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First Meeting of the Advisory Committee  
San José, Costa Rica, 12-13 February 2016

## **REPORT OF THE FIRST MEETING OF THE SHARKS MOU ADVISORY COMMITTEE**

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

1. Melanie Virtue, the Head of the Aquatic Species Team in the UNEP/CMS Secretariat, opened the meeting. Ms Virtue explained that the second Meeting of the Signatories (MOS2) would take place the following week (15-19 February), and that the Committee's agenda included many items where recommendations would have to be made for the Signatories' consideration.
2. This meeting was the first opportunity for members of the Committee, which had been established by the Signatories at MOS1, to meet each other face to face. The meeting was also attended by invited experts and observers.
3. The Chair of the Advisory Committee, John Carlson (North America), presided over the rest of the meeting.

### **Agenda Item 2 Agenda and Schedule**

#### **Agenda Item 2a - Provisional Agenda and list of Documents**

4. The Chair introduced the Provisional Agenda and List of Documents, pointing out that a number of revisions had been issued and some new documents had been posted recently. The Agenda was adopted.

#### **Agenda Item 2b - Provisional Annotated Agenda and Meeting Schedule**

5. The Chair introduced the meeting Schedule and suggested some minor changes to the running order. These were accepted and the Schedule was adopted.

### **Agenda Item 3 - Introduction of Advisory Committee Members and External Experts**

6. The Chair suggested that, as the Advisory Committee was physically meeting for the first time, all people present should briefly introduce themselves. Accordingly, a tour de table was conducted. The Chair noted that the Vice-Chair, James Ellis, was working in the field and was not able to attend the meeting.
7. Members present were: John Carlson (North America); Enzo Acuña and Jairo Sancho Rodríguez (South, Central America and the Caribbean), Mika Samba Diop and Boaz Kaunda-

Arara (Africa), Lesley Gidding-Reeve accompanied by Michelle Heupel (Oceania) and Marino Vacchi (Europe).

8. Invited experts present were: David Ebert (Pacific Shark Research Center), Rima Jabado (Gulf Elasmobranch Project), Sonja Fordham (Shark Advocates International), Julia Lawson (IUCN SSG), Colin Simpfendorfer (IUCN SSG) and Glenn Sant (TRAFFIC).

9. Observers were allowed to attend the meeting. A full list of participants can be found in Annex 1 to this report.

#### **Agenda Item 4 - Report of the Chair**

10. The Chair introduced his report (CMS/Sharks/MOS2/Doc.7.3) thanking the members of the Committee and the experts for their support in the inter-sessional period. He recapitulated some of the main developments mentioned in his report.

11. The Advisory Committee had been asked to assess the proposals concerning the 22 species that had been added to the Appendices of CMS at COP11 and to recommend whether they should also be added to Annex 1 of the MOU. The Committee's assessment of the proposals was contained in CMS/Sharks/MOS2/Doc.8.2.10.

12. A draft National Report form was being developed based on the objectives of the Conservation Plan and the provisions of the MOU.

13. The Committee had provided advice on a number of questions posed by the Secretariat, including the proposed Memorandum of Understanding with the IOTC.

14. Mr Ebert had been commissioned to undertake a desk study on conservation priorities for species listed or proposed for listing on Annex 1 of the MOU.

15. He noted that there were eight designated members of the Committee representing all of the regions except Asia.

16. He further noted that the Secretariat had provided an online workspace but members had preferred to use conventional email for communication.

#### **Agenda Item 5 - Proposals to Amend Annex 1 of the MOU**

17. The Chair pointed out that a comprehensive assessment had already been prepared (see CMS/Sharks/MOS2/Doc.8.2.10.) so comments should be confined to corrections or providing newly available information.

18. Regarding sawfishes (CMS/Sharks/MOS2/Doc 8.2.2), Mr Vacchi (Europe) said that a recent paper updated the past presence of these species in the Mediterranean also reporting historical record around the Rhône estuaries in the Camargue; this reference should be added.

19. Concerning the Reef Manta (CMS/Sharks/MOS2/Doc 8.2.3), Mr Vacchi referred to a new and interesting paper on migration of rays that would also be relevant to the *Mobula* species.

20. Regarding the Giant Manta Ray (CMS/Sharks/MOS2/Doc 8.2.4), Mr Acuña (South, Central America and the Caribbean) said that he believed that there were new regulations in force in Ecuador that should be mentioned.

21. Ms Fordham (Shark Advocates International) was aware of some more regulations affecting the nine species of *Mobula* (CMS/Sharks/MOS2/Doc 8.2.5).

22. On the Silky Shark (Sharks/MOS2/Doc 8.2.6), Mr Acuña proposed some additional references regarding fisheries impact, bycatch and stock data. Ms Fordham added that under the International Commission for the Conservation of Atlantic Tuna (ICCAT), there were substantial exceptions regarding some Range States (this applied to the hammerhead sharks too).

23. Regarding the Great Hammerhead Shark (CMS/Sharks/MOS2/Doc.8.2.7), Mr Diop noted that the population continued to decline. Mr Vacchi also asked about further evidence of the species' migration. He was aware of a paper in Italian about an historical record in Mediterranean. Ms Graham asked whether reference should be made to unpublished data on site fidelity, and it was agreed that this would not be necessary at this stage.

24. Mr Diop (Africa) was aware of more information on catch data concerning the Scalloped Hammerhead Shark (CMS/Sharks/MOS2/Doc.8.2.8).

25. There were no interventions regarding the thresher sharks (CMS/Sharks/MOS2/Doc.8.2.9).

26. The additional information was compiled for submission to the Meeting of Signatories in Annex 1 to CMS/Sharks/MOS2/Doc 13.2, Recommendations from the First Meeting of the Advisory Committee.

27. The Committee's attention was drawn to a new, as yet not peer-reviewed paper, called "Sympathy for the Devil: a Conservation Strategy for Devil and Manta Rays", which had been made available to the meeting as CMS/Sharks/MOS2/Inf.13.

28. Additional information provided by members of the Advisory Committee and invited experts concerning the proposals to add species to Annex 1 of the MOU would be submitted to the MOS as Annex 1 of CMS/Sharks/MOS2/Doc.13.2. The Chair referred to the criteria for modifying the species list (Annex 1 of the MOU). MOS1 had preliminarily adopted the criteria for the inclusion of species in CMS Appendix II and tasked the Advisory Committee to amend the criteria as required. It was pointed out that if the Advisory Committee recommended different criteria and these were accepted, there was a possibility that the CMS Appendices and the MOU Annex listings might diverge.

29. Mr Varsamos (European Union) understood that the mandate was given to review the criteria without supporting resources being allocated and he asked to what extent it had been possible to carry out the work. If it had not been done, it should be a priority for the coming triennium. The Chair and the Secretariat welcomed the opportunity presented to the Committee to air its views on this issue.

30. Mr Acuña suggested the option of allowing species categorized as Data Deficient to be listed, given that, while their conservation status was not clearly known, it might in some cases be poor.

31. Mr Sant (TRAFFIC) said that CITES used the IUCN Red List and that a UK-funded study had been conducted determining which aquatic species were of concern that were relevant to CITES and CMS.
32. With respect to criterion 8 (iii) which concerned the abundance and structure of populations being adequate to maintain ecosystem integrity, doubts were raised whether there would ever be enough data to prove this.
33. Mr Friedman (FAO) added that for some species, such as those taken in artisanal fisheries, political and social arguments might be used to counter the scientific case. In practice, some fishermen would not desist from taking species despite regulations.
34. Ms Graham (MarAlliance) asked if the three criteria under Paragraph 8 of Outcome 1.4 were weighted equally and suggested that the existence of national and regional coordinating or governance mechanisms such as OSPESCA in Central America should also be taken into account.
35. Mr Kaunda (Africa) said that the data needed to assess the three criteria were not readily available and he suggested adding a fourth concerning stock levels, as these were a key biological reference point.

#### **Agenda Item 6 - Proposal to Amend Annex 3 of the MOU**

36. With regard to the review of the Conservation Plan (Annex 3 to the MOU) the Committee was asked to confine its examination to the three columns on the right of the table concerning “Priority”, “Time frame” and “Responsible entity”. The substantive text in the left-hand column describing the activities had already been adopted at MOS1 so could not be changed. The Secretariat had made some suggestions to add values to the three columns.
37. The Objectives had been divided into sub-actions for which a level of priority (1 being the lowest, 5 being the highest), time frames (specific, ongoing, short-term, one-off etc.) and actors had to be identified.
38. Mr Varsamos (EU) suggested that, as the Conservation Plan applied to all species, it might make more sense to examine Mr Ebert’s desk study on Conservation Priorities for Shark and Ray Species Included and Proposed for Inclusion in Annex 1 to the Sharks MOU first.
39. Mr Friedman (FAO) suggested that it would be useful for the FAO and its Member States, if the broader activities were broken down into their constituent parts. The Secretariat said that this level of detail would be better included in the Programme of Work, and the Meeting of the Signatories would also be considering synergies with RFMOs, and another on specific species conservation measures, with more detail of policies and regional differences.
40. At this point, Mr Ebert made his presentation (see Agenda Item 8 - Conservation Priorities).
41. Resuming the discussion on the second day, the meeting re-examined its recommendations on priorities, time frame and responsible entities, Mr Varsamos (EU) recalled from David Ebert’s presentation the emphasis placed on the lack of available data and felt that different level of priority should be accorded to different species where circumstances

so warranted. Ms Gidding-Reeve (Oceania) urged that the response should be realistic and the Meeting avoid falling into the trap of according the highest priority to too many activities.

42. It was agreed to add the Advisory Committee as one of the “responsible entities” for activity 1.1 (research, monitoring and training needs).

43. It was felt that activity 1.4 (long-term monitoring of shark populations in order to assess their conservation status) was more likely to be undertaken in the fisheries context.

44. Activity 2.1 (facilitating the exchange of information to coordinate conservation and management measures) was accorded the highest priority and the Advisory Committee was added to the responsible entities.

45. Several members of the Committee did not agree with the low priority attached to Traditional Ecological Knowledge (activity 2.6) given the importance of the anecdotal evidence that could be provided by artisanal fishermen and the significance of folklore and culture.

46. Considering the extensive negotiations that had taken place at the Manila meeting in 2010, it was agreed that the Advisory Committee should not be requested to undertake a substantial review of the Conservation Plan at this stage.

47. A revised version of CMS/Sharks/MOS2/Doc.8.3.1/Rev.1 would be submitted to the MOS as Annex 2 of CMS/Sharks/MOS2/Doc.13.2

### **Agenda Item 7 - Programme of Work**

48. The Advisory Committee reviewed the Programme of Work (CMS/Sharks/MOS2/Doc.9.1), which was based on and contained cross-references to the Conservation Plan. The Secretariat explained that the possibility of establishing working groups was included, with the aim of drawing in further expertise to assist the Advisory Committee. The level of priority and the time frames needed to be agreed, while the budgetary implications were more a matter for the MOS.

49. Mr Kaunda (Africa) asked whether it was envisaged to establish a separate Working Group for each species. Initially, it was being proposed to have a single working group for all species, and the Advisory Committee would be asked to devise terms of reference for them.

50. Mr Coelho (Portugal) said that some of the work described under item 2 (reviewing and identifying species-specific priority research and conservation needs) was already being undertaken by RFMOs with regard to commercially exploited species. This observation highlighted the need for the MOU to seek synergies with other bodies dealing with similar issues.

51. Mr Sant (TRAFFIC) proposed the addition of “traceability” in item 12, mentioning that the CITES Animals and Standing Committees had proposed establishing a working group on this subject which will be considered at the CITES COP in September.

52. Ms Fordham (Shark Advocates International) said that regarding the references in items 8 and 9 to “bycatch” in relation to a possible Bycatch Working Group or workshops on bycatch, many species such as Mako and thresher sharks were targeted. The Secretariat suggested that the name of the Working Group might be changed to include other concepts such as sustainable fisheries.

53. Mr Acuña (South, Central America and the Caribbean) said that there were others issues beyond bycatch where contact should be made with RFMOs.

54. The Secretariat suggested that the Working Group once established should be asked to identify overlaps and gaps and in the case of the latter how to fill them.

55. Mr Varsamos (EU) sought clarification of the different remits of the proposed Bycatch and Species Working Groups and their relationship to the Advisory Committee as a whole.

56. The Chair said that one key difference between the Advisory Committee and the Working Groups would be their size, as the Committee currently had only eight members, whereas the Working Groups could draw in expertise from a far greater number of sources. The composition and the tasks of the Working Groups would also have to be addressed.

57. Mr Kaunda (Africa) said that bycatch was not an appropriate term since many shark species were targeted for food. The Chair reaffirmed that neither the name nor the scope of the proposed Working Group had yet been settled.

58. Ms Bräutigam (WCS) added that there were organizations beyond the RFMOs that were relevant to fisheries in general and sharks in particular.

59. Mr Friedman (FAO) said that FAO had now developed policies on sustainable harvest and trade (Activity 22), so it should be added to CITES, IUCN and TRAFFIC as an assisting partner in facilitating awareness-raising through regional capacity-building workshops.

60. As the discussion about the working groups continued and how the two would interrelate with each other and with the Advisory Committee, it was agreed to consider the options in a small group, led by Ms Gidding-Reeve.

61. As the Advisory Committee resumed after the lunchtime break, the Secretariat clarified the proposed procedure, suggesting that attention be turned to the terms of reference of the Working Group and once they were agreed, resume discussion of the Conservation Plan and start the item on national reporting. It was also decided that the session should be closed, so the media were excluded from the session.

62. The Secretariat reminded the meeting that the basis for the work of the MOU was the text of the instrument itself and the Conservation Plan adopted by MOS1. The Secretariat had drawn up a draft Programme of Work, and the Advisory Committee was requested to provide feedback particularly on the terms of reference for any Working Groups to be established under the Advisory Committee. The Chair emphasized that the role of this Committee was to advise and make recommendations; it could not decide issues, as that was the role of the MOS. Connected to CMS/Sharks/MOS2/Doc 11.2, Strategy for Cooperation with Regional Fisheries Management Organizations, Regional Seas Conventions and Fisheries-related Organizations,

was the proposal to set up a Bycatch Working Group. If the Advisory Committee supported the idea, then the Working Group would need terms of reference.

63. Ms Fordham said that RFMOs addressed bycatch in the context of seabirds and some shark species could be caught in sustainable numbers, so this issue was not always primarily a conservation concern.

64. Ms Jabado asked what governance mechanism applied in areas with no RFMO. In the Red Sea, there was a UNEP Regional Seas Programme but no fisheries body developing policies on sharks.

65. The Chair stressed that working with RFMOs was a means for the Advisory Committee to fulfil its duty to advise the Signatories. The Secretariat suggested that the first step might be to identify those RFMOs doing relevant work and to liaise with them. Identifying gaps and filling them could be done later.

66. Mr Varsamos (EU) stressed the importance of collaboration between the MOU and other bodies being a two-way process and thought should be given to what the MOU had to offer its partners. Tangible benefits for both sides needed to accrue from the relationships.

67. Mr Sant (TRAFFIC) asked whether a sub-committee would be better than a working group and raised the question of Signatories' representation at RFMOs. The Secretariat said that the countries that were involved in RFMOs were in many cases Signatories to the MOU, and so there should be voices raised in support of its aims and implementation. The niche of the MOU had to be identified and Signatories had indicated that they did not want the MOU interfering in fisheries management itself but it should rather work with those bodies that already had a clear mandate in this area.

68. Mr Friedman (FAO) said that under their obligations to report on highly mobile fish populations under CBD, Parties are able to utilize the information provided by their RFMOs. This reduced the need for individual Parties to develop their own reports where they had little capacity to do so.

69. Ms Fordham advocated the setting up of the Working Group as a means of helping the Signatories meet their obligations under CMS, the MOU and for fisheries management. She commented that just after the CMS COP in 2014, she had attended a meeting of ICCAT, and there was absolutely no awareness of the historic decisions taken in Quito regarding sharks.

70. Mr Friedman said that it was evident that environment and fisheries ministries did not communicate with each other effectively, often marginalising the voice of fisheries at forums where the environment ministry takes the lead.

71. Mr Varsamos (EU) recognized the problem of inadequate communication between environment and fisheries ministries, saying that neither side understood how the instruments of the other worked, but both sides had an interest in conserving species. One weakness was the lack of compliance mechanisms and sanctions for those who disobeyed the rules. He felt that in the short term, the Secretariat's proposals were too ambitious, and it was not entirely clear what direction the MOU was taking or what its exact niche was. He suggested that the MOU should focus on a smaller number of issues rather than try to cover everything in the next triennium. Relations with partners should be developed gradually and strategically and. in

terms of presentation, it should be noted that the membership of CMS and the MOU did not fully overlap and the sensitivities of Signatories that were not Party to CMS should be taken into account. Collaboration with other bodies over capacity-building was commendable, but was only one topic of many and probably not the most important.

Ms Gidding-Reeve (Oceania) agreed with the EU saying that the budget was small and the Work Programme was disproportionately ambitious. The Committee should decide what it thought was achievable.

72. Mr Acuña (South, Central America and the Caribbean) stressed the importance of not interfering with the work of others but rather collaborating with them.

73. The Chair asked whether the Committee wanted to wait for the result of the gap analysis before setting up the Working Groups for Species and Bycatch and defining their roles. Mr Simpfendorfer (IUCN SSG) doubted whether it would require a gap analysis but it was important to define a clear role for the MOU.

74. Mr Sant (TRAFFIC), echoing Ms Fordham's earlier comments about the lack of awareness of the CMS COP listings, said that the same was true at the CITES Animals Committee. In the case of ACAP, it was able to focus on specific RFMOs, for example ACAP engages with the one dealing with Southern Bluefin tuna (Commission for the Conservation of Southern Bluefin Tuna (CCSBT)). The ACAP Secretariat prepared briefings for its Parties highlighting key issues on the agenda. CMS and the MOU were global and would have to deal with a patchwork of different RFMOs.

75. The Secretariat said that although the MOU was not binding and had a limited budget, it could play a useful role in developing networks.

76. The Chair referred to the terms of reference of the Advisory Committee to seek guidance on the Committee's role in defining the aims of the MOU. He then asked if there were any further recommendations from the Committee concerning CMS/Sharks/MOS/Doc11.2 and interactions with RFMOs, RSCs and other fisheries-related organizations.

77. Ms Heupel (Australia) said that the distinction between the potential roles of the Bycatch and Species Working Groups was so blurred that the two could easily be merged into a single Working Group.

78. Ms Fordham sought to address the issue of the CMS message not being received in RFMOs. With the exception of the mako sharks, it was accepted that most shark species should be or were protected, and the only species listed on CMS Appendix I and the Annex of the MOU that did not have equivalent protection under CITES were the Mobulids. Issues such as these should be highlighted as areas for future cooperation with other organizations.

79. Mr Varsamos (EU) said that ACAP was a good example and the lessons of its success should be taken on board. It was an Agreement with its own budget and its participation in the work of RFMOs was welcomed because it brought with it unique expertise derived from having a clear niche. The MOU did not have such a distinct role yet, possibly because while albatrosses were unwanted bycatch, sharks were not.

80. Ms Bräutigam (WCS) thought that the name “Bycatch Working Group” was a misnomer and that reference to sustainable fisheries would be more appropriate. She also pointed out some inaccuracies in paragraph 6 of the document concerning RFMOs and RSCs, as not all of these had a management mandate. For CMS as a whole, there was a need to engage with the fisheries constituency.

81. An in-session Working Group led by Ms Gidding-Reeve was established to compile some ideas for presentation the following day. She was joined by Mr Acuña, Mr Vacchi and Ms Heupel, Ms Fordham, Ms Lawson, Ms Jabado, Mr. Diop and the Secretariat.

82. A revised version of document 9.1 was projected on screen. The main changes were that it was proposed to create a single Working Group to be known as the “Conservation Working Group” (CWG) and the first three activities had been merged into one.

83. To reduce the amount of text in the Programme of Work, the terms of reference would become a stand-alone document; cross-references to the terms of reference would be added instead. The proposed activities originally assigned to the two working groups had been merged. Activity 11 in the original draft (coordination with fisheries specialists to develop a standard protocol for collecting data) was deleted, as it was not thought to be relevant for the Advisory Committee.

84. The section on fisheries management and data collection containing activities 15-18 was examined and a number of changes made, including deletion of the reference to expanding fisheries-independent research (encouraging was to be retained). The text, however, seemed very aspirational and therefore not entirely appropriate for the Programme of Work, which was intended to be more concrete. The EU pointed out that fisheries research involved chartering vessels and was very expensive, certainly beyond the means of the MOU.

85. Mr Vacchi (Europe) suggested adding a reference to mitigation under activity 17 and to UNCLOS, but it was agreed that this would be better in the section on cooperation with existing instruments and organizations related to shark conservation.

86. Ms Heupel (Oceania) reminded the Committee that the members of the CWG would be volunteers and care should be taken not to overburden them. She added that the legislation referred to in Activity 18 should be geared towards the implementation of the MOU rather than fisheries in general, as FAO had a legal unit to deal with this.

87. Ms Lawson (IUCN) suggested the addition of global to complement the regional Red List assessments referred to (activity 29) and the wording of activity 65 (compilation of manuals) should specify the type of guidance to be produced and this activity could be merged with the one on capacity-building and training needs. The reference to CITES-listed species could be deleted.

88. Ms Graham (MarAlliance) suggested that a communications and awareness-raising strategy should be developed for CMS to ensure greater buy-in and support for the convention with non-signatory countries.

89. Mr Kaunda proposed the deletion of the reference to Massive Open Online Courses (MOOC) because he felt that this was too specific and too ambitious. Ms Graham said that MOOC also had a high drop-out rate.

90. A revised version of CMS/Sharks/MOS2/Doc.9.1 was submitted to the MOS as Annex 3 of CMS/Sharks/MOS2/Doc.13.2

### **Agenda Item 8 Conservation Priorities**

91. Mr Ebert gave a presentation based on his desk study, which had been published as CMS/Sharks/MOS2/Inf.12 concerning conservation priorities for shark and ray species included and proposed for inclusion in Annex 1 to the Sharks MOU. He pointed out that in the past 15 years a considerable number of new species, about 20 per cent of all known species (or ~250 new species), had been described, bringing the total above 1,200, of which just seven were included on Annex 1 and a further twenty-two had been proposed.

92. Mr Coelho (EU) said it was important to have a comprehensive overview of all the RFMOs and to compare the different regulations applying to the various fisheries and Ms Lawson (IUCN SSG) said that species' differences meant different management needs. Sharks were highly mobile and moved across national jurisdictions and even across the boundaries of RFMOs.

93. Mr Sant (TRAFFIC) said that work had been done on overexploitation in various management units. It was important to define management units and identify clearly which body or bodies had responsibility for them. He also highlighted the diversity in trade, which involved many types of product in various fisheries in different regions. Under CITES, Parties imposed conditions regarding the identification of products to help improve traceability.

94. Ms Fordham (Shark Advocates International) said that with regard to priorities, the species on CMS Appendix I should also be subject to high levels of protection so the focus should be placed on Appendix II species. In other forums, the EU and USA were constantly voted down when they tried to set quotas for mako sharks.

95. Mr Ebert issued a caveat about Mobulids which were a difficult case, with three large species present globally and a larger number of smaller, more localized ones and no clear picture about their historic range.

96. Ms Bräutigam (WCS) asked whether an analysis had been done on national regulations concerning sawfishes. Gaps in this area should be addressed as a matter of priority. Mr Ebert confirmed that strong programmes were in place in Australia, but there was little comparable in some other regions. The USA had designed a recovery plan but funding was still needed to implement it. The lack of recovery planning at a national level was a major omission.

97. Ms Heupel (Oceania) said that at the heart of the MOU should be the international, cross-border aspects of conservation and it should act as a clearing house.

98. Mr Kaunda (Africa) asked what action was being proposed to address the weaknesses identified, suggesting training sessions on deep-sea and pelagic species for which data were scarce.

99. Mr Varsamos (EU) extended the question and asked what, in concrete terms, were the main priorities for the MOU over the coming three years, to which Mr Ebert's suggestions were: developing life history data matrices, establishing a clearing house, and producing identification guides to improve data specificity.

## **Agenda Item 9 Partnerships and Cooperation**

### **Agenda Item 9.1 RFMOs**

**(see also Agenda Item 7 – Programme of Work)**

100. Ms Gidding-Reeve (Oceania) said that there had been some confusion concerning the wording of the mandate, which called for a framework to be established, when all that was required seemed to be for the MOU to engage with RFMOs.

101. Changes were made to the list of types of expertise that were required and the areas added were: trade/traceability, socio-economic issues and governance.

102. The Secretariat said that the definition of bycatch was a “grey area” complicated by the terminology in the parent Convention, which included “taking”, which was interpreted as a deliberate act and which might not cover bycatch which was incidental.

103. Mr Friedman (FAO) suggested that the term ‘sustainable use’ be used in MOU plans and correspondence, in order to identify common ground and build better relationships with RFMOs.

104. Draft terms of reference for the Conservation Working Group were submitted to the MOS as Annex 4 of CMS/Sharks/MOS2/Doc.13.2.

### **Agenda Item 9.2 List of Experts**

105. The Chair suggested that the list as it stood be recommended for adoption. The experts were: Mr Dulvy, Mr Ebert, Ms Fordham, Ms Fowler, Ms Jabado<sup>1</sup>, Ms Lawson, Mr Sant and Mr Simpfendorfer. More names could be added later as required and appropriate in accordance with procedures to be agreed.

106. Mr Friedman (FAO) perceived a gap in the areas of expertise covered regarding fisheries governance. It was agreed that this should be looked into. Mr Friedman suggested that FAO might provide an appropriate candidate, with technical expertise on fisheries, and links to RFMO’s.

107. Ms Bräutigam said that the IUCN Sharks Specialist Group (SSG) had over 100 members, and some regional expertise could be found there. Several members of the Advisory Committee were members of the SSG and would have direct contact with other experts.

## **Agenda Item 10 National Reporting**

108. The Chair presented the draft National Reporting form (CMS/Sharks/MOS2/Doc.12.1), designed to be used as an online tool. Every effort had been made to keep the form as simple as possible so as not to deter Signatories from completing it while still requesting information relevant to the Conservation Plan.

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<sup>1</sup> As Ms Jabado was later appointed to the Advisory Committee from the Asia Region, she was excluded from the List of Experts adopted at the MOS

109. There were no comments on the section on general information, which included the contact details of the person completing and submitting the report.

110. It was suggested that the Executive Summary could be presented as simple bullet points.

111. Regarding Section III on general data, it was pointed out that FAO and CITES had drop-down multi-choice menus, allowing updates and making it easier to fill in the form which made it more likely that Signatories would respond. It was also important that questions were properly phrased to illicit the correct information.

112. Ms Gidding-Reeve (Oceania) said that the government departments dealing with CMS were not those responsible for fisheries and the consultation that would be required did not lend itself to tick boxes and drop-down menus.

113. Mr Simpfendorfer (IUCN) urged that the Committee be clear in what information it needed and frame the questions accordingly.

114. Ms Heupel (Oceania) said that several questions lacked a temporal aspect and she felt that it would be useful to know, for instance, when new regulations were introduced. Some questions could be answered from information already supplied by Signatories to other forums. Gathering all of this information together in one place might give the MOU the role of “one-stop shop”.

115. Regarding the frequency of reporting, the preferred option was once very triennium rather than annually.

116. Mr Varsamos (EU) asked what would be done with the data. If Signatories knew that the exercise was worthwhile, they would be more likely to complete and return the reports. The Secretariat said that the reports were the main means for assessing whether the MOU was being implemented and whether it was having its desired effects.

117. Mr Vacchi (Europe) said that in Question 4 several issues were combined and it would be better if they were separated.

118. Mr Coelho (EU) said that it would potentially be very time-consuming trying to deal with population estimates and report on local populations for the listed species because they were migratory.

119. Mr Friedman (FAO) said that data-poor reports were submitted to CBD for the Aichi Targets for fisheries, and attempts had to be made to cover the range of operations, from factory ships to artisanal fisheries. It should be possible for the MOU to collaborate with responsible agencies rather than institute a new process that repeats functions already in place, to glean data from reports submitted to other forums, e.g. FAO had a web-based reporting questionnaire on the Implementation of the Code of Conduct for Responsible Fisheries. Even with these resources, it was likely that many questions would be left unanswered because the information was currently unavailable.

120. Ms Graham (MarAlliance) asked whether surveys could be applied with local fishermen, as mining all the available datasets would take a great deal of time. Other organizations active in the field could be requested to ask the questions to which the MOU needed answers when they were conducting research. She also posed the fundamental question of why the proposed reports were necessary and asked for more specifics on the information sought in light of resource and integrative shortfalls.

121. The Secretariat said that it lacked the staff to undertake the task of researching, sifting through and analyzing large quantities of material.

122. The Chair summarized by saying that it was agreed that a reporting mechanism was needed but, as data were being collected by other organizations, efforts should be made to mine information that already existed. He suggested that a working group should be established to examine the issues and compile a list of the core reporting requirements.

123. Mr Kaunda (Africa) pointed out that countries signing the MOU took on certain commitments, one of which was preparing reports on implementation. If Signatories were already compiling the information for other forums, it would be easy to send it to the Secretariat.

124. Mr Sant (TRAFFIC) suggested that in connection with trade questions, Signatories that were Party to CITES should be encouraged to share their non-detriment findings.

125. Ms Fordham (Shark Advocates International) agreed that the questionnaire should be simple, and liked the proposal to have tick boxes and drop-down menus for some questions, but added that some yes/no options would be useful in that they might prompt Signatories to address issues where no action was being taken.

126. Mr Varsamos (EU) proposed replacing the current Question 4 on data collection and ecological knowledge with a list of relevant projects and the results achieved.

127. There was a further discussion about bycatch, non-target catch and incidental catch, and the need was identified to establish agreed definitions for the context of the MOU. Unfortunately, the text of the MOU offered no guidance. Mr Varsamos said that a definition of “fishery” would also be required. It was also pointed out that earlier versions of the reporting format had included questions about the fate of bycaught specimens.

128. It was pointed out that countries with a federal system would have difficulty using an online system, as considerable consultation was necessary with state authorities that were responsible for certain policy aspects. Thought should be given to providing flexible formats such as printable answers and spreadsheets that were compatible with the database.

129. Key elements of national reporting identified by the Advisory Committee would be submitted to the MOS as Annex 5 of CMS/Sharks/MOS2/Doc.13.2

### **Agenda Item 11 Terms of Reference for the Advisory Committee**

130. Committee members were requested to comment on the draft terms of reference for the Advisory Committee contained in CMS/Sharks/MOS2/Doc.13.1 and were reminded that setting the mandate of the Advisory Committee was the task of the Signatories;

the Committee could, however, provide guidance to them.

131. An amendment was proposed to the wording concerning the formation of working groups.

132. The questions of the timing of the Advisory Committee meetings and its modus operandi were raised. Holding the Advisory Committee Meeting immediately before the Meeting of Signatories meant that Signatories received advice and recommendations at very short notice with little time to digest them or consult. It was noted that CMS had decided to decouple its Scientific Council from the Conference of the Parties. It was therefore proposed that the wording linking meetings of the Advisory Committee to the MOS should be deleted. It was also proposed that the notice for calling meetings should be changed from 45 days to 150.

133. A revised version of CMS/Sharks/MOS2/Doc.13.1 was submitted to the MOS as Annex 6 of CMS/Sharks/MOS2/Doc.13.2.

#### **Agenda Item 12 Any Other Business**

134. Ms Gidding-Reeve said that the Oceania region would give consideration to whether she or Ms Heupel would in future represent the region on the Advisory Committee.

#### **Agenda Item 13 Closure of the Meeting**

135. After the customary expression of thanks to all those that had contributed to the organization and execution of the Meeting, including the other members of the Advisory Committee, the invited experts, the observers and the Secretariat, the Chair declared proceedings closed.