AC does not, the EU proposed to reinforce the AC by providing additional guidance and resources.

In response to US concern about the budgetary impacts of its proposal on the AC, namely if one Signatory could afford to send additional members, while another Signatory could not, the EU reassured Signatories that its proposal would alleviate the Secretariat’s contributions to cover travel costs of nominated AC representatives. Virtue clarified that the CMS Secretariat presently covers travel costs of eligible representatives to its Scientific Council and committee meetings. New Zealand, supported by Colombia and Senegal, requested clarification on: the nomination process; roles and functions of AC members; and the AC’s geographic representation to allow participation of all Signatories, including those from developing countries.

This was further discussed and addressed under the AC agenda item.

On Friday morning, the Secretariat returned to the EU’s proposal to amend the Sharks MOU with respect to its budget, the AC and cooperating partners. She clarified that two of the amendments in this proposal were adopted under the agenda items on budget and Trust Fund and cooperating partners.

On the section of the proposal to amend the MOU regarding the AC, the EU clarified that it agreed to drop its proposal that specified the reinforcement of the AC through additional experts (paragraph 25) to respond to US reservations about this proposal, given its potential to result in imbalanced regional representation on the AC.

The EU maintained its proposed amendment regarding the AC’s tasks (paragraph 24), suggesting that the MOS define the AC’s tasks.

**Final Outcome:** On Wednesday, the amendments on budget and cooperating partners were adopted, addressed under the corresponding agenda items. On Friday, the EU's proposed amendment to MOU paragraph 24 (AC's tasks) was adopted, namely that the MOS prioritize the AC's scope. The EU retracted its suggested amendment to paragraph 25 of the MOU (AC reinforcement). All outcomes were listed in document CMS/Sharks/Outcome 2.1.

#### PROPOSALS TO AMEND ANNEX 1 OF THE MOU:

On Tuesday morning, AC Chair Carlson proposed that MOS2 append Annex 1 of the MOU to include 22 additional shark and ray species (CMS/Sharks/MOS2/Doc.8.2.1 to 8.2.9). He indicated that these species are listed in CMS Appendix II, with most also listed in CMS Appendix I, and advised MOS2 to consider the related AC assessment and recommendations (CMS/Sharks/MOS2/Doc.8.2.10).

New Zealand, Australia, the US, Costa Rica, Senegal, the EU, the UAE, Sudan, Samoa, Palau, Togo, Kenya, Guinea, Mauritania, as well as the Pew Charitable Trusts and Manta Trust, supported the inclusion. The US highlighted domestic efforts to protect and reestablish thresher shark populations to sustainable levels on its Pacific coast. Sri Lanka indicated that it will propose to list thresher sharks under CITES Appendix II at CITES CoP17 in September 2016.

The Pew Charitable Trusts noted an 80% decrease in silky shark populations in the Pacific. Guinea described how sharks suffer from overfishing in his national waters. Project AWARE, Defenders of Wildlife, Shark Advocate International, Shark Trust and Humane Society International (HSI) drew attention to action priorities on conserving migratory sharks and rays (CMS/Sharks/MOS2/Inf.20), including ensuring strict national protection for all CMS Appendix I listed species and promoting efforts to establish shortfin mako catch limits at relevant RFMOs.

**Final Outcome:** Signatories agreed to list 22 species under Annex 1 (CMS/Sharks/Outcome 2.2). The following shark and ray species were added to Shark MOU Annex 1: *Anoxypristis cuspidate*, *Pristis clavata*, *Pristis pectinata*, *Pristis zijsron*, *Pristis pristis* (sawfishes); *Manta alfredi* (reef manta ray); *Manta birostris* (giant manta ray); *Mobula mobular*, *Mobula japonica*, *Mobula thurstoni*, *Mobula tarapacana*, *Mobula eregoodootenkee*, *Mobula kuhlii*, *Mobula hypostoma*, *Mobula rochebrunei*, *Mobula munkiana* (mobula rays); *Carcharhinus falciformis* (silky shark); *Sphyrna mokarran* (great hammerhead shark); *Sphyrna lewini* (scalloped hammerhead shark); and *Alopias superciliosus*, *Alopias vulpinus*, *Alopias pelagicus* (thresher sharks).

#### PROPOSALS TO AMEND ANNEX 3 OF THE MOU:

On Tuesday morning, the Secretariat presented a proposal to amend the MOU's Conservation Plan as incorporated in MOU Annex 3 (CMS/Sharks/MOS2/Doc.8.3.1/Rev.1), which applies to species covered under Annex 1 of the MOU. She explained that following MOS1, the AC completed a list of priorities, timeframes, and responsible entities to support the implementation of the Conservation Plan.

AC Chair Carlson highlighted that the appropriateness of conservation actions varies across species. The EU, supported by the US and New Zealand, proposed prioritizing the Conservation

Plan's objective to improve the understanding of migratory shark populations through research, monitoring and information exchange.

The EU asked for measures to ensure that recommendations regarding, *inter alia*, the MOU's annex amendments, Programme of Work, conservation priorities, and cooperation with RFMOs, are urgently implemented. Virtue suggested the draft Programme of Work would be the best venue to embed such recommendations.

**Final Outcome:** Signatories agreed to adopt the revised Conservation Plan with the EU's proposals (CMS/Sharks/Outcome 2.3).

This included several objectives, *inter alia*:

- improving understanding of migratory shark populations through research, monitoring and information exchange;
- ensuring that directed and non-directed fisheries for sharks are sustainable;
- cooperating with RFMOs, FAO, Regional Seas Conventions and Action Plans (RSCAPs) and biodiversity-related MEAs, as appropriate;
- ensuring to the extent practicable the protection of critical habitats and migratory corridors and critical life stages of sharks;
- increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities; and
- enhancing national, regional and international cooperation.

#### PROPOSED RULES OF PROCEDURE

On Monday afternoon, IWG Co-Chair Jamie Rendell (UK) presented the proposed rules of procedure (CMS/Sharks/MOS2/Doc.2.2/Rev.1). MOS2 discussed the rules of procedure on Monday, Wednesday, Thursday and Friday, guided by several documents, revised throughout the week (CMS/Sharks/MOS2/Doc.2.2/Rev.1/CRP1, Doc.2.2/Rev.1/CRP1.1 and Doc.2.2/Rev.1/CRP1/Rev.1).

On Wednesday afternoon, the US suggested a new paragraph on **purpose** (Rule 1), stating that considering the non-binding nature of the MOU, Signatories agree that the rules of procedure do not add legally binding international commitments. Norway suggested removing the word "international." On Thursday morning, Costa Rica, Australia, Colombia, Chile, the UAE, New Zealand, Palau, Senegal, Kenya, Samoa and the EU supported the US proposal, which was adopted with the amendment suggested by Norway.

On Monday, regarding the **rule on the interim Secretariat** (Rule 2), Co-Chair Rendell explained that removing "interim" would entail that the CMS Secretariat would serve as the formal Secretariat. Norway cautioned that if MOS2 changes this in the rules of procedure, the CMS Secretariat should be informed of the change. The EU and the US supported removing "interim." Their proposal was accepted.

On Monday, regarding the **rule on cooperating partners** (Rule 5), Co-Chair Rendell clarified that cooperating partners will be admitted, unless one-third of signatories object. On Wednesday afternoon, Co-Chair Rendell discussed whether cooperating partners have the right to vote or participate in

decision making. Colombia suggested, and Signatories agreed, that cooperating partners are “not able to participate in decision making.”

On Monday, regarding the **rule on observers** (Rule 6), Co-Chair Rendell explained that observers should notify the Secretariat 75 days before a meeting of their intention to attend, after which the Secretariat will inform the Signatories. In related matters, Colombia sought translation clarification, asking if observers have the right to vote or to support decision making. Co-Chair Rendell clarified that observers cannot vote, but can participate in discussions.

On Wednesday afternoon, Co-Chair Rendell presented language stating that no more than two observers from any single non-signatory state, body or agency may be present at a MOS due to logistical and other limitations. New Zealand suggested amending the proposal so that the limitation applies only to non-signatory states. The final text states that, “limitations may require that no more than two representatives of any observer be present at the meeting.”

On Monday, regarding the **rule on media** (Rule 6*bis*), Co-Chair Rendell discussed whether the media could attend meetings. The EU stated meetings should not be closed. On Wednesday, a provision was discussed, stating that the MOS is open to the media unless such sessions are closed to the public. South Africa suggested deleting “to the public” and Germany responded that, in that case, a definition of “closed” would be needed. Senegal suggested, “behind closed doors” or “restricted in terms of access.” On Thursday morning, South Africa proposed, and Signatories agreed, language stating that the MOS is open to representatives of the media unless the Signatories decide otherwise.

On Monday, regarding the **rule on credentials** (Rule 7), the US suggested adopting language similar to the Raptors MOU, where the appropriate authority approves credentials. Colombia inquired how this would influence involvement in decision making. On Wednesday afternoon, two options were tabled. Signatories agreed to “the Head of State, Head of Government, Minister of Foreign Affairs, the Minister or Deputy of the focal Ministry/Authority for MOU.” The EU suggested, and Signatories agreed, to add “or his or her designee.” On a provision stating that delegates may provisionally participate at a MOS, but not in decision making when credentials are pending, Senegal questioned whether participation still stands if credentials are not accepted. On Thursday morning, following a US suggestion, “or his or her designee” was amended to “or their designee.”

On Monday, regarding the **rule on quorum** (Rule 11), Co-Chair Rendell explained that convening a MOS consists of ensuring half of Signatories are present and able to vote. Chile suggested a quorum include 50% of Signatories plus one. Colombia urged for consistency, asking whether a quorum was needed to enable voting. Co-Chair Rendell suggested linking this item to credentials. The EU reminded Signatories that the Sharks MOU is not legally binding. On Wednesday afternoon, a lengthy discussion took place on what constitutes a quorum. Chile proposed to delete Signatories that are “able to participate.” Norway, with the EU and Senegal, suggested deleting Signatories “present.”

On Thursday morning, the EU proposed to draw ideas from other MOUs, such as the Raptors MOU. Following consultations, two options were tabled, of which both stated that a quorum to convene a MOS would consist of a simple majority of Signatories. The second option, proposed by the EU, includes a provision for convening and operating plenary sessions of a MOS, whereas a quorum will consist of a simple majority of the Signatories having delegations at the MOS and a minimum of three geographical regions represented. New Zealand noted that as long as geographical representation is ensured they can agree to the EU’s suggestion.

On Friday morning, the US asked for clarification whether the EU represents the Signatories present at the meeting and eligible. The EU responded that, for the purposes of the quorum, that is correct but that should not prejudice their position on voting.

On Monday, regarding the **rule on procedural motions** (Rule 13), Co-Chair Rendell noted that during discussion of any matter, a Signatory may make a point of order, which will be immediately decided by the Chair. On Thursday morning, the EU suggested, and Signatories agreed, the inclusion of an additional point stating that when a proposal has been adopted or rejected, it may not be reconsidered at the same meeting.

On Monday, regarding the **rule on decision making** (Rule 14), two options were tabled: one stating that decisions should be made by consensus; and one describing a voting process, when all efforts to reach consensus have been exhausted.

New Zealand, with Australia, the EU, Norway and South Africa, opted for the voting option, stating that while every effort should be made to make decisions by consensus, voting should be an option of last resort. New Zealand underscored that decisions on financial matters should be taken by consensus only. Norway recalled that voting has not featured in CMS, which is promising, and stressed the importance of a roll-call vote. South Africa added that voting should be flexible and allowed in all deadlocked matters. Colombia opted for consensus, noting that it is a much more powerful tool and that it is not clear which non-substantive decisions would require voting. She added that her delegation could go along with voting, if, among others, consensus is clearly prioritized and decisions that require voting are specified.

Co-Chair Rendell noted that the suggestions by Norway and Colombia could be accommodated, but the proposal by South Africa introduces a fundamental change, as voting on all items would contravene paragraph 33 of the MOU, which states that the MOU and its annexes may only be amended by consensus, and thus an additional amendment proposal would be required to address this request. The EU noted that the South African proposal would require a different amendment. South Africa asked for a provision for dispute resolution in the current amendment.

On Thursday morning, two new options were tabled. Both included a provision for voting, where decisions would be made by a two-thirds majority vote of Signatories present, with every effort to reach decisions by consensus. Option 1 states that decisions on financial matters, amendments to the MOU, including its annexes, and rules of procedure will be taken by consensus only. Option 2 does not make this distinction on consensus, suggesting voting as a possibility in all matters.

South Africa opted for Option 2, stating they have retained this position since MOS1 and arguing there should be room for flexibility when disagreement grows. The EU, with Senegal and New Zealand, supported Option 1. The EU noted that the MOU does not legally allow for voting on some issues, like amending the MOU or its annexes. Senegal referred to other MOUs, such as the Raptors MOU, as a model for inspiration. New Zealand stressed that 22 species were listed during MOS2 by consensus, expressing hope that a future MOS would follow the same path.

Australia suggested that the amendment of the MOU's annexes be done via voting, noting that the MOU text states that such modifications "should" rather than "shall" be made by consensus. The EU responded that the MOU's language reflects its non-binding character. South Africa stressed that sharks are a controversial species and any measure of flexibility would be welcomed. Colombia reiterated their original position that all decisions should be made by consensus, noting that out of the two options she prefers the first one.

Deepwave, on behalf of many NGOs, said that while taking decision by consensus is ideal, "this is not an ideal world," encouraging Signatories to allow for voting, especially for the annexes.

Australia proposed that decisions on the rules of procedure not be taken by consensus only, so the issue can be revisited in the future, if necessary.

Regarding regional economic integration organizations (REIOs) that wish to exercise their right to vote with a number of votes equal to the number of Member States that are Signatories to the MOU, the US, opposed by the EU, suggested adding "present and eligible to vote."

Discussions on Friday morning focused on whether decisions taken by consensus should also include the rules of procedure, in addition to financial matters, the MOU text and its annexes. The US, with Costa Rica, Chile, Togo, the UAE, Palau and Senegal, noted that decisions on the rules of procedure should be taken by consensus. South Africa, with Colombia and Australia, opted for voting with a two-thirds majority on decisions regarding the rules of procedure.

The EU reminded Signatories of Rule 33 of the MOU text that states that the MOU and its Annexes "may" be modified by the MOS by consensus and Rule 21 that states that rules on rules of procedure should not be unduly restrictive, calling for flexibility. In the spirit of compromise, the EU, Germany, New Zealand, the Netherlands, Costa Rica, the UAE, Palau and Senegal agreed to remove the rules of procedure from the list of decisions taken by consensus.

On Friday, regarding REIOs and their potential to influence decision making, a lengthy discussion took place between the US and the EU on what "present and eligible to vote" entails, namely whether the EU can attend a MOS and represent on behalf of all of its Signatory Member States, or whether those Signatory Member States have to be physically present. The EU explained its internal processes and referenced similar clauses under the CMS, requesting similar language. The US stressed that decisions made by CMS parties cannot be automatically applied to the MOU, reminding that the US is not a party to the CMS, and stressing that any provision of the CMS will need to be collectively agreed by the Signatories. The EU argued

that similar processes are followed under the UN Framework Convention on Climate Change (UNFCCC) and the Montreal Protocol, to which the US responded that these agreements do not set precedents and that a non-binding agreement like the Sharks MOU depends on participation. Germany, the Netherlands, Portugal, Australia, South Africa, the UK, Sweden and New Zealand aligned with the EU position, with IWG Co-Chair Rendell urging Signatories to put their differences aside and find a workable solution.

On Monday, Co-Chair Rendell discussed the tentative establishment of a **Bureau** (Rule 16), whose role could be to review a meeting's progress. On Thursday morning, South Africa questioned whether the provision for working group chairs includes regional working groups. Following consultations, South Africa and the EU, supported by Senegal, suggested, and Signatories agreed, to language stating that the provision includes "the IWGs and any other working group that might be established by the MOS."

On Friday afternoon, following informal deliberations, consensus could not be reached on Rule 11 (quorum) and Rule 14 (decision making). A paragraph was added in the chapeau, stating that the rules of procedure were adopted at MOS2 with the exception of bracketed text in Rule 11 and Rule 14, which requires further discussion.

**Final Outcome:** On Friday afternoon, the rules of procedure were adopted (CMS/Sharks/Outcome 2.4), with the inclusion of a chapeau text, stating that the rules of procedure were adopted at MOS2 with the exception of bracketed text in Rule 11 (quorum) and Rule 14 (decision making), which requires further discussion.

## **PROGRAMME OF WORK**

**DRAFT PROGRAMME OF WORK:** On Tuesday morning, the Secretariat presented the draft Programme of Work (2016-2018) to implement the Sharks MOU (CMS/Sharks/MOS2/Doc.9.1). She explained that it aims to provide guidance to Signatories, the AC, the Secretariat and cooperating partners on the MOU's implementation over the next triennium. She identified proposed activities, based on the Conservation Plan as proposed by the AC (CMS/Sharks/MOS2/Doc.8.3.1/Rev1), including: activities for implementation; the establishment of a CWG (CMS/Sharks/MOS2/Doc.13.2); capacity building and outreach, and cooperation with relevant organizations and partners. The Secretariat stressed that given limited financial resources, guidance on activity prioritization may be needed.

Norway added that there is discrepancy due to the lack of a specific budget. Costa Rica suggested a focus on research to inform decision making. Australia, with the EU, called for detailed discussion on "high priority" items for the next triennium, given the limited budget. New Zealand, stressing the link with budget matters, called for consistency regarding listing of priorities within the Conservation Plan.

The EU suggested amending the draft Programme of Work's list of activities as revised by AC1 and proposed deleting activities on: clarification of bycatch, given that an inclusive definition already exists; and that Sharks MOU Signatories should attend other relevant organizations' meetings and describe the MOU's progress. He sought clarifications on drafting of the legislative text for enforcing and implementing fisheries

regulations, and suggested, *inter alia*: social media to increase global visibility; and a distinct website be created to attract new Signatories.

On attending other relevant organizations' meetings, Australia explained that this approach could inform attendees at other relevant processes of the current status of the Sharks MOU. On the list of experts, the Secretariat clarified that Signatories and the AC can appoint experts.

FAO noted the creation of a database to document international, regional and national shark measures to assist the sustainable use and conservation of shark resources making all regulation and guidance easily accessible.

Chair Mora asked the EU to provide feedback to finalize the text.

On Wednesday afternoon, the EU proposed prioritizing activities in the Conservation Plan according to different species, while using existing tools, such as TRAFFIC's Rapid Management-Risk Assessment of shark species. He proposed expanding the MOU's communication and awareness-raising activities, developing a distinct visual identity, website and email.

The Secretariat cautioned that the EU's proposal to align the MOU's communication strategy with CMS's communication strategy for migratory species might not lead to attracting non-Signatories and non-range states.

CITES specified that the coordination activity for fisheries management and data collection should reference its Appendix II, rather than its Appendix I.

Making reference to President Solís's speech on the need to reconcile conservation with fisheries-dependent communities, FAO suggested mainstreaming fisheries and international trade considerations throughout the Programme of Work.

On Thursday afternoon, the Secretariat presented the proposed amendments to the draft Programme of Work to implement the Sharks MOU (2016-2018) (CMS/Sharks/MOS2/CRP2). Signatories accepted the amendments, proposed by FAO, on mainstreaming fisheries concerns in activities related to information exchange, publishing articles, and producing factsheets. The EU and New Zealand favored cross-referencing a standalone document on establishing a CWG. The United Nations Environment Programme (UNEP) suggested synergies be made with its RSCAPs. Signatories also accepted CITES's correction to linking CMS Appendix II and CITES Appendix II to sustainable harvest and trade, instead of the reference to CMS Appendix I and CITES Appendix I, as was stated in previous versions of the Programme of Work.

HSI drew attention to Australia's reservations to the listing of certain thresher and hammerhead shark species under CMS Appendix II, to which Australia explained that such listing would be incoherent with her country's domestic environmental legislation, which could have potentially resulted in jail sentences for recreational fishers if they accidentally caught such species.

On Friday morning, the Secretariat reintroduced the draft Programme of Work (2016-2018) for adoption. The EU and Australia agreed to focus on producing fact sheets on bycatch, overfishing, and Species Action Plans as they relate to shark conservation rather than also on fisheries such as tuna. Although

CITES explained the importance of information available within existing fisheries organizations, the EU proposed to remove the FAO proposal encouraging information exchange between shark conservation and sustainable fisheries communities. Australia and the EU agreed on language on "distinct" communication and awareness raising for the MOU, while also being in alignment with the Communications Strategy for Migratory Species. Shark Trust urged to elevate the prioritization of the protection of critical habitat, particularly for sawfishes.

On Friday afternoon, the Secretariat sought guidance on communication and awareness raising activities, agreed by Australia and the EU, under the Programme of Work (2016-2018). Australia and Senegal proposed that the Secretariat draft a communication strategy to be presented at the next IWG meeting. The EU, supported by Germany, the US and South Africa, proposed Lesley Gidding-Reeve (Australia) and Andrea Ramírez (Colombia) as IWG Co-Chairs, to focus on communication and outreach activities specific to the MOU. HSI requested clarification on whether cooperating partners and NGOs could participate in the IWG. The Secretariat asked if Signatories had objections to their participation. Since no Signatory voiced objections, HSI expressed interest to participate in the IWG.

**Final Outcome:** The Programme of Work (2016-2018) was adopted (CMS/Sharks/Outcome 2.6). It includes 58 activities to implement the MOU, including on, *inter alia*: species conservation; bycatch reduction; fisheries management; data collection; cooperation and partnerships; Secretariat management; support for AC meetings; capacity building; and fundraising and resource mobilization. Each activity is prioritized as core, medium, or high, given a timeframe, assigned a responsible entity for implementation, and provided a funding source.

**CONSERVATION PRIORITIES FOR SPECIES LISTED IN ANNEX I:** On Tuesday morning, AC Chair Carlson, on behalf of David Ebert, FAO, introduced a study on conservation priorities for shark and ray species, and proposals for inclusion in MOU Annex 1 (CMS/Sharks/MOS2/Doc.9.2 and CMS/Sharks/MOS2/Inf.12). Carlson explained that this study was conducted to advise AC1, highlighting a lack of species-specific data, and *inter alia*, the need for: an identification guide; the update of outdated conservation assessments; and determination of habitat and population information.

Signatories were invited to review the study and they took note of the report.

#### **ADMINISTRATIVE AND BUDGETARY MATTERS**

**REPORT ON THE 2013-2015 BUDGET:** On Tuesday morning, the Secretariat presented a report on the budget's implementation for the triennium 2013-2015 (CMS/Sharks/MOS2/Doc.10.2). She provided an overview of the agreed budget and income from voluntary contributions, noting that there was a shortfall of 50% compared to what was initially agreed. Pauly reviewed the status of contributions, highlighting that only 12 countries contributed, creating a deficit of €550,000. She described, *inter alia*: expenditures for budgeted activities; the Trust Fund's status; and the new format for expenditure reports.

MOS2 took note of the report.

**PROPOSED BUDGET AND TRUST FUND:** On Tuesday afternoon, the Secretariat presented the proposed budget for 2016-2018 (CMS/Sharks/MOS2/Doc.10.1/Rev.1), which included two scenarios: the first proposing an increase of 9%; and the second a decrease of 20% compared with the approved budget of the last triennium. The Secretariat provided details on, *inter alia*: staff expenditures; Secretariat and AC activities; meetings of governing bodies and working groups; and the current funding situation. Lamenting current financial insecurity, she highlighted voluntary contributions and the extension of the terms of reference to administer the Sharks MOU's Trust Fund for 2016-2018.

The EU, with Germany, the US and the UK, stressed that Signatories face a "double reality" with an ambitious work programme on one hand, and only half of the expected contributions on the other. The EU suggested a third budget scenario, closer to a stability situation, and asked whether the text of the terms of reference for the administration of the Trust Fund might be amended. The Secretariat responded that text changes might have to go through UNEP.

Germany offered to fund a Secretariat position at the rate of €90,000 per year for three years, confirming this officially on Friday. The US cautioned that uncertainty around fulfilling the Conservation Plan increases difficulties in securing national funds, urging for alternatives, such as direct requests by the Secretariat for a minimum voluntary contribution by Signatories. The UK pledged £15,000.

Following deliberations, a working group convened on Tuesday afternoon, chaired by João Loureiro (Portugal), to discuss a third budget scenario.

On Wednesday morning, budget working group Chair Loureiro presented the results of Tuesday's deliberations. He noted that a new option for the proposed 2016-2018's budget was formulated, which includes three new activities on training, and activities of the CWG and the AC.

The Secretariat presented two new budget scenarios for the next triennium, the first proposing an increase of 2.27% and the second a zero increase, compared with the last triennium's approved budget. She provided details on the budget options, noting the second option includes decreased training and working group meetings costs.

Discussion continued on the terms of reference for the Trust Fund's administration, during the triennium 2016-2018. The EU suggested moving the burden of providing advice from the MOS2 Chair and Vice Chair to the Signatories on, *inter alia*, priorities for expenditure in cases of shortfall in resources, and transfers from one budget line to another.

The Secretariat responded that although the document follows a standard format according to UN regulations, the proposed changes do not contravene those regulations.

**Final Outcome:** MOS2 adopted its budget and Trust Fund (CMS/Sharks/Outcome 2.5), agreeing on an increase of 2.27% over the former budget, without further comments or amendments. The terms of reference for the Trust Fund (2016-2018) were also adopted with the EU's amendments, to move the burden of providing advice from the MOS2 Chair and Vice

Chair to the Signatories on, *inter alia*, priorities for expenditure in cases of shortfall in resources, and transfers from one budget line to another.

**PARTNERSHIPS AND COOPERATION: Strategy for Cooperation with RFMOs, RSCAPs and Fisheries-related Organizations:** On Tuesday morning, the Secretariat presented a strategy to collaborate with RFMOs, RSCAPs and fisheries-related organizations (CMS/Sharks/MOS2/Doc.11.2) underscoring that the MOU has a "strong mandate" to cooperate with relevant organizations to avoid duplication and inconsistency of efforts. She clarified that several suggestions have been revised, following AC1, noting for instance that the AC suggested merging proposed working groups on bycatch and species.

The EU proposed that prior to establishing a working group and adopting its terms of reference, the document should be revised based on the suggested changes.

Signatories were invited to consider the actions proposed by the Secretariat.

**Terms of Reference for Cooperating Partners:** On Wednesday morning, MOS2 continued discussion on cooperating partners (CMS/Sharks/MOS2/Doc.11.1) in line with the EU proposed amendment on cooperating partners (CMS/Sharks/MOS2/Doc.8.1.1/Rev.1/Annex2) and other discussions.

IWG Co-Chair McCarty described cooperating partners to the MOU as non-range states, IGOs, NGOs and other relevant bodies and entities. Stating that the MOU is "silent on the procedure for cooperating partners," as there was no consensus on the matter at MOS1, she said that the IWG was tasked with coming up with a procedure for their cooperation. She referred to a survey conducted in October 2013 (CMS/Sharks/MOS2/Inf.6), which evaluated NGO and IGO interest on how they would like to associate with the MOU.

Signatories reviewed the draft terms of reference for cooperating partners, contained in Annex 1 of the document (CMS/Sharks/MOS2/Doc.11.1). They discussed several items, notably that: range states should be viewed as separate from other cooperating partners; a two-thirds majority would be necessary to terminate a cooperating partner's relationship to the MOU; and cooperating partners will not take part in the decision-making process.

On Thursday afternoon, MOS2 continued its review of the terms of reference for cooperating partners (CMS/Sharks/MOS2/CRP5).

On the procedure for becoming a cooperating partner, the EU, supported by Australia, suggested that expressions of interest by non-range states and other interested entities be sent 90 days before a MOS, while specifying that candidate cooperating partners, save for range states who are not required to do so, should also submit their organization's mandate and envisioned fields of cooperation.

On possible objections to a candidate cooperating partner by one or more Signatories, Colombia proposed removing the reference to taking a "decision by a two-thirds majority," highlighting that consensus should be given first priority. She suggested aligning this document with the rules of procedure, which allow for voting if consensus is not reached.

**Final Outcome:** Signatories adopted the terms of reference for cooperating partners (CMS/Sharks/Outcome 2.9), which address, *inter alia*: their tasks, including implementing the Conservation Plan and promoting the Sharks MOU; their *modus operandi*; their attendance at meetings as observers, without participating in decision making; procedures for admittance as cooperating partners; and grounds for possible termination.

**Cooperating Partners to the Sharks MOU:** On Thursday afternoon, the Secretariat presented candidates for cooperating partners to the Sharks MOU (CMS/Sharks/MOS2/Doc.11.1/Annex 2 and CMS/Sharks/MOS2/Inf.18), inviting them to present themselves.

IFAW highlighted its role in facilitating the signature of nine Arab countries to the MOU at regional capacity-building workshops. Project AWARE specified its focus on empowering scuba divers to become activists in advocacy and awareness raising on the importance of conserving migratory sharks. Shark Advocates International highlighted its participation on advisory panels regarding US domestic fishery regulations for Atlantic elasmobranchs, adding that her organization participates in RFMOs, the International Commission for the Conservation of Atlantic Tunas and the Northwest Atlantic Fisheries Organization. Manta Trust stressed its role in conducting workshops on manta and mobula ray research and conservation, specifying that they are currently working on a global mobulid identification guide. WCS noted that it has prioritized shark and ray species as one of its six priority species groups in its 2020 Strategic Plan. Shark Trust explained that it hosts the Secretariat of the European Elasmobranch Association and is founder of the EU Shark Alliance Campaign 2006-2013.

Australia and the EU welcomed all the organizations to the Sharks MOU. Noting the absence of Mar Alliance at MOS2, Chair Mora invited the above-mentioned six organizations to sign the MOU as cooperating partners.

WWF and Traffic expressed interest in becoming cooperating partners. The HSI drew attention to the Shark Identification Guides (CMS/Sharks/MOS2/Inf.22).

**NATIONAL REPORTING:** On Wednesday morning, AC Chair Carlson presented the draft format for national reports (CMS/Sharks/MOS2/12.1). He favored alleviating the reporting burden, but cautioned that some reporting elements must be retained, such as, quantities of listed species that are caught in national waters as target or incidental, and protection measures for these species (CMS/Sharks/MOS2/13.2/Annex5). He suggested that with interagency agreements, the Secretariat could mine datasets, for example FAO's shark measures database or comparable CBD datasets. New Zealand, with the US, Costa Rica and the EU, favored a user-friendly, over a prescriptive report format so as to facilitate and incentivize all Signatories to submit their national reports on sharks. Endorsing the revised report format, the US urged Signatories to submit their national reports. In response to the EU's inquiry about the final version of the reporting format, a working group was established to finalize the document on national reporting.

On Thursday afternoon, AC Chair Carlson presented the draft format for national reporting (CMS/Sharks/MOS2/CRP4). Referring to AC1 recommendations, he explained that a working group was set up to move forward on the process of reporting.

In the section "improving understanding of migratory shark populations through research, monitoring and information exchange," Carlson said this asks Signatories which species are found in their waters, with sub-questions on, *inter alia*, habitat, critical migrations, and migratory corridors. The EU, with Togo, cautioned that this section might be a bit cumbersome, underscoring that it is also about information exchange. Welcoming suggestions, Carlson emphasized that Signatories are required to report. Norway suggested using keywords to aid data searches.

In the section "ensuring directed and non-directed fisheries for sharks are sustainable," Carlson described how this attempts to explore if Annex 1 species are caught in a Signatory's waters and, if so, by accident or target. New Zealand, Costa Rica and Palau supported the draft text in this section, including its efforts to simplify the process for Signatories.

In the section "ensuring to the extent practicable the protection of critical habitat and migration corridors and critical life stages of sharks," the EU asked whether this section overlaps with previous ones. Norway proposed clarifying whether a Signatory has to protect the habitat of an Annex 1 species in its waters, or its entire habitat, suggesting wording to specify the question. The Secretariat reminded MOS2 that the document is linked to the priorities as listed in the Conservation Plan, but that a distinction could be useful. MOS2 agreed to Norway's suggested change.

In the section "increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities," the EU and Colombia favored the ability to provide open responses to questions concerning protection measures. The UAE and Australia, supported by Costa Rica, preferred standardized boxes to guide the user. The Secretariat reminded Signatories that it is easier to review a standardized set of questions, as opposed to open-ended dialogue boxes. An informal working group was established to discuss remaining concerns.

On Friday morning, Carlson reported on the revised document (CMS/Sharks/MOS2/CRP4/Rev.1) based on Thursday's informal working group, which addressed minor issues, namely the EU's concerns about easing reporting burdens.

Reiterating that while they believe the current reporting procedures to be complicated, the EU, sensing the "general feeling in the room," agreed to the changes. He suggested reviewing the issue at MOS3 to evaluate how many Signatories have reported and if the form could be evaluated or improved. Stating that, "this is a living document," Carlson agreed that the issue could be revisited in three years.

On the deadline for submission, Signatories agreed to submit the required information one year prior to MOS3. Carlson explained that AC2 would occur six months prior to MOS3, allowing six months to review the reports.

He highlighted that an additional section was added to address identified gaps or needs in fields of capacity building, research, training or data collection, stressing that this would be useful information for the Secretariat and AC to assist Signatories.

Australia suggested referring specifically to "migratory" sharks in the sub-sections of the reporting form. Carlson clarified

that where it states “sharks” in the reporting form, it refers to sharks and rays, as defined in the MOU.

**Final Outcome:** The reporting form was adopted, with minor amendments (CMS/Sharks/Outcome 2.10). Signatories agreed to submit their reports one year before MOS3.

**ADVISORY COMMITTEE: Terms of Reference for the Advisory Committee:** On Friday morning, the Secretariat introduced the AC’s revised terms of reference (CMS/Sharks/MOS2/Doc.13.2/Annex6). She explained, *inter alia*, that: the AC could establish working groups to support the implementation of its terms of reference; the AC could invite additional experts to participate in their working groups; the AC does not have to have its meetings in conjunction with a MOS; and the notice of an AC meeting should be sent to all AC members by the Secretariat at least 150, rather than 45, days prior to the meeting.

**Final Outcome:** MOS2 agreed to the AC Terms of Reference (CMS/Sharks/Outcome 2.7). The terms of reference mandate the AC to assist MOU Signatories and the Secretariat, namely on the Conservation Plan, and include: providing advice and recommendations on new initiatives; analyzing scientific assessments; and preparing reports. The terms of reference specify the size and composition of the AC, which may establish working groups to support their implementation, and provide guidance on the nomination and appointment of AC members.

**Terms of Reference for the Conservation Working Group:** On Thursday afternoon, Chair Mora opened the floor for discussions on the terms of reference of the CWG (CMS/Sharks/MOS2/CRP3).

The CWG serves to provide expertise to the AC in areas including socioeconomic, trade, traceability, governance, taxonomy, habitat use, fisheries management, and species migration.

On the composition of the CWG, Australia suggested it be composed of members that are recommended by both the Signatories and the AC. The EU proposed adding that Signatories may, in addition, appoint experts at their own cost. Colombia and Togo cautioned that this might lead to Signatories, with limited financial resources, being unable to appoint experts. The EU explained that their proposal tries to ensure that experts do not pose an additional burden on the Secretariat’s resources.

Australia offered compromise language, stating that funding would be sourced from the Secretariat, the Signatories and external sources. New Zealand proposed, and Signatories agreed, adding text that stated, “which may include funding from...” not to preclude Signatories contributing additional funds.

Regarding participation at other relevant organizations’ meetings on behalf of the MOU, UNEP was added to FAO, RSCAPs and Regional Fishery Bodies (RFB).

**Final Outcome:** The terms of reference for the CWG was adopted with these amendments (CMS/Sharks/Outcome 2.8). According to its terms of reference, the AC may request the CWG to, *inter alia*: review the work of FAO, RSCAPs, RFBs and other organizations involved with Annex 1 listed species; identify research, management and information gaps addressed by the Sharks MOU; clarify bycatch; review mitigation mechanisms by fisheries; compile relevant biological data of

species listed in Annex 1; represent the Sharks MOU at FAO, RSCAP and RFB meetings; and guide the implementation of MOU Annex 1 listings.

**Proposed Creation of a List of Experts:** On Friday morning, AC Chair Carlson introduced the creation of a list of experts concerned with shark conservation (CMS/Sharks/MOS2/Doc.13.3). Noting that the proposed list had been considered by the AC during MOS1, he presented the eight experts: Sarah Fowler, Save our Seas Foundation; David Ebert, FAO; Colin Simpfendorfer, James Cook University; Sonja Fordham, Shark Advocate International; Rima Jabado, the Gulf Elasmobranch Project; Nick Dulvy and Julia Lawson, Simon Fraser University; and Glenn Sant, TRAFFIC. Fowler, Simpfendorfer, Fordham, Dulvy and Lawson are also members of the IUCN SSC Shark Specialist Group.

The US, Australia and the EU supported the list of experts. In response to the EU’s request to have more fisheries experts, Carlson noted that Simpfendorfer and Dulvy have expertise in fisheries. Australia nominated Michelle Heupel, Australian Institute of Marine Science, to be added to the list. Virtue suggested Signatories continue to submit online expert nominations, particularly with expertise on fisheries.

**Final Outcome:** The creation of the list of experts was adopted (CMS/Sharks/MOS2/Doc.13.3), with the addition of Australia’s nomination of Michelle Heupel, Australian Institute of Marine Science.

**Regional Representatives:** On Friday morning, Chair Mora invited regional representatives to make their nominations to the AC, recognizing that at MOS1, no Asian representatives had been nominated. The UAE stated that after consultation with their region, they agreed to the following nominations: Rima Jabado (UAE) and Moonyeen Alava (the Philippines). Colombia nominated Mario Espinoza Mendiola (Costa Rica) to replace Jairo Sancho Rodrigues (Costa Rica). MOS2 took note of the changes.

## CLOSING PLENARY

On Friday morning, Bert Lenten, CMS Secretariat, offered closing remarks, stating that he was struck by the “spirit of cooperation” among Signatories, hoping that this would facilitate continued progress at MOS2 so that the MOU is not known as the one that “deals only with procedure.” He lauded growing attention to shark conservation internationally and in Costa Rica, thanking Vice Minister Mora for chairing MOS2. He welcomed progress at MOS2, including: 22 species added in Annex 1; Portugal as a new Signatory, as well as seven new cooperating partner organizations; and support from Germany for a P2 position to support the MOU’s “ambitious” Programme of Work.

On Friday afternoon, Chair Mora lauded MOS2’s accomplishments, which make important contributions to the conservation of sharks and rays and reminded Signatories that “today we start preparing for MOS3.”

Virtue thanked Chair Mora, lauding his hard work and that of the Costa Rican Government and partners, without which MOS2’s accomplishments would not have been possible. She presented Chair Mora a “CMS Shark” to emphasize that the Sharks MOU is not only about the rules of procedure.

**DATE AND VENUE OF THE NEXT MEETING:**

Signatories agreed to postpone this decision, as the meeting will be held in three years' time.

**OTHER BUSINESS:** The US, recognizing MOS2's request to make the interim Secretariat of the Sharks MOU the formal Secretariat, provided text for this request in line with the Sharks MOU, namely to request CMS Parties to instruct the CMS Secretariat to become the permanent Secretariat for the Sharks MOU.

Chair Mora closed the meeting at 6:05 pm.

**A BRIEF ANALYSIS OF THE MEETING**

"As long as discussions are based on the false dichotomy between natural resource conservation and economic production, conflicts will prevail." The words of Costa Rica's President Luis Guillermo Solís, while addressing MOS2, set the stage for a debate on the delicate balance between environmental conservation and economic growth. This dichotomy, true or not, was demonstrated in the context of MOS2 to the Conservation of Migratory Sharks MOU, via competing pressures from conservation- and fisheries-oriented organizations.

Signatories to the Sharks MOU, who met in San José, Costa Rica, for MOS2 dealt with another dichotomy, as they tried to balance discussions on the conservation of sharks and rays with deliberations on process. On the one hand, many regarded MOS2 as a success, having listed 22 additional species of sharks and rays in its Annex 1, added seven new cooperating partners to the MOU, reached agreement on a reporting format for Signatories, and adopted an ambitious Programme of Work for the next triennium. On the other hand, the bulk of discussions focused on the rules of procedure, which, for some participants, created a sense that procedural deliberations dominated the meeting.

This brief analysis will consider the main achievements of MOS2 related to sharks and rays conservation together with the procedural decisions and competing pressures that may shape the future path of the MOU. This analysis draws on Ernest Hemingway's short novel *The Old Man and the Sea*, which provides literary, symbolic parallels in the competing pressures between conservation and fisheries. Salgado, the "Old Man" is a fisherman himself and in a battle with sharks throughout the novel, while at the same time, through his contemplations, proves to be a conservationist.

**PROCESS OVERSHADOWING SUBSTANCE?**

*Now is no time to think of what you do not have.*

*Think of what you can do with what there is.*

Existing data on shark conservation is staggering and alarming. It is estimated that one quarter of chondrichthyan species are threatened worldwide, including a significant number of migratory shark and ray species. Many shark populations, highly vulnerable to overexploitation as they grow slowly, mature late and have low reproduction rates, have been depleted, largely due to unregulated increase in target fisheries and bycatch. Finning, the practice of removing the fins from a deceased shark and dumping its carcass back into the ocean, or slicing the fins off of a live shark and then leaving it in the ocean to drown, starve to death, or be eaten by other predators, is a

major threat since the price for shark fins has reached US\$700 per kilo, which means that a basking shark pectoral fin can fetch up to US\$50,000. Sharks are also sought after for their meat, liver oil, cartilage skeletons, jaws and teeth. In addition, indirect influences, such as pollution, habitat alteration, damage and loss due to coastal development, have to be taken into account.

It is estimated that between 63 and 273 million sharks are killed per year, the range of the estimate portraying the lack of sufficient data. The continuous depletion and even eradication of these top predators in the structure of many marine habitats is having catastrophic consequences for ecosystems, such as coral reefs, and may cause the extinction of many other interdependent species.

As the first legally non-binding international instrument dedicated to global shark conservation, the Sharks MOU aims to achieve and maintain a favorable conservation status for migratory sharks based on the best available scientific information and taking into account the socioeconomic value of these species. The listing of 22 new species in MOU Annex 1, bringing the total number of species to 29, is definitely good news for the sharks in question and for shark conservationists. Five species of sawfishes, the reef manta ray, the giant manta ray, nine species of mobula rays, the silky shark, the great hammerhead shark, the scalloped hammerhead shark and three species of thresher sharks were added, without any objections.

Signatories also adopted a very ambitious Programme of Work for the next triennium (2016-2018). It converts the activities of the Conservation Plan and the management mandates of the MOU into concrete tasks to conserve and manage migratory sharks and their habitats. It further identifies priority actions for implementation, identified by the Advisory Committee (AC), and focuses on the top priorities of the Conservation Plan, including: the establishment of a Conservation Working Group under the AC; activities on bycatch, fisheries management and data collection; cooperation, partnerships and capacity building; MOU implementation; and fundraising.

Although both the listings and the ambition expressed in the Programme of Work (2016-2018) show commitment to promote the MOU's objectives, the bulk of deliberations during MOS2 focused on procedural issues. While the proposed amendments to the MOU text, including a provision for voting when every effort to reach agreement by consensus fails, were accepted in principle, specific voting rules, included in the rules of procedure, proved to be an insurmountable obstacle.

Numerous plenary sessions were devoted to the rules of procedure, options were tabled, and the text was redrafted several times to accommodate concerns expressed by Signatories. Still, decision making, including the provisions on voting, and the definition on what constitutes a quorum, could not be agreed upon and remained bracketed, to be addressed either intersessionally or at MOS3.

Arguably, the disagreements were narrowed down to a few key elements. Voting was, in principle, accepted following deliberations, exempting decisions on financial matters and on amending the MOU text and its annexes, which should be taken by consensus. Signatories were not able to reach agreement on whether future amendments in the rules of procedure will be decided by consensus or by a two-thirds majority. The way

Regional Economic Integration Organizations, like the EU, will be dealt with, during voting, was also not resolved. The contentious issue was whether only Signatories present and eligible to vote are entitled to take part in the voting process, or whether they can be represented, which would mean that a Regional Economic Integration Organization would automatically have a number of votes equal to the number of its Members that are Signatories to the MOU, without these Signatories necessarily being physically present at a given meeting.

During the week, MOS2 participants dealt with the procedural discussions as a necessary process in order to provide a steady basis for future work under the MOU. By the end of deliberations, most were concerned, if not frustrated, with the lengthy process that seemed to divert MOS2 work from its objective, namely sharks conservation. Some participants argued that undecided items, like the way EU votes are calculated, go well beyond the Sharks MOU. While, as noted during MOS2, this issue may eventually be solved in other fora, the urgency of the issues addressed by this and other multilateral environmental agreements suggest that this would better be done sooner rather than later.

#### **A TUG OF WAR?**

*The dentuso lives on the live fish as you do...*

*He is beautiful and noble and knows no fear of anything.*

The chapeau of the Sharks MOU text specifically includes a paragraph where the Signatories declare they are conscious that Regional Fishery Management Organizations (RFMOs) should be involved in the development and implementation of the MOU. It is also recognized that Regional Seas Conventions and Action Plans (RSCAPs), RFMOs and other organizations relevant to fisheries, such as FAO, have a necessary and critical complementary role in achieving the objectives of the Sharks MOU and the Conservation Plan.

Under this spirit of cooperation, the Sharks MOU and CMS Secretariat have worked closely with the Indian Ocean Tuna Commission (IOTC) to strengthen collaboration. A draft MOU between the CMS and IOTC was prepared to support efforts to minimize the impacts of fisheries on species listed on CMS Appendices I and II, including shark and ray species listed on Annex 1 of the Sharks MOU. Moreover, cooperation between the CMS and trade-related fora has also been strengthened via the CMS/CITES Work Programme 2015-2020.

However, competing interests are still apparent as far as many species are concerned, which while listed in the Sharks MOU Annex 1 as well as in CMS and CITES Appendices, do not receive the necessary level of protection from fisheries-oriented organizations. For instance, shortfin mako sharks, like the dentuso in Hemingway's novel, while listed under conservation-oriented organizations, do not have science-based catch limits under the RFMOs and the International Commission for the Conservation of Atlantic Tunas (ICCAT), which means they are currently caught in unlimited numbers in the Atlantic high-seas. Proposals for management measures concerning hammerhead and silky sharks were also defeated under ICCAT. Shark finning has not yet been banned globally, and weak national and

international prohibitions rely on complicated fin-to-body ratios for enforcement.

While synergies among conservation- and fisheries-oriented organizations are essential to protect species in need of conservation measures, some MOS2 participants expressed concern that competing pressures may be founded in different priorities, revealing a diverging understanding of the relationship between humans and the natural world. Hemingway may have articulated their concerns, more than half a century ago: He always thought of the sea as "la mar," which is what people call her in Spanish when they love her...Some of the younger fishermen, those who... had motorboats, bought when the shark livers had brought much money, spoke of her as "el mar," which is masculine. They spoke of her as a contestant or a place or even an enemy. In other words, Hemingway's "el versus la mar," or the traditional versus industrial fisherman, metaphorically represents the tug of war between conservation and industrial fishery interests between which the Sharks MOU presently finds itself.

#### **AND THE WAY AHEAD...**

*"What's that?" she asked a waiter and pointed to the long backbone of the great fish*

*"Tiburón," the waiter said, "Eshark" ...*

*"I didn't know sharks had such handsome, beautifully formed tails."*

The backbone of the great fish in *The Old Man and the Sea* was not a "tiburón" but a large marlin. Even today, as was the case in Hemingway's day, general knowledge about sharks is limited.

Sharks have been on this planet for more than 400 million years, which means they evolved nearly 200 million years earlier than the first dinosaurs. They are remarkably diverse, the largest species—the whale shark—can be 12 meters long, while the smallest one—the dwarf lanternshark—is about 17 centimeters long. Most sharks are top predators, feeding on fish, seals, penguins and even other sharks; however some of the largest ones, such as the whale and the basking sharks feed only on plankton. They have seven senses, the five known to humans, plus an electrical sense and a lateral line, both of which help them detect prey and avoid predators.

Films and even literature often portray sharks as an enemy, spreading fear and attacking humans. As a result, it is not easy to conserve such a feared species. While films and literature, and even the news, do not always accurately reflect reality, the result is that sharks are negatively perceived by humans, who often would prefer to kill them rather than conserve them. The Sharks MOU has its work cut out for it and the MOS2 discussion on awareness raising addressed this very point.

In addition to awareness raising, achieving a satisfactory level of conservation for endangered shark species necessitates a global effort. While the Sharks MOU welcomed Portugal as its fortieth Signatory, it has not yet been signed by a number of countries where sharks are extensively hunted and consumed. The Signatories were keen in equipping the Sharks MOU with its own communication strategy for it to forge its own path among the multitude of oceans-related processes and by doing so, attracting new key Signatories, vital for the effective

conservation of shark populations. While not all participants agree that a similar strategy will be efficient, many seem to think that the Achilles' heel of the MOU is expecting that the consensus mechanism will work in adopting new species listings when eventually new shark consuming and exporting Signatories join. Indeed, as one observer pointed out during plenary, still not being able to agree by consensus on the rules of procedure is not a good indicator that delegates will be able to agree by consensus on more substantial matters such as listing commercially-important species in Annex 1 of the Sharks MOU.

While efforts to increase understanding, including the simplification of the reporting format that should encourage Signatories to systematize data gathering and reporting, is welcomed, the non-binding character of the agreement and the reliance on voluntary contributions of financial and other resources to achieve its goals pose additional concerns. The financial contributions to the Sharks MOU during the previous triennium were only half as much as what was required under the budget adopted at MOS1 three and half years ago. At the same time, the 2013-2015 budget was regarded by many participants as insufficient to cover even the prioritized actions. Signatories agreed that mobilizing financial resources is crucial for the achievement of the MOU's objectives and the Programme of Work's activities, along with outreach to non-Signatory range states and fisheries-oriented organizations, and balancing conservation and fisheries' interests. The challenge remains, however, whether the Signatories will actually mobilize the necessary funding over the next triennium.

While these competing interests may pose obstacles along the way, a fraction of which was apparent during MOS2 rules of procedure discussions, there is still room for optimism. Indeed, the drastic changes in the public perception of sharks and the serious willingness by most MOU range states to undertake international cooperation in the past may well lead to saving these ancient species so crucial to the integrity of our marine ecosystems. After all, as Hemingway's Old Man contemplated: "It's silly not to hope. It's a sin, he thought."

## UPCOMING MEETINGS

**IPBES 4:** The fourth plenary session of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) will report on progress, including the Platform's work programme 2014-2018, financial arrangements, communication and stakeholder engagement, and institutional arrangements.

**dates:** 22-28 February 2016 **location:** Kuala Lumpur, Malaysia **contact:** IPBES Secretariat **phone:** +49-228-815-0570 **email:** secretariat@ipbes.net **www:** <http://www.ipbes.net/>

**4th World Congress of Biosphere Reserves:** Peru's Ministry of Environment and the UN Educational, Scientific and Cultural Organization's (UNESCO) Man and Biosphere Programme are hosting the Congress to address issues related to the Sustainable Development Goals (SDGs) and the 2030 Agenda, and review implementation of the Madrid Action Plan for Biosphere Reserves 2008-2013. The Congress will assess lessons learned and new challenges faced by the World Network of Biosphere Reserves, and develop and launch an Action Plan for Biosphere Reserves for 2016-2025. **dates:** 14-17 March 2016 **location:** Lima, Peru **contact:** UNESCO Man and Biosphere Programme

**email:** mab4WCBR@unesco.org **www:** <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/4th-world-congress/>

**13th Meeting of AEWA Technical Committee:** The 13th Meeting of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) Technical Committee will be hosted by the Israel Nature and Parks Authority in collaboration with the Israel Ornithological Center of the Society for the Protection of Nature. **dates:** 14-17 March 2016 **location:** Israel **contact:** Jolanta Kremer, AEWA Secretariat **phone:** +49-228-815-2413 **fax:** +49-228-815-2450 **email:** jolanta.kremer@unep-aewa.org **www:** <http://www.unep-aewa.org/en/meeting/13th-meeting-aewa-technical-committee>

**Preparatory Committee on BBNJ:** Pursuant to UN General Assembly (UNGA) Resolution 69/292, the Preparatory Committee will convene make recommendations to the UNGA on the draft text of an international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) under the UNCLOS. **dates:** 28 March- 8 April 2016 **location:** UN Headquarters, New York **contact:** UN Division for Ocean Affairs and the Law of the Sea **phone:** +1-212-963-3962 **email:** doalos@un.org **www:** [http://www.un.org/Depts/los/reference\\_files/calendar\\_of\\_meetings.htm](http://www.un.org/Depts/los/reference_files/calendar_of_meetings.htm)

**First Meeting of the Sessional Committee of the CMS Scientific Council:** The first meeting of the Sessional Committee of the CMS Scientific Council will be held. **dates:** 18-21 April 2016 **location:** Bonn, Germany **contact:** CMS Secretariat **phone:** +49-228-815-2401 **fax:** +49-228-815-2449 **email:** cms.secretariat@cms.int **www:** <http://www.cms.int/en/meeting/first-meeting-sessional-committee-scientific-council-sec-scl>

**69th Session of IMO's Marine Environment Protection Committee:** The Marine Environment Protection Committee of the International Maritime Organization (IMO) considers matters within IMO's scope concerned with prevention and control of pollution from ships. **dates:** 18-22 April 2016 **location:** IMO Headquarters, London, UK **contact:** IMO Secretariat **phone:** +44-20-7735-7611 **email:** info@imo.org **www:** <http://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/Default.aspx>

**CBD 20th Meeting of SBSTTA and First Meeting of the Subsidiary Body on Implementation:** The 20th meeting of the Convention on Biological Diversity's (CBD) Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the first meeting of the CBD Subsidiary Body on Implementation (SBI) will be held back to back. **dates:** 25 April – 6 May 2016 **location:** Montreal, Canada **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.org **www:** <https://www.cbd.int/doc/?meeting=SBSTTA-20> and <https://www.cbd.int/doc/?meeting=SBI-01>

**First Meeting of the Signatories to the MOU on the Conservation of the High Andean Flamingos and their Habitats:** Flamingos MOS1 will consider its draft action plan and other issues related to the coordination of the Flamingos MOU and the conservation of high Andean wetlands. The meeting will be conducted in Spanish. **dates:** 26-28 April 2016 **location:** Cusco, Peru **contact:** CMS Secretariat **phone:** +49-228-815-2401 **fax:** +49-228-815-2449 **email:** cms.secretariat@cms.int **www:** <http://www.cms.int/flamingos/en/>

meeting/flamingos-mosl-first-meeting-signatories-memorandum-understanding-conservation-high-andean

**Resumed Review Conference on the UN Fish Stocks**

**Agreement:** The third Resumed Review Conference on the Agreement for the Implementation of the Provisions of UNCLOS relating to the UN Fish Stocks Agreement is mandated to assess the effectiveness of the agreement and the adequacy of its provisions and, if necessary, to propose means of strengthening the substance and methods of implementation. **dates:** 23-27 May 2016 **location:** UN Headquarters, New York **contact:** UN Division for Ocean Affairs and the Law of the Sea **phone:** +1-212-963-3962 **email:** doalos@un.org **www:** [http://www.un.org/Depts/los/reference\\_files/calendar\\_of\\_meetings.htm](http://www.un.org/Depts/los/reference_files/calendar_of_meetings.htm)

**Second Meeting of the UN Environment Assembly:** The UN Environment Assembly (UNEA) will convene for the second time in 2016. The UNEA of the UNEP represents the highest level of governance of international environmental affairs in the UN system. **dates:** 23-27 May 2016 **location:** Nairobi, Kenya **contact:** Jorge Laguna-Celis, Secretary of Governing Bodies **phone:** +254-20-7623431 **email:** [unep.sgb@unep.org](mailto:unep.sgb@unep.org) **www:** <http://www.unep.org/about/sgb/>

**17th Meeting of the UN Open-ended Consultative Process on Oceans and the Law of the Sea:** This meeting will provide a consultative process to facilitate the annual review by the UN General Assembly (UNGA) on ocean affairs and the law of the sea, by considering the UN Secretary-General's report on the matter, and by suggesting issues to be considered by the UNGA, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced. **dates:** 13-17 June 2016 **location:** UN Headquarters, New York **contact:** UN Division for Ocean Affairs and the Law of the Sea **phone:** +1-212-963-3962 **email:** [doalos@un.org](mailto:doalos@un.org) **www:** [http://www.un.org/Depts/los/consultative\\_process/consultative\\_process.htm](http://www.un.org/Depts/los/consultative_process/consultative_process.htm)

**FAO Committee on Fisheries (COFI) 32nd Session:** The 32nd session of the FAO Committee on Fisheries is scheduled to take place at FAO Headquarters in Rome in July 2016. **dates:** 11-15 July 2016 **location:** Rome, Italy **contact:** COFI Secretariat **email:** [FAO-COFI@fao.org](mailto:FAO-COFI@fao.org) **www:** <http://www.fao.org/unfao/govbodies/gsbhome/committee-fi/en/>

**Seventh Meeting of the Regular Process for World Ocean Assessment:** The seventh Meeting of the *Ad Hoc* Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (World Ocean Assessment) aims to improve understanding of oceans and to develop a global mechanism for delivering science-based information to decision makers and the public. **dates:** 3- 9 August 2016 **location:** UN Headquarters, New York **contact:** UN Division for Ocean Affairs and the Law of the Sea **phone:** +1-212-963-3962 **email:** [doalos@un.org](mailto:doalos@un.org) **www:** <http://www.worldoceanassessment.org/>

**2016 IUCN World Conservation Congress:** The IUCN World Conservation Congress meets every four years to discuss and decide on solutions to environment and development challenges worldwide. **dates:** 1-10 September 2016 **location:** Honolulu, Hawaii, US **contact:** IUCN **phone:** +41-22-999-0368 **fax:** +41-22-999-0002 **email:** [congress@iucn.org](mailto:congress@iucn.org) **www:** <http://www.iucnworldconservationcongress.org>

**CITES CoP17:** The Conference of the Parties to the Convention on Trade in Endangered Species of Wild Flora and Fauna will convene for its seventeenth session. **dates:** 24 September – 5 October 2016 **location:** Johannesburg, South Africa **contact:** CITES Secretariat **phone:** +41-22-917-81-39/40 **fax:** +41-22-797-34-17 **email:** [info@cites.org](mailto:info@cites.org) **www:** <http://www.cites.org/>

**CMS StC45:** The 45th Meeting of the Standing Committee (StC45) of CMS will occur in November, preceded by a meeting of the CMS Budget and Finance Sub-Committee. **dates:** 9-10 November 2016 **location:** Bonn, Germany **contact:** CMS Secretariat **phone:** +49-228-815-2401 **fax:** +49-228-815-2449 **email:** [cms.secretariat@cms.int](mailto:cms.secretariat@cms.int) **www:** <http://www.cms.int/meetings/standing-committee>

**CBD COP13, Cartagena Protocol on Biosafety COP/MOP8, and Nagoya Protocol on Access and Benefit-sharing COP/MOP2:** The 13th COP to the Convention on Biological Diversity, the 8th COP serving as the Meeting of the Parties (MOP) to the Cartagena Protocol on Biosafety and the 2nd COP serving as the MOP to the Nagoya Protocol on Access and Benefit-sharing will take place concurrently. **dates:** 4-17 December 2016 **location:** Cancun, Mexico **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** [secretariat@cbd.int](mailto:secretariat@cbd.int) **www:** <http://www.cbd.int/meetings>

**CMS COP12:** The twelfth CMS COP will be held in 2017. **dates:** TBC, 2017 **location:** the Philippines **contact:** CMS Secretariat **phone:** +49-228-815-2401 **fax:** +49-228-815-2449 **email:** [secretariat@cms.int](mailto:secretariat@cms.int) **www:** <http://www.cms.int>

**GLOSSARY**

AC	Advisory Committee
AC1	First Sharks MOU Advisory Committee Meeting
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
CWG	Conservation Working Group
FAO	Food and Agriculture Organization of the United Nations
HSI	Humane Society International
IFAW	International Fund for Animal Welfare
IGOs	Intergovernmental organizations
IUCN	International Union for the Conservation of Nature
IWG	Intersessional Working Group
MEAs	Multilateral environmental agreements
MOS	Meeting of Signatories
MOU	Memorandum of Understanding
NGO	Non-governmental organization
RFMO	Regional Fisheries Management Organization
RSCAP	UNEP Regional Seas Conventions and Action Plans
UAE	United Arab Emirates
UNCLOS	UN Convention on the Law of the Sea
UNEP	UN Environment Programme