

SECOND MEETING ON INTERNATIONAL COOPERATION ON MIGRATORY SHARKS UNDER THE CONVENTION ON MIGRATORY SPECIES AND WILD ANIMALS: 6-8 DECEMBER 2008

The second meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species (SHARKS II) convened from 6-8 December 2008 at the UN Food and Agriculture Organization (FAO) headquarters in Rome, Italy. The goal of the meeting was to reach agreement on the final form of the instrument to guide the management of migratory sharks, based on two drafts of a legally binding instrument (LBI) and a non-legally binding instrument (NLBI) prepared by the Convention on Migratory Species and Wild Animals (CMS) Secretariat, in consultation with an Intersessional Steering Group on Migratory Sharks (ISGMS). SHARKS II was also expected to note the progress made by the CMS Secretariat and ISGMS in implementing earlier recommendations calling for the development of a migratory shark agreement, consider whether a dedicated plan of action for the instrument was necessary, and recommend further actions for the finalization of the instrument.

SHARKS II agreed on an NLBI in the form of a memorandum of understanding (MoU) for migratory shark conservation and adopted a "Statement on the Outcome of the Meeting." SHARKS II revised the proposed draft MoU and informally considered draft elements for the plan of action that will be developed further by an Inter-Sessional Drafting Group by July 2009, with the expectation that both documents would be finalized and adopted at SHARKS III to be held in the Philippines. Among the meeting's most contentious issues was whether to limit the MoU's scope to the Basking, Great White and Whale Sharks that initially triggered interest in the instrument in 2005 or to include the Spiny Dogfish, Porbeagle and Shortfin and Longfin Mako Sharks that were listed on the CMS appendices at its ninth Conference of the Parties the previous week.

Participants gave mixed reviews of SHARKS II achievements. While some expressed disappointment at the decision to develop yet another NLBI, others were frustrated by the fact that SHARKS II came close to adopting an MoU and

then stumbled over "diversionary issues." Optimists highlighted that the development of a global agreement is "new territory for CMS" and drew parallels with other regional CMS MoUs that took equally long to develop, cautioning that haste may lead to a poor quality MoU. And while the offer by the Philippines to host SHARKS III revived participants' flagging spirits during the meeting's final hour, there was near consensus that the success or failure of the process that began in 2005 at CMS COP 8 rests heavily on the quality of the yet-to-be developed action plan.

A BRIEF HISTORY OF CMS AND MIGRATORY SHARKS CONSERVATION

A significant proportion of threatened shark species are migratory, some of them undertaking large-scale movements across and around 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

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instruments contain provisions for the conservation and management of migratory sharks, they have generally failed to deliver practical improvements in the conservation status of the species, and vulnerable populations are continuing to decline. A few regional fisheries management organizations (RFMOs) and other international organizations, as well as some regional instruments, such as the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, also include provisions on migratory sharks.

CMS: The Convention on the Conservation of Migratory Species of Wild Animals was concluded in 1979 in an effort to address the vulnerability of migratory species. It entered into force on 1 November 1983. CMS, also known as the Bonn Convention, recognizes that states must be the protectors of migratory species that live within or pass through their national jurisdictions, and aims to conserve terrestrial, marine and avian migratory species throughout their ranges. CMS currently has 110 parties.

The Convention was designed as a framework through which parties may act to conserve migratory species and their habitats by: adopting strict protection measures for migratory species that have been characterized as being in danger of extinction 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 significantly from international cooperation (species listed in Appendix II); and joint research and monitoring activities. At present, over 100 migratory species are listed in Appendix I.

CMS also provides for the development of specialized regional agreements for Appendix II species. By December 2008, seven legally binding agreements and sixteen MoUs had been concluded. The agreements and MoUs are open for signature to all range states of a particular species, regardless of a party's status in the Convention.

The operational bodies of the CMS include the Conference of the Parties (COP), the Standing Committee, the Scientific Council and a Secretariat provided by the United Nations Environment Programme (UNEP). The COP meets every two to three years to review and amend Appendices I and II.

COP 6: CMS effectuated its first shark listing at its sixth meeting of the COP (4-16 November 1999, Cape Town, South Africa), where resolutions were adopted on, *inter alia*, institutional arrangements, by-catch, 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.

COP 7: The seventh meeting of the COP (18-24 September 2002, Bonn, Germany) added 20 species to Appendix I and 21 to Appendix II, with three whale species and the White Shark listed on both. COP 7 also adopted a resolution on by-catch.

COP 8: The eighth meeting of the 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) with respect to highly migratory marine species; cross-cutting issues, including climate change

and by-catch; and the implementation of existing agreements and development of future agreements, including on migratory sharks.

This last resolution, Resolution 8.5, endorses the development of a global instrument on migratory sharks, under the auspices of the CMS, and urges cooperative action through a species-specific action plan. In Recommendation 8.16, 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 FAO and the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) and relevant range states leading to enhanced 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) took place from 11-13 December 2007 in Mahé, Seychelles. The meeting was convened to identify and elaborate an option for international cooperation on migratory sharks under CMS. Participants elaborated several options for such an instrument, and prepared a general statement on the purpose and process of the meeting and a statement on the outcomes of the meeting to guide the future work on the process. Participants welcomed the emerging convergence towards either a global LBI or NLBI, 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 to advance the work was established, with the expectation of concluding the instrument at the ninth meeting of the CMS Conference of the Parties.

COP 9: The ninth meeting of the COP (1-5 December 2008, Rome, Italy), in its resolution on priorities for CMS agreements (Resolution 9.2), *inter alia*: encourages the Secretariat to continue exploring partnerships with interested organizations specialized in the conservation and management of migratory species; urges range states to ensure the definite conclusion and entry into effect of an instrument on sharks; and lists the Shortfin and Longfin Mako Sharks, Porbeagle Shark and the northern hemisphere population of the Spiny Dogfish on Appendix II.

OTHER RELEVANT INITIATIVES

UNCLOS: The UN Convention on the Law of the Sea (UNCLOS), 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 the rights and responsibilities for the management and use of fishery resources within their national jurisdictions and provides for the establishment of exclusive economic zones. With respect to the high seas, UNCLOS recognizes the free access and the freedom of fishing to all states, and calls upon these, and especially fishing states, to cooperate in the conservation and management of fishery resources occurring in the high seas. UNCLOS Annex I (highly migratory species) lists over 50 migratory

shark species. Under UNCLOS, coastal states are also required to consider the effects of fishing on associated and dependent species, which is directly relevant to shark by-catch.

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 was adopted in 1995 and entered into force in 2001. Also known as the UN Fish Stocks Agreement (UNFSA), this agreement amplifies and facilitates the implementation of UNCLOS provisions relating to the conservation and management of these categories of fish stocks in the high seas. It sets out detailed mechanisms for cooperation between coastal and fishing states, including the establishment of 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 the action required for the management and conservation of sharks to ensure their long-term sustainable use. The IPOA-Sharks calls upon all 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 that occur in their waters. In implementing IPOA-Sharks, states are also urged to ensure effective conservation and management of sharks that are transboundary, straddling, highly migratory and high-seas stocks. Building on IPOA-Sharks and the recommendations of the CITES Intersessional Shark Working Group, FAO, in November 2008, held a Technical Workshop on the "Status, limitations and opportunities for improving the monitoring of shark fisheries and trade."

CITES COP 14: The Convention on International Trade in Endangered Species of Wild Fauna and Flora which entered into force in 1975, constitutes the international legal framework for the prevention of trade in endangered species of wild fauna and for the regulation of international trade in other vulnerable species. The Basking, Whale and White Sharks are listed on CITES Appendix II (species requiring control measures). Under its Resolution 12.6 (conservation and management of sharks), CITES maintains an active involvement in shark conservation measures.

CITES COP 14, held in June 2007, agreed to list sawfish on its Appendix I (vulnerable species that may only be traded under exceptional circumstances), but rejected proposals to list Porbeagle and Spiny Dogfish on Appendix II and to impose trade measures. However, a wider range of species was expected to be discussed as a result of the work of the CITES Animals Committee's Intersessional Shark Working Group and a document submitted by Australia.

CITES AC 23: The 23rd meeting of the CITES Animals Committee (19-23 April 2008, Geneva, Switzerland) considered the implementation of the IPOA-Sharks, future action to be taken with respect to the management and conservation of sharks if their status does not change, and the Illegal, Unreported and Unregulated (IUU) fishing and international trade in shark products.

Concerning IPOA-Sharks, the meeting underscored the need for detailed international trade data on shark products to assist with shark fisheries monitoring and assessments, and recommended that: the Secretariat monitor the World Customs Organization discussions on the development of a customs data model and the inclusion therein of a data field to report trade at a species level, and notify parties of the existence of these discussions and significant developments; the Secretariat identify and assess options for developing a more universal tracking system; and parties develop and utilize customs codes for shark fin products that distinguish between dried, wet, processed and unprocessed fins.

On the management and conservation of shark species of concern, the Committee requested the US to head the work of an intersessional group on the issue of sharks and stingrays, and prepare a paper for discussion at AC 24, highlighting progress made and priorities for future actions for species of concern.

Regarding IUU fishing and trade in shark products, the Committee recommended that Australia take into account available sources, including the outcomes of the forthcoming FAO shark fisheries workshop and the Non-Detrimental Findings workshop, when preparing its paper on IUU fishing to be presented at AC 24 in 2009 for further discussion.

REPORT OF THE MEETING

On Saturday afternoon, 6 December 2008, Robert Hepworth, Executive Secretary of the Convention on Conservation of Migratory Species of Wild Animals (CMS), opened the second meeting on the International Cooperation on Migratory Sharks under the Convention on Migratory Species (SHARKS II).

Kevern Cochrane, Division of Fisheries Management and Conservation, UN Food and Agriculture Organization (FAO), on behalf of Director-General Jacques Diouf, welcomed delegates, highlighted the FAO's work on fisheries, and said the FAO was committed to cooperating with CMS and the United Nations Environment Programme (UNEP) in making optimal use of linked resources.

Presenting the overview of the meeting, Hepworth said the meeting's objectives are: to decide whether the instrument will be legally binding or not; which kind of action plan would be needed; and whether to include, in the new instrument, the Spiny Dogfish, Porbeagle and Shortfin and Longfin Mako Sharks that were added to the CMS Appendices at the ninth session of the CMS Conference of the Parties (COP 9).

ORGANIZATIONAL MATTERS: Hepworth invited delegates to consider the rules of procedure (UNEP/CMS/MS2/Doc/6), noting the standard practice of using the rules of procedure of the "parent body's" Conference of the Parties. He highlighted a few modifications to the rules: one designating him the temporary Chair; allowing equal participation at the meeting by CMS parties and non-parties; and a provision to facilitate the participation of intergovernmental and non-governmental organizations. Absent the rules in other official UN languages and at the request of Argentina and the European Union (EU), agreement on the rules was deferred to allow time for consideration.

On Sunday, plenary reviewed the provisional rules of procedure. Executive Secretary Hepworth explained that CMS COPs usually operate by consensus, adopting voting procedures only when consensus cannot be attained, and highlighted that the rules designed for the COP should be applied to SHARKS II, as appropriate. Argentina, France, on behalf of the EU, Norway, South Africa and the US favored consensus. Plenary approved the rules of procedure, with an amendment of Part IV on voting procedures, which was replaced by “consensus decision-making.”

On Saturday afternoon, plenary appointed Nancy Céspedes (Chile) as Chair and Theresa Mundila Lim (Philippines) as Vice-Chair. Glen Ewers (Australia), Jerome Dit Ikonga (the Republic of Congo), Akram Darwich (Syria), Tabi Philip (Cameroon) and Eduardo Espinoza (Ecuador) were appointed to the Credentials Committee. Plenary then adopted its agenda (UNEP/CMS/MS2/Doc/1/Rev.1) without amendments.

On Monday, Credentials Committee Rapporteur Tabi Philip presented the Committee’s report, highlighting that Akram Darwich (Syria) served as its Chair. He said a total of 28 instruments of credential were accepted, another 10 conditionally, and four were rejected. He added that 19 countries did not submit their credentials.

OUTCOME OF THE FIRST MEETING TO IDENTIFY AND ELABORATE AN OPTION FOR INTERNATIONAL COOPERATION ON MIGRATORY SHARKS UNDER CMS

On Saturday afternoon, Chair Céspedes drew participants’ attention to the report of the first meeting on International Cooperation on Migratory Sharks under the CMS (SHARKS I) (UNEP/CMS/MS1/Report). Hepworth summarized the Background Paper on the Conservation Status of Migratory Sharks and Possible Options for International Cooperation under CMS (UNEP/CMS/MS4). He said participants in SHARKS I agreed to a number of key elements for a shark conservation agreement, including: geographic scope; species to be covered; fundamental principles, shark conservation and management components; and cooperation with other bodies. Hepworth noted that there was consensus that the agreement will be global and focus on the three species listed in the CMS Appendices, with an enabling mechanism to allow parties to add species. He highlighted the three fundamental principles agreed at SHARKS I on the need to: address the broad range of measures that deal with shark conservation and management; use precautionary and ecosystem approaches to shark conservation; and cooperation and immediate engagement with the fisheries industry, FAO and RFMOs.

Argentina asked for the report to be made available in all three languages of the Convention, and Hepworth noted that there were available funds to translate Annex 11 of UNEP/CMS/MS1/Report on the agreed outcome.

UPDATE ON THE CONSERVATION STATUS OF MIGRATORY SHARKS

On Saturday, Sarah Fowler, Chair of the IUCN Shark Specialist Group, presented an update on the conservation status of migratory sharks, drawing on the 2007 IUCN Red List assessment of 600 species. She said the most recent update with an assessment of over 1,000 species will be released by

IUCN in 2009. Fowler said the study found that: migratory shark species are more threatened than non-migratory species; a high proportion of migratory species are critically endangered, endangered or vulnerable; and the primary threats are target fisheries, by-catch and non-consumptive use. She underscored the data deficiency on sharks.

New Zealand expressed hope for the meeting’s positive progress. The United Kingdom (UK) noted the deterioration of shark status since SHARKS I and the challenge of paying attention to 140 shark species, but expressed hope that SHARKS II would be ambitious in its goal. In response to Norway, Fowler explained that the IUCN Shark Specialist Group has members that belong to scientific fisheries groups and come from 70 countries. In response to Jordan’s question about the focus on data about sharks, Fowler reiterated that data was poor in general, and some regions had more data.

On Sunday, Roy Bikram Jit, Marine Fisheries Survey Unit, Bangladesh, presented on the status of shark fisheries in his country. He explained the harvesting methods, described the consumers and the small-scale industry status of suppliers, and noted that shark and rays by-catch are sold in the markets for a reasonable price. He concluded that Bangladesh does not consume sharks and rays on a large scale and that a management plan needs to be developed and implemented.

India outlined his country’s shark conservation measures, and said that scientific studies on shark migration have been initiated. Guinea-Bissau expressed interest in the techniques used by Bangladesh, and stressed the importance of developing a national labeling system to export products.

INTERNATIONALLY AGREED PRINCIPLES AND PROCEDURES OF SHARK CONSERVATION

On Saturday, Kevern Cochrane, FAO, presented the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) and Related Issues (UNEP/CMS/MS2/Doc/5).

He stressed the challenges related to shark management and to the implementation of the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) and National Plans of Action (NPOAs) such as: low economic importance of shark resources; high value of shark fins; biological characteristics of sharks species; data deficiencies on identification of species and on the amount of catch and discards and fishing effort by gear sector; and the voluntary nature of IPOA-Sharks. In order to strengthen IPOA-Sharks, Cochrane suggested, *inter alia*, the need to: address the lack of sustained funding and to share expertise on Elasmobranch fisheries; and increase industry participation in fisheries management. He highlighted FAO actions to address IUU fishing, and concluded that future actions should include improving management of sharks by improving management of the fisheries sectors as a whole.

The International Fund for Animal Welfare (IFAW) said a legally binding agreement would bring a new dimension to the conservation of sharks. In responding to IFAW, Cochrane noted that ten NPOAs have been submitted. Hepworth highlighted the importance of FAO work in elaborating the shark agreement. Ecuador highlighted the importance of data on fisheries for improving comparisons and promoting sharks conservation.

The US highlighted existing gaps in implementation, and said other measures are needed to complement the plan of action. In response to Malta, Cochrane said both coastal and pelagic sharks require serious attention.

The EU pointed out that in his region many agreements on shark conservation are being implemented. Mauritania highlighted its shark initiatives, and called for resources to support the establishment of a subregional fisheries observatory and implementation of the subregional activities.

Norway said there should be no binding agreement as it might conflict with other schemes and take longer to be agreed and obtain signatories, emphasizing the goal was to raise a high political priority for migratory sharks when RFMOs or scientific bodies make their plans. New Zealand concurred on the preference for a memorandum of understanding (MoU), the CMS role in enhancing opportunities to liaise with FAO, and the need to attract many signatories. The UK observed that while fisheries and their management are, probably, the most important activities that impinge on shark populations, they are not the only ones, necessitating attention to other activities with little or nothing to do with fisheries. He concurred with New Zealand that the aim was to encourage the widest possible membership of the instrument, which would be best achieved through an MoU.

Japan highlighted its host-country role when IPOA-Sharks was established and underscored the instrument's achievements. He noted IPOA-Sharks' lack of implementation and compliance, and suggested addressing these shortcomings, as a new instrument would not make a difference. He expressed Japan's openness to identifying the gaps in the framework, with a view to strengthen shark measures and avoid redundancy in existing mechanisms.

The EU said the region had agreed that the outcome should aim to improve the conservation status of migratory sharks, place sharks on a higher political level, and promote research, and collaboration and coordination between regional fisheries bodies. He said CMS is the right forum to address these issues by, *inter alia*, providing a complementary reference to FAO instruments and other bodies and schemes, and measures other than those for fisheries management. He said an MoU would have a higher geographical dimension and be quicker to implement, but that the questions were its capacity to add value, and how quickly and the extent to which this could happen.

Australia noted support for an MoU with a clear aim of conservation action that prioritizes migratory shark species. He supported an MoU that does not overstep jurisdictional boundaries and focuses on implementing gaps in shark conservation.

OPTIONS FOR INTERNATIONAL COOPERATION UNDER CMS

REPORT OF ISGMS: On Saturday, the Secretariat presented an overview of the report (UNEP/CMS/MS2/Doc/7) on the work of the Intersessional Steering Group on Migratory Sharks. He said the Secretariat drafted an LBI and an NLBI, which were submitted to the ISGMS for comments, following which the Secretariat prepared second drafts (UNEP/CMS/MS/Doc/4/Rev.1) that were subsequently submitted to the ISGMS for further comment. He stressed that the last set of comments that

did not arrive on time and could not be incorporated into the drafts distributed at SHARKS II. Chair Céspedes invited general comments on the report.

New Zealand said it favored agreement of the instrument by signatories before adding newly listed species, and expressed concern about including references to pollution and marine debris, questioning the ability of any instrument to protect pelagic shark habitats. The EU, Guinea-Bissau, New Zealand, South Africa and the UK expressed support for an NLBI, such as an MoU. The Philippines, Portugal and Mauritania supported an NLBI that addresses implementation gaps of other existing agreements, such as IPOA-Sharks.

The EU said the MoU should be effective, operational and functional, and address fisheries issues as well as other aspects that ensure "effective" shark conservation. South Africa said the main obstacle was non-implementation of, and non-cooperation on, existing instruments. The UK and Norway supported an NLBI, and respectively stressed that the proposed MoU contains details more appropriate for an LBI and an action plan.

The Ocean Conservancy noted that existing NLBIs for sharks conservation have too often being ignored, and encouraged participants to aim at an agreement that can deliver concrete actions and be applicable to more migratory shark species. Chile said it favored an LBI, explaining that MoUs are not a priority for governments. IUCN said during its IPOA-Sharks monitoring activities, she noted that with few exceptions, implementation has been disappointing and that shark management had not been a priority for countries. She suggested that the new instrument complement IPOA-Sharks and address its shortcomings.

Angola, the FAO, Iran and Togo highlighted the need for synergies among instruments, including in capacity building and resources. Kenya and Seychelles favored an LBI but would agree with an NLBI with a strong action plan and financial support for its implementation. In response to Guinea-Bissau, the Secretariat said the ministry with responsibility for the subject area was the one eligible to sign the MoU.

PRESENTATION OF DRAFTS OF A NON-LEGALLY BINDING MOU AND A LEGALLY BINDING AGREEMENT: Presenting the drafts of an LBI and an NLBI (UNEP/CMS/MS2/Doc/4/Rev.1) on Sunday, CMS Executive Secretary Hepworth drew attention to: the differences between LBIs and NLBIs; the need to prepare an action plan or adopt existing plans or both; and the need to decide on species coverage and funding options, noting that the CMS will be unable to accommodate the instrument within its budget.

Cameroon, the Republic of Congo and Uruguay favored an NLBI. Argentina favored an NLBI, highlighting that the instrument could be the first step towards the adoption of an LBI. Some delegates suggested deciding whether to adopt an LBI or an NLBI. The US said it was flexible and would support the will of the group. India proposed, and plenary agreed, to focus on the MoU and Côte d'Ivoire stressed that the instrument chosen must be effective.

IDENTIFICATION OF THE PREFERRED CMS INSTRUMENT: On Sunday, Chair Céspedes invited a section-by-section consideration of the draft MoU (UNEP/CMS/M2/Doc/4/Rev.1, Annex 1).

The US, EU and Australia sought clarification about the procedure to be followed. Responding to Cameroon's inquiry about the reference to "agreement" in an MoU, the Secretariat explained that existing MoUs have used this language in the past. UNEP noted that, technically, this new instrument should be considered a first step for an LBI, and questioned calling it an agreement, since it would be an NLBI. Hepworth explained that there are agreements under the CMS that are non-legally binding.

On procedure, plenary agreed to follow the Bureau's proposal to conduct a first reading of the draft MoU to: identify substantive suggestions for amendments, submission and editions and text that should be transferred to the action plan; and subsequently establish contact groups to find consensus around the contentious issues, followed by a concluding session of the plenary to take decisions.

The EU proposed beginning with a consideration, in plenary, of the less contentious issues, such as the list of shark species to be covered by the MoU. Japan said as a CMS non-party, linking the MoU's species to CMS instruments might present legal difficulty, and that the MoU should supplement the work of IPOA-Sharks and RFMOs and be consistent with existing instruments.

Mauritania suggested including swordfish. WWF International noted that species to be listed in the new instrument do not need to comply with CMS lists, and urged participants to consider adding the Spiny Dogfish, Porbeagle, and Shortfin and Longfin Mako Sharks. The US and Australia favored an umbrella instrument, leaving substantive issues to be dealt with in the action plan.

Uruguay suggested that the new instrument cover CMS species. Australia suggested linking CMS species to the new instrument to avoid replicating the work and process of the CMS Scientific Council. Argentina suggested starting with the original three species (Basking, Whale and Great White Sharks) that were discussed during SHARKS I and assess other species on a case-by-case basis. The US added that the relationship between CMS species and species covered in the new instrument should be flexible.

Brazil, Argentina, Australia, India and New Zealand supported initially including the shark species currently listed in the appendices of CMS in the MoU, with the possibility of further extending the list. South Africa favored the inclusion of the three species, but said it was flexible and could also accept the new species.

Kenya, Croatia, and Norway favored the inclusion of all seven species. The European Commission (EC) stressed that parties to CMS are obliged to negotiate an instrument to protect all species listed in Appendix II of the Convention. He said it would be inconsistent with CMS to include only three species under a sharks instrument adopted under the Convention.

The Ocean Conservancy underscored the endangered status of the four new shark species urging that all seven species be included to the instrument. Albania supported including the listed species. Australia stressed focusing on the sharks discussed at SHARKS I, arguing this would ensure a clear, targeted and prioritized approach, and that adding another four species would further dilute the MoU. The EU urged building on what has been achieved to ensure each delegation can find a comfortable way

to move forward on the seven species. Argentina stressed the aim of addressing existing gaps, and supported only covering the original three shark species. Belgium, supported by WWF, urged including the seven species, stressing the need for: existing instruments on fisheries and RFMOs to address species gaps; the MoU to prioritize work in the less effective RFMOs; and SHARKS II to replicate the CMS COP 9 achievements on shark conservation.

Drawing attention to a legally binding MoU between Argentina and Chile under the CMS, Argentina urged that the migratory shark MoU state that it is an NLBI.

REVIEW AND FURTHER ELABORATION OF THE PREFERRED INSTRUMENT: On Sunday, plenary began a section-by-section consideration of the draft MoU, and established contacts groups that met Sunday evening to revise the provisions on Fundamental Principles and Conservation and Management measures. Executive Secretary Hepworth presented the revised Draft MoU on the Conservation of Migratory Sharks (Rev. 1 of 07.12.2008) on Monday, noting that the revisions were based on plenary discussions, and included: deletion of voting procedures; inclusion of new text on the link between CMS and the MoU; and deletion of the direct link with the species listed in the CMS Appendices.

Preamble: On Monday afternoon, plenary briefly considered the MoU preamble, and agreed on the provision recalling the resolutions that established the SHARKS process.

On the reference noting that the Basking, Whale and Great White Sharks are listed on CITES Appendix II and the CMS Appendices, Argentina, Australia and the EC queried the rationale for referring to the two Conventions. New Zealand noted that their listing was a fact and should be retained. The Secretariat stated the need to highlight the shark species that will be prioritized, and underscored the need to retain the CITES reference.

Discussion of the subsection's other provisions was deferred to SHARKS III.

Relationship with the Convention: This section elaborates the MoU relationship with the Convention on the basis of CMS Article IV paragraph 4, and was deleted from Monday's revised text in light of plenary discussions on this issue on Saturday and Sunday.

Scope, Definitions and Interpretation: This section highlights, *inter alia*, the agreement as an NLBI, its application to all migratory species of sharks included in its Annex 1, and definitions. Belgium, for the EU, supported by the US, proposed: establishing an annex specifying the species applicable; providing for MoU signatories, including CMS non-parties, to add species to the MoU annex; and defining sharks as migratory species, subspecies and populations of the Class *Chondrichthyes* as determined by the MoU signatories. The UK, in response to Australia, Norway and the Secretariat, said the EU proposal broadens the species' scope beyond the sharks listed on CMS appendices, and aimed to avoid the: automatic linking of species listed on the CMS appendices to the MoU annex; and repetition of "migratory" throughout the text. Argentina suggested that the term "migratory" be defined in the MoU text. Angola and India

underscored the close link between the MoU and CMS, with Norway and Ecuador noting this would encourage non-parties to become parties to CMS.

The US said the species listed under the MoU should have a separate existence from the species listed in the CMS appendices, although such species should be taken into consideration as a matter of priority by the MoU signatories. He added that the US was looking forward being a signatory of the MoU, but does not know whether it will become a CMS party. He also noted that not all signatories of the MoU may agree with the automatic inclusion of new species under the CMS process, being CMS non-parties.

The EC supported accommodating different views of non-parties and parties to CMS. New Zealand, supported by Chile, recommended an explicit reference to the Basking, Whale and Great White Sharks in the main body of the MoU instead of listing them only in Annex I.

Hepworth suggested simplifying the definition of sharks, listing the species in Annex I of the MoU and placing the ones not agreed upon in brackets. The EU suggested including the four new species in brackets into Annex I. The UK drew attention to the EC's submission that simplifies the MoU, its scope and definitions.

Objective: This section presents alternate MoU objectives. On Monday, Cameroon, Chile, Ecuador, the EU, India, Kenya, Norway and Togo supported the option specifying conservation of CMS listed migratory sharks, and Angola, Guinea-Bissau, Japan and the US supported the alternative with a more general objective. The CMS Secretariat offered to revise the text, merging components of the preferences highlighted.

Fundamental Principles: This session highlights several principles emphasizing, *inter alia*, that: sharks should be managed to allow for sustainable harvest, where appropriate; application of both the ecosystem and the precautionary approaches; and signatories have regard for the general duty to protect the marine environment. The EC suggested adding a reference to bodies beyond those dealing with fisheries. Guinea-Bissau said crucial principles, such as participation, solidarity and subsidiarity, were missing from the MoU.

Argentina suggested including the acknowledgement of states' roles and political actions in the management of migratory sharks fisheries.

Norway recommended transferring a paragraph referring to the means under which the signatories aim to achieve the objectives of the MoU from the Fundamental Principles section to that on Conservation and Management Measures. The Philippines recommended merging the definition of precautionary approach with the paragraph on the conservation and management measures based on the best scientific information. In response to Angola's question on budgetary issues, Hepworth said participants should decide which budget principles should be adopted, such as the UN scale of assessments or any other formula based on voluntary contributions. Plenary established a contact group comprised of Argentina, Australia, the EC, Guinea-Bissau and the US to revise the provisions in this section, which met on Sunday evening.

On Monday morning, the Secretariat presented the contact group's brief report on Fundamental Principles, clarifying that square brackets were used to denote no consensus on the issue. The EC said that square brackets should be used for the entire section. India, Mauritania and the US emphasized the need to retain the principles. The US added that fundamental principles provide a context for the rest of the text. The Inter-American Tropical Tuna Commission expressed concern that not all RFMOs have the mandate to regulate shark fisheries in the high seas and suggested reference to RFMOs "with a role" in shark conservation.

Norway then emphasized the flag state responsibility in the high seas. The US proposed replacing "sharks species" with "sharks fisheries" to emphasize conservation.

Australia and the EC said the entire text of the draft MoU should be in square brackets to allow for consultation with capitals.

Conservation and Management Measures: This section presents the legal, regulatory and administrative measures to conserve and manage migratory sharks and their habitat that will be implemented through the action plan. Australia, New Zealand, Norway and the US suggested moving many of the provisions in this section to the MoU annex that will contain the plan of action. Norway and the EC suggested deleting reference to placing observers on fishery vessels for implementation purposes. Argentina underscored that an NLBI should not place responsibilities upon CMS parties.

Ecuador noted the need to further elaborate measures to allow cooperation with the fishing industry. Japan highlighted the need to avoid duplication with FAO and RFMO activities and drew attention to the financial implications of the measures to be adopted. The Inter-American Tropical Tuna Commission underscored the importance of the fishing industry's cooperation for broadening the knowledge on by-catch.

The UK stressed that the agreement should seek to spur non-active RFMOs to make progress and to realize a cooperative venture. In response to the US comment that the elaboration of a conservation plan as an annex would take a long time, the Secretariat explained that the contact group was not expected to elaborate the action plan, but to provide the elements for framing a draft action plan for consideration by SHARKS III.

Participants decided to establish a contact group on conservation and management measures composed of Argentina, Australia, Ecuador, the EC, New Zealand, Norway and the US.

On Monday morning, David Hogan (US), Chair of the contact group on the issue, reported that the group's work was based on the draft text and plenary discussion, and the Indian-Ocean South East Asian Marine Turtle MoU as a model. He said the group emphasized the need for the MoU to, *inter alia*: enhance coherence and coordination with existing initiatives, including IPOA-Sharks and RFMOs; bring value added; and maintain a balance between fisheries and non-fisheries areas and between global and local actions. Hogan said the group recommended establishing an intersessional drafting group comprised of the SHARKS II participants, key countries and experts to prepare the draft text on conservation and management measures that will integrate the plan of action (Annex II). Chair Hogan offered to prepare the first draft using the elements identified by the contact

group. Hogan said the group also recommended that SHARKS II consider: scheduling a meeting to complete elaboration of the plan of action; and holding that meeting in conjunction with a SHARKS III where the MoU and its action plan can be concluded and adopted together.

CMS Executive Secretary Hepworth expressed hope that the process would include participants that were not at SHARKS II. Argentina, Ecuador, the EC and Guinea-Bissau expressed interest in participating in the contact group. The US highlighted the need to invite range states that have not yet participated in this process to broaden discussion and increase effectiveness of actions for the conservation of migratory sharks. Plenary agreed to identify and invite other relevant actors with the assistance of the Secretariat.

Action Plan: This section states that the MoU will have effect as an action plan that sets out the activities that signatories will progressively strive to undertake in relation to sharks, and assigns priorities to these activities. It was considered in conjunction with the section on Conservation and Management Measures. On Monday, plenary agreed to defer the development of the plan to an open-ended Inter-Sessional Drafting Group to be chaired by David Hogan (US).

Implementation and Reporting: This section contains activities to be carried out by each signatory state for implementing the MoU, including the possible establishment of a fund to meet its costs. On Monday, plenary approved the proposals without objection.

Meeting of Signatories: This section states that the meeting of the signatories will be the decision-making body of the MoU, and will convene for its first meeting no later than one year after the date the MoU takes effect. On Monday, Executive Secretary Hepworth explained the revisions regarding: the need to include a provision for the first meeting of signatories within a year to avoid losing momentum; and the possibility that “any relevant scientific, environmental, cultural, fisheries or technical body concerned with conservation and management of” any species of sharks could “participate as an observer at the first session of the meeting.”

Norway sought clarification about the intention to establish a secretariat for the MoU. The UK suggested revising the MoU’s prescriptive language and to provide for the possibility of considering species that may be listed in the CMS appendices in the future. Seychelles sought clarification about the expected source of financing. Australia stressed the need to ensure cost-effective administrative structures and resources. The UK suggested prioritizing resource use for conservation and management measures. The EC suggested revising the text on administrative and institutional issues, drawing attention to the brevity of the Indian-Ocean South East Asian Marine Turtles MoU.

In response, Hepworth said: there is a need to elaborate the MoU financing procedures in order to ensure its sustainability; an MoU independent of CMS could not be financed by CMS parties; and the provisions provide the first meeting of the signatories with the flexibility to select its host institution, a new or existing secretariat or a combination of these.

Argentina highlighted the financial implications of establishing new institutions for MoU implementation, and stressed that contributions to an NLBI are voluntary. Norway stressed its preference for an MoU closely linked to CMS listed species. The US highlighted the need to maximize MoU cost-effectiveness, and noted that its structure should facilitate voluntary contributions.

Advisory Committee: This section provides for the first meeting of the signatories to establish an advisory committee, comprising persons qualified as experts in migratory shark conservation science and management. Executive Secretary Hepworth invited delegates to discuss the rules for the Advisory Committee in choosing its Chair and Vice-Chair. The UK suggested the Advisory Committee should determine its own rules of procedure, including the process of selecting its bureau. Argentina drew attention to the financial implications of establishing a new CMS body.

Kenya said SHARKS II had diverted from the achievements of SHARKS I, noting that the meeting was not progressing toward the establishment of tangible conservation and management measures for sharks species with unfavorable conservation status. He underscored his support for an LBI, expressing disappointment over the choice for an NLBI, and added that the revised MoU had lost all the elements agreed to in SHARKS I.

Emergencies: This section provides the procedures to be taken to avoid a deterioration of the conservation status of one or more shark species in the event of an emergency. Executive Secretary Hepworth, in response to the EC, Norway and Mauritania’s query on the definition of “emergency,” explained that emergency situations can arise from specific threats to the conservation status of shark species, such as pollution. Hepworth added that the signatories concerned then would meet in a small group to decide on emergency measures, but noted the Meeting of Signatories could also elaborate, in advance, measures to improve the effectiveness of emergency measures. The Philippines suggested replacing “emergency measures” with “emergency response measures.”

Secretariat: This section concerns the MoU Secretariat, its functions and relationship to the CMS Secretariat. Australia said the general structure of the MoU Secretariat should be satisfactory to fulfill its mandate, but needs to be cost effective. Argentina noted that the proposed structure of the Secretariat is not compatible with an MoU and highlighted the financial implications of the MoU.

Cooperation and Coordination with Other Bodies: This section covers the MoU’s relationship with all relevant international, regional and subregional bodies, including the FAO and RFMOs. Angola underscored the need for clarification of the cases to be coordinated with other instruments. Norway suggested making reference to their Secretariats when referring to RFMOs.

Effects of this Agreement on International Conservation and Legislation: This section concerns the rights and obligations of signatories in relation to existing international treaties, conventions or agreements. Argentina highlighted the need to consult with her legal services for clarification on the issues contained in this subsection.

Other Provisions: This section concerns procedures for the entry into effect of the MoU and the signatories' opt out options. Croatia underscored the need to develop a list of species to be included in Annex I of the MoU. The US sought clarification on the signatures required to make the MoU effective. Argentina proposed mentioning only three regions: Africa, the Americas and Eurasia. Hepworth suggested a minimum of 10 range-state signatures from the regions. The EC recommended including regional economic integration organizations.

In responding to Norway, Hepworth said that inter-governmental organizations and non-governmental organizations and non-range states may participate in the MoU as cooperating parties.

The US suggested revising the definition of range states to language that can enable key fishing non-state entities to be a part of the MoU. The Secretariat agreed with the EC proposal that signatories opting out of the MoU would notify other members through the Secretariat.

On Monday afternoon, Belgium, for the EU, proposed the establishment of an intersessional working group, comprised of experts not representing their governments, to develop the MoU to provide a good basis for SHARKS III. Croatia noted a proliferation of intersessional contact groups, and inquired about the status of the ISGMS. Angola, Argentina, India, Norway, and South Africa supported Hepworth's comment on the need to protect the credibility of the process by building on the work done during SHARKS I and II.

DRAFT STATEMENT ON THE OUTCOME OF THE MEETING

On Monday afternoon, the Secretariat circulated a draft statement on the outcome of the meeting, which was considered in plenary. The EC and Cameroon sought clarification on the statement that there was "near consensus" among states on the negotiation of an MoU that is an NLBI. Kenya and Chile questioned the existence of near consensus. Argentina and South Africa underscored that there was consensus, which was reached without unanimity. Kenya suggested considering the possibility for an LBI at the next meeting. The US suggested adding that there were delegates that expressed preference for an LBI, but after discussions there was consensus on an NLBI. Kenya agreed to have the word "consensus" in the final document.

New Zealand, Seychelles and Australia said if consensus is not reached, the Indian Ocean and Pacific Region would prepare an instrument of some kind that would be ready for signature at SHARKS III, which would address the three species without prejudice to add more species at a later stage. The EC and Croatia made reservations to New Zealand's proposal because it would preempt SHARKS III debate. New Zealand noted that his region was hoping for consensus regarding the three shark species at this meeting. Australia suggested that defining a mechanism for including new species in the MoU may resolve the debate on the species covered by the instrument.

Regarding the objective, the US suggested noting that there was "tentative agreement" on the objective of the MoU. Norway and the US suggested inserting footnotes, respectively, to clarify that: the conservation of migratory species referred to are the sharks covered by the MoU; and "favorable conservation status" is as defined in the MoU.

Regarding the work of the Inter-Sessional Drafting Group, the US agreed to the Secretariat's proposal of a July 2009 target for the completion of the draft action plan. In response to Kenya, the Secretariat said, as with SHARKS I and II, it would prepare the draft MoU for consideration at SHARKS III.

In reference to the proposal for a follow-up meeting, plenary accepted the offer by the Philippines to host SHARKS III and expressed hope that a substantive instrument would come out of "the Philippines Waters."

Final Text: The adopted report states that:

- there was a consensus amongst the states present that the shark instrument should be an MoU, in a non-legally binding form;
- two states supported a binding agreement but agreed to work with the other participants towards a non-binding MoU within the following year;
- the MoU should definitely apply to the three species of the Basking, Great White and Whale Sharks. Four further species listed on CMS Appendix II by CMS COP 9 should also be considered for inclusion in the MoU. A final decision on this will be taken at the next negotiating meeting (SHARKS III);
- new wording was tentatively agreed for the objective of the MoU: "The objective of this Memorandum of Understanding is to achieve and maintain a favorable conservation status (as defined in the MoU) for migratory sharks (i.e., those covered by the MoU) and their habitats, based on the best scientific evidence, taking into account the socio-economic and other values of these species for the people of the signatory states.";
- a contact group prepared and revised text for the fundamental principles of the MoU and a final decision to approve the text will be taken at SHARKS III;
- a contact group concluded that the text on Conservation and Management Measures should be transferred to act as a framework for the action plan, namely "Conservation and Management Plan," subject to confirmation at SHARKS III;
- other paragraphs of the draft MoU were also amended;
- the meeting established an open-ended Inter-Sessional Drafting Group under the chairmanship of the US to prepare a draft Conservation and Management Plan by the end of July 2009, in liaison with other bodies such as FAO, IUCN and the CMS Scientific Council;
- the meeting accepted an offer by the Philippines to host further meetings of the Inter-Sessional Drafting Group and SHARKS III in 2009; and
- the common objective of SHARKS III is to complete an instrument on migratory sharks to be opened for signature before the end of 2009.

CLOSING PLENARY

In his closing remarks, CMS Executive Secretary Hepworth thanked delegates for a remarkable meeting, highlighting an increasing genuine participation in the process with the 35 delegations at SHARKS I and 51 delegates at SHARKS II. Thanking delegates for their contributions, Chair Céspedes called the meeting to a close at 5:34 pm.

A BRIEF ANALYSIS OF THE MEETING

Shark populations have been declining around the world due to overfishing both within and beyond areas of national jurisdiction. Biological characteristics such as slow growth, late maturity and low-reproduction rates make stocks recovery even more challenging for sharks. The situation is aggravated by threats associated with by-catch and habitat degradation. In the spirit of cooperation to adopt an instrument to effectively enhance the conservation of at least three species of migratory sharks, the Basking, Great White and Whale Sharks, the second meeting on International Cooperation on Migratory Sharks Under the Convention on Migratory Species (SHARKS II) was convened in Rome.

Participants faced the daunting task of negotiating either a legally binding (LBI) or a non-legally binding instrument (NLBI) on migratory sharks under the auspices of CMS in just three days. Yet, participants embarked on their work with high expectations of success, building upon negotiations at the first CMS Sharks Meeting (SHARKS I) held in December 2007, in Mahé, Seychelles. However, their initial optimism faded as negotiations stalled over a few contentious issues.

This brief analysis highlights the key achievements of SHARKS II with a focus on the two most contentious issues – what type of instrument and which shark species should be covered by the instrument. It concludes with highlights of the necessary actions that can ensure a successful conclusion to these negotiations at the next meeting scheduled to be held in the Philippines.

HIGH SEAS AND DEEP WATERS

Participants often point to the flexibility of CMS mechanisms to engage parties and non-parties in adopting agreements to protect various migratory species, as a key CMS strength. Some participants highlighted, however, that in elaborating the sharks' instrument, CMS was venturing into new waters, as this was its first experience preparing a global MoU. Its existing MoUs are smaller in geographic scope and, therefore, involve fewer actors and those with a direct interest in the particular issue. Participants commented that despite the challenge, CMS was making good progress.

While participants expressed divergent preferences for an LBI or an NLBI, from the onset a majority supported an NLBI, which some said was consistent with CMS tradition. As expected, opponents of each instrument reiterated the usual arguments. An LBI would require a long ratification process, impose on the signatories financial obligations that would unlikely be met, and divert resources from concrete action in the field. A voluntary NLBI would set a low-level of compliance for already critically endangered species, hinder its prioritization during implementation and add little value to existing NLBIs, such as the FAO's International Plan of Action for Sharks (IPOA-Sharks) and activities undertaken by regional fisheries management organizations (RFMOs).

In the end, the option of an NLBI in the form of a MoU prevailed by consensus, albeit without unanimity. Many acknowledged it was not the ideal option, but considered it a necessary compromise to enable the engagement of key fisheries non-state entities and non-CMS parties. Others highlighted the

benefits of the MoU and pointed to its success already, in raising awareness on the vulnerability of particular shark species and its value in stimulating action among non-active RFMOs. They maintained that it was focused on a limited number of species and on their migratory patterns, which provided for the design of specific conservation measures, all ingredients missing in IPOA-Sharks. Yet, as participants departed Monday evening, many acknowledged that a persuasive justification for the design for this NLBI "remains at sea." Many acknowledged that despite agreement to elaborate an MoU, and of its potential benefits, the MoU agreed objective remains tentative.

THE MOU MIGRATES NORTHWARDS

A sense of frustration pervaded the final plenary session on Monday afternoon with the continued contention over which species would be included for action in the MoU's annex. Some participants felt this divergence eventually hindered the conclusion of the MoU. From the outset, opinions were divided, with some participants supporting only inclusion of the Basking, Great White and Whale Sharks that triggered the SHARKS process by the 2005 CMS Conference of the Parties (COP 8). Others pressed for an additional four, the Spiny Dogfish, Porbeagle, Shortfin and Longfin Mako Sharks that were added the previous week by the 2008 COP 9 to the three listed on the CMS Appendices. Proponents argued that the new species were even more endangered.

Some participants argued that the SHARKS process was initiated at COP 8, primarily due to concern over the status of shark species in the Southern hemisphere, while the new species listed by COP 9 were predominantly endangered by activities in the Northern hemisphere. Participants were therefore frustrated that urgent conservation measures needed for shark species in the South had been held hostage by a new agenda concerning shark issues in the North. Moreover, some argued that substantive differences exist in the biological characteristics, sources of vulnerability and migration patterns of the initial three and the four newly listed shark species. Therefore, different conservation measures may be needed for the Northern and Southern species, which would complicate the preparation of the action plan and potentially delay its conclusion. In light of these difficulties, Australia, New Zealand, Kenya and Seychelles expressed interest in a parallel Indian Ocean–Pacific regional process, if it became apparent SHARKS III would not finalize the MoU.

Controversy over the scope of species was also linked to the debate on the relationship between the MoU and CMS. CMS non-parties strongly supported an independent MoU to ensure future CMS decisions on sharks are not automatically obligatory for action by the MoU signatories. They found support from CMS parties intent on drawing the interest of key non-state parties such as Taiwan, the private sector and non-governmental organizations. While consensus was attained on the MoU's independence, it proved more elusive on the shark species to be listed in the MoU Annex I. In the penultimate plenary, there was agreement that the Basking, Great White and Whale Sharks will be covered by the MoU, while consideration for the remaining four was deferred to SHARKS III.

DOCKING IN THE PHILIPPINES WATERS

SHARKS II was convened with the aim of concluding an instrument to achieve and maintain a favorable conservation status for migratory sharks under the CMS. Since delegates could not conclude the agreement in Rome, they will reconvene in the Philippines to finalize the MoU and its action plan. An open-ended Inter-Sessional Drafting Group to be chaired by the US was tasked with completing the draft action plan by July 2009, which participants agreed was the real test for the MoU's ability to deliver.

To make good progress, the Inter-Sessional Drafting Group will need to pay attention to both the preparatory process and content. Participants need to pin down the MoU's primary value added, ensure complementarity between the MoU and IPOA-Sharks and existing regional efforts, and make provisions for governance and data gaps. Given that contention over the species under consideration is closely linked to limited knowledge about sharks generally, sufficient attention should be given to research. In light of its voluntary nature, the MoU plan of action should provide for strong conservation and management measures. The key challenge will be framing a plan that attends to measures applicable to all the shark species under consideration, in the event that a decision is taken at SHARKS III to include the newly listed species. Some participants expressed optimism that the enthusiasm evident for a rapid conclusion of an MoU and its plan would translate into active participation in the intersessional period. As participants head for the Philippines, Norway's quip over the inability to finalize the MoU is worth remembering: "when the Devil did not want anything to happen, he created the world's first committee."

UPCOMING MEETINGS

PEW WHALE COMMISSION: The Pew Whale Commission will meet on 9-10 February 2009, in Lisbon, Portugal. Following two Pew Whale Symposia (12-13 April 2007, New York, US, and 30-31 January 2008, Tokyo, Japan), this meeting is the third Pew initiative in support of the reform of the International Whaling Commission (IWC) and its constituent instrument, the International Convention for the Regulation of Whaling. The meeting aims to consider ways to ensure the effective operation of the IWC in the future, and to make recommendations accordingly. For more information, contact: Natalie Wegener, Pew Environment Group; tel: +1-202-887-8800; fax: +1-202-887-8877; e-mail: nwegener@pewtrusts.org; internet: <http://www.pewwhales.org>

IWC WORKSHOP ON CLIMATE CHANGE AND CETACEANS: This workshop will be held from 21-25 February 2009, in Sienna, Italy. The primary aim of the workshop is to determine how climate change is/may already be affecting cetaceans and how best to determine these effects. The Climate Change Workshop will bring together experts in cetacean biology, modeling, marine ecosystems and climate change. It will review current understanding and seeks to improve conservation outcomes for cetaceans under climate change scenarios described in the IPCC's 4th report. For more information, contact: IWC Secretariat; tel: +44-1223-233-971; fax: +44-1223-232-876; e-mail: secretariat@iwcoffice.org; internet: http://www.iwcoffice.org/sci_com/workshops/CLIMATEworkshop.htm

THIRD MEETING OF THE RECAAP INFORMATION

SHARING CENTRE GOVERNING COUNCIL: This meeting of the of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia will be held from 23-27 February 2009, in Singapore. For further information, contact: Takanori Matsumoto, Assistant Director for Programmes; tel: +65-6376-3070; fax: +65-6376-3066; e-mail: info@recaap.org; internet: <http://www.recaap.org/>

28TH SESSION OF THE FAO COMMITTEE ON

FISHERIES: This meeting will convene at FAO headquarters in Rome, Italy, from 2-6 March 2009. For more information, contact: Ndiaga Gueye; tel: +39-06-5705-2847; fax: +39-06-5705-6500; e-mail: ndiaga.gueye@fao.org; internet: <http://www.fao.org/fishery/about/cofi/en>

23RD ANNUAL CONFERENCE OF THE EUROPEAN

CETACEAN SOCIETY: Hosted by the Turkish Marine Research Foundation, this meeting will take place in Istanbul, Turkey, from 2-4 March 2009, under the theme "Climate Change and Marine Mammals." For more information, contact: the Turkish Marine Research Foundation; tel: +90-216-323-9050; fax: +90-216-424-0771; e-mail: ecs2009@tudav.org; internet: <http://www.tudav.org/ecs2009/>

UNFSA RESUMED REVIEW CONFERENCE: The UN Fish Stocks Agreement Review Conference is expected to resume in 2010. The eighth round of Informal Consultations of States Parties to the UNFSA is scheduled to convene from 16-20 March 2009. For more information, contact: UNDOALOS; tel: +1-212-963-3962; fax: +1-212-963-5847; e-mail: doalos@un.org; internet: <http://www.un.org/Depts/los/>

FIRST INTERNATIONAL CONFERENCE ON MARINE

MAMMAL PROTECTED AREAS: This Conference will be held from 29 March - 3 April 2009, in Maui, Hawaii, US. It is co-hosted by the US National Oceanic and Atmospheric Administration, the National Marine Fisheries Service Office of International Affairs and the National Marine Sanctuaries. For more information, contact: Lee-Ann Choy, Conference coordinator; tel: +1-808-864-9812; fax: +1-866-211-3427; e-mail: prc@hawaii.biz; internet: <http://www.icmmpa.org/>

SECOND MEETING OF THE CBD AHTEG ON

BIODIVERSITY AND CLIMATE CHANGE: The second meeting of the Convention on Biological Diversity's *Ad Hoc* Technical Expert Group on Biodiversity and Climate Change will be held from 30 March - 3 April 2009, in Helsinki, Finland. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@cbd.int; internet: <http://www.cbd.int/meetings/>

CITES AC 24: The 24th meeting of the Animals Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will convene from 20-24 April 2009, in Geneva, Switzerland. For more information, contact: CITES Secretariat; tel: +41-22-917-8139/40; fax: +41-22-797-3417; e-mail: info@cites.org; internet: <http://www.cites.org>

WORLD OCEAN CONFERENCE: This Conference will be held from 11-15 May 2009, in Manado, Indonesia. Organized by the Government of Indonesia, the Global Forum on Oceans, Coasts and Islands, and other partners, it will draw high-level attention to issues of ecosystem-based integrated oceans management in the context of climate change, focusing

especially on the policy recommendations emanating from the 2008 Global Conference. For more information, contact: World Ocean Conference Secretariat; tel: +62-431-861-152; fax: +62-431-861-394; e-mail: info@woc2009.org; internet: <http://www.woc2009.org/>

INTERNATIONAL MARINE CONSERVATION

CONGRESS: This event will take place from 19-24 May 2009, in Washington DC, US. It will encompass the Second International Marine Protected Areas Congress. For more information, contact: Conference Chair John Cigliano; tel: +1-610-606-4666, ext. 3702; e-mail: John.Cigliano@cedarcrest.edu or IMCC2009@conbio.org; internet: <http://www2.cedarcrest.edu/imcc/index.html>

10TH MEETING OF THE UN OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA: This meeting is expected to take place on 17-19 June 2009, at UN headquarters in New York. For more information, contact: UNDOALOS; tel: +1-212-963-3969; fax: +1-212-963-5847; e-mail: doalos@un.org; internet: <http://www.un.org/Depts/los/>

IWC 61: The 61st Annual Meeting of the International Whaling Commission will take place from 22-26 June 2009, in Madeira, Portugal. Its Scientific Committee will meet from 31 May - 12 June 2009. Other associated meetings will be held from 13-21 June 2009. For more information, contact: IWC Secretariat; tel: +44-1223-233-971; fax: +44-1223-232-876; e-mail: secretariat@iwcoffice.org; internet: <http://www.iwcoffice.org/meetings/meeting2009.htm>

CITES COP 15: The fifteenth meeting of the Conference of the Parties (COP) to CITES will take place from 16-28 January 2010, in Doha, Qatar. For more information, contact CITES Secretariat; tel: +41-22-917-8139/40; fax: +41-22-797-3417; e-mail: info@cites.org; internet: <http://www.cites.org>

CBD COP 10: The tenth meeting of the Conference of the Parties to the Convention on Biological Diversity will take place from 18-29 October 2010, in Nagoya, Japan. The meeting is expected to assess achievement of the 2010 target to reduce significantly the rate of biodiversity loss, adopt an international regime on access and benefit-sharing and celebrate the International Year of Biodiversity 2010. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@cbd.int; internet: <http://www.cbd.int/meetings/>

CMS COP 10: CMS COP 10 will be held in 2011, with the dates and venue to be determined. For more information, contact: the CMS Secretariat; tel: +49-228-815-2401/02; fax: +49-228-815-2449; e-mail: secretariat@cms.int; internet: <http://www.cms.int>

THIRD MEETING ON INTERNATIONAL COOPERATION ON MIGRATORY SHARKS UNDER CMS: This meeting will take place in the Philippines at a date to be determined. For more information, contact: the CMS Secretariat; tel: +49-228-815-2401/02; fax: +49-228-815-2449; e-mail: secretariat@cms.int; internet: <http://www.cms.int>

GLOSSARY

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| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| CMS | Convention of Migratory Species of Wild Animals |
| FAO | Food and Agriculture Organization of the United Nations |
| IPOA-Sharks | FAO International Plan of Action on the Conservation and Management of Sharks |
| ISGMS | Intersessional Steering Group on Migratory Sharks |
| IUCN | World Conservation Union |
| IUU | Illegal, unreported and unregulated fishing |
| LBI | Legally binding instrument |
| MoU | Memorandum of Understanding |
| NLBI | Non-legally binding instrument |
| NPOA | National Plans of Action |
| RFMO | Regional Fisheries Management Organizations |
| SHARKS | Meeting on International Cooperation on Migratory Sharks under the CMS |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNEP | United Nations Environment Programme |
| UNFSA | Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks |