



Distr, LIMITED

UNEP(DEPI)/CAR WG.42/INF.24  
8 March 2021

Original: ENGLISH

---

Ninth Meeting of the Scientific and Technical  
Advisory Committee (STAC) to the Protocol  
Concerning Specially Protected Areas and Wildlife  
(SPA)W) in the Wider Caribbean Region

Virtual meeting, 17–19 March 2021

**EFFECTIVE NATIONAL LEGAL PROTECTION AND REGIONWIDE  
MANAGEMENT OF SHARKS AND RAYS**

*For reasons of public health and safety associated with COVID-19, this meeting is being convened virtually. Delegates are kindly requested to access all meeting documents electronically for download as necessary.*





# Effective management of sharks and rays species listed in Annex III

A REPORT OF THE SPAW SPECIES WORKING GROUP

*Task 4: “Develop priorities and strategies for regional collaboration on and implementation of management measures to improve protection of species listed under the Annexes of the Protocol.”*

## Authors

**Olga Koubrak**, Legal Advisor at SeaLife Law

**Julia Horrocks**, Professor, University of the West Indies (UWI), Barbados

**Irene Kingma**, Strategy and Policy Lead, Dutch Elasmobranch Society

**Anne-Marie Svoboda**, Senior Policy Officer bij Ministry of Agriculture, Nature and Food Quality, Netherlands

**Angela Somma**, Division Chief, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA)

**Andrea Pauly**, Associate Programme Management Officer, Coordinator Sharks MOU, Convention on the Conservation of Migratory Species of Wild Animals (CMS)

**Monica Borobia Hill**, Ex- SPAW Programme Officer, consultant

**Camilo Thompson**, Attorney, Marine & Coastal Protection Program, Interamerican Association for Environmental Defense (AIDA).

**Courtney Vail**, Director, Principal Consultant Lightkeepers Foundation

**Elisabeth Fries**, Support Officer SPAW-RAC

**Sandrine Pivard**, Executive Director, SPAW-RAC, chair of the working group

with the contribution of

**Julian Walcott**, Technical Officer at Caribbean Protected Areas Gateway BIOPAMA Programme

**Sabrina Munier**, Marine and coastal biodiversity project manager, marine environment referent at DEAL Martinique

*For reasons of public health and safety associated with COVID-19, this meeting is being convened virtually. Delegates are kindly requested to access all meeting documents electronically for download as necessary.*

\*This document has been reproduced without formal editing.

## Background

1. Nine species of sharks and rays are currently listed on Annex III of the SPAW Protocol. These are: oceanic whitetip shark (*Carcharhinus longimanus*), silky shark (*Carcharhinus falciformis*), whale shark (*Rhincodon typus*), scalloped hammerhead shark (*Sphyrna lewini*), great hammerhead shark (*Sphyrna mokarran*), smooth hammerhead shark (*Sphyrna zygaena*), reef manta ray (*Manta alfredi*), giant manta ray (*Manta birostris*), and “Atlantic manta ray” (*Manta* sp. cf. *birostris*).
2. According to Art. 11(1)(c) of the SPAW Protocol, Parties have the following obligations towards these species:
3. Each Party shall adopt appropriate measures to ensure the protection and recovery of the species of flora and fauna listed in Annex III and may regulate the use of such species in order to ensure and maintain their populations at the highest possible levels. With regard to the species listed in Annex III, each Party shall, in co-operation with other Parties, formulate, adopt and implement plans for the management and use of such species, including:
  - (i) For species of fauna:
    - (a) the prohibition of all non-selective means of capture, killing, hunting and fishing and of all actions likely to cause local disappearance of a species or serious disturbance of its tranquility;
    - (b) the institution of closed hunting and fishing seasons and of other measures for maintaining their populations;
    - (c) the regulation of the taking, possession, transport or sale of dead species, their eggs, parts or products.
4. While each of the SPAW Signatory Parties has a responsibility to implement sustainable management measures for the Annex III listed species, they are also managed through regional and international management organisations and environmental treaties.
5. This document provides an overview of the measures in place for Annex III listed species within international and regional management and protection structures, and looks at the possibilities for improving the measures for sharks and rays in the SPAW Convention area.

---

[A1]Convention on the Conservation of Migratory Species of Wild Animals

### Overview of management frameworks of relevance to the SPAW-area

SPAW Contracting Party	ICCAT	WECAFC	CITES	CMS	CMS Sharks MOU	SDG
<b>The Bahamas</b>	No	Yes	Yes	No	No	Yes
<b>Barbados</b>	Yes	Yes	Yes	No	No	Yes
<b>Belize</b>	Yes	Yes	Yes	No	No	Yes

<b>SPAW Contracting Party</b>	<b>ICCAT</b>	<b>WECAFC</b>	<b>CITES</b>	<b>CMS</b>	<b>CMS Sharks MOU</b>	<b>SDG</b>
<b>Colombia</b>	Cooperating	Yes	Yes	No	Yes	Yes
<b>Cuba</b>	No	Yes	Yes	Yes	No	Yes
<b>Dominican Republic</b>	No	Yes	Yes	Yes	No	Yes
<b>France</b>	Yes (St. Pierre & Miquelon)	Yes	Yes	Yes	Yes	Yes
<b>Grenada</b>	Yes	Yes	Yes	No	No	Yes
<b>Guyana</b>	Cooperating	Yes	Yes	No	No	Yes
<b>Honduras</b>	Yes	Yes	Yes	Yes	No	Yes
<b>Netherlands</b>	EU & Curacao	Yes	Yes	Yes	Yes	Yes
<b>Panama</b>	Yes	Yes	Yes	Yes	No	Yes
<b>St. Lucia</b>	No	Yes	Yes	No	No	Yes
<b>St. Vincent and the Grenadines</b>	Yes	Yes	Yes	No	No	Yes
<b>Trinidad and Tobago</b>	Yes	Yes	Yes	Yes	No	Yes
<b>Venezuela</b>	Yes	Yes	Yes	No	No	Yes

SPAW Contracting Party	ICCAT	WECAFC	CITES	CMS	CMS Sharks MOU	SDG
United States	Yes	Yes	Yes	No	Yes	Yes

## International Management

6. International fisheries on tuna and tuna-like species for the Wider Caribbean Region is managed through the International Convention for the Conservation of Atlantic Tuna (ICCAT), which also manages bycatch of species like sharks. More than half of SPAW Parties are either members or cooperating non-members of ICCAT. All SPAW Parties are also CITES Parties. All Annex III sharks and rays are listed on Appendix II of the Convention In Trade of Endangered Species (CITES), which aims to ensure all international trade in vulnerable and endangered species is managed sustainably. All Contracting Parties of the Cartagena Convention and SPAW Protocol have committed to the United Nations Sustainable Development Goal's (SDG) and the 2030 Agenda for Sustainable Development. Seven SPAW Parties are also Parties to CMS[A1] and four Parties have signed the CMS Sharks MOU, a specialized agreement under CMS for the conservation of migratory sharks and rays. All Annex III sharks and rays are included in App I and/or App II of CMS and Annex 1 of the Sharks MOU. Listing in Appendix I of CMS requires Parties to prohibit the taking of these species. This applies inter alia to all sawfish, mobulids, whale shark and oceanic whitetip shark, which are strictly protected under CMS.

## ICCAT

7. International Commission for the Conservation of Atlantic Tunas (ICCAT) contracting parties and cooperating non-contracting parties (CPCs) include the following WECAFC members: U.S, Japan, Brazil, Republic of Korea, Venezuela, Republic of Guinea, UK (overseas territories), EU, Mexico, Belize, Trinidad and Tobago, Panama, Barbados, Guatemala, St. Vincent and the Grenadines, Curacao, Guyana, Suriname, Grenada and Honduras.
8. In 2004, ICCAT became the first RFMO to ban shark finning; the rule sets forth a 5% limit on the fin-to-carcass weight ratio for enforcement. The same binding 'Recommendation' mandates CPCs to report annual catch (Task I) and catch-effort data (Task II) for sharks, and encourages release of live sharks, full utilization of retained sharks, research to identify ways to make fishing gear more selective, and the identification of shark nursery areas (see specific regulation text below).
9. The following ICCAT Recommendations apply to the species listed on Annex III. ICCAT Recommendations are binding on ICCAT members and cooperating non-members (referred to as "CPCs" in the Recommendations).
10. Recommendation by ICCAT Concerning the Conservation of Sharks Caught in Association with Fisheries Managed by ICCAT (04-10)
- CPCs shall take the necessary measures to require that their fishermen fully utilize their entire catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark except head, guts and skins, to the point of first landing.

- CPCs shall require their vessels to not have onboard fins that total more than 5% of the weight of sharks onboard, up to the first point of landing.
- Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Recommendation.

**11. Recommendation by ICCAT on the Conservation of Oceanic Whitetip Shark Caught in Association with Fisheries in the ICCAT Convention Area (10-07)**

- CPCs shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of oceanic whitetip sharks in any fishery.
- CPCs shall record through their observer programs the number of discards and releases of oceanic whitetip sharks with indication of status (dead or alive) and report it to ICCAT.

**12. Recommendation by ICCAT on Hammerhead Sharks (Family Sphyrnidae) Caught in Association with Fisheries Managed by ICCAT (10-08)**

- CPCs shall prohibit retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of hammerhead sharks of the family Sphyrnidae (except for the *Sphyrna tiburo*), taken in the Convention area in association with ICCAT fisheries.
- CPCs shall require vessels flying their flag, to promptly release unharmed, to the extent practicable, hammerhead sharks when brought alongside the vessel.
- Developing coastal CPCs catching hammerhead sharks for local consumption exempted from this prohibition pursuant to this paragraph should endeavor not to increase their catches of hammerhead sharks. Such CPCs shall take necessary measures to ensure that hammerhead sharks of the family Sphyrnidae (except of *Sphyrna tiburo*) will not enter international trade and shall notify the Commission of such measures.
- CPCs shall require that the number of discards and releases of hammerhead sharks are recorded with indication of status (dead or alive) and reported to ICCAT in accordance with ICCAT data reporting requirements.

**13. Recommendation by ICCAT on the Conservation of Silky Sharks Caught in Association with ICCAT Fisheries (11-08)**

- CPCs shall require fishing vessels flying their flag and operating in ICCAT managed fisheries to release all silky sharks whether dead or alive, and prohibit retaining on board, transshipping, or landing any part or whole carcass of silky shark.
- CPCs shall require vessels flying their flag to promptly release silky sharks unharmed, at the latest before putting the catch into the fish holds, giving due consideration to the safety of crew members. Purse seine vessels engaged in ICCAT fisheries shall endeavor to take additional measures to increase the survival rate of silky sharks incidentally caught.
- CPCs shall record through their observer programs the number of discards and releases of silky sharks with indication of status (dead or alive) and report it to ICCAT.
- Developing coastal CPCs catching silky sharks for local consumption exempted from the prohibition pursuant to this paragraph shall not increase their catches of silky sharks. Such CPCs shall take necessary measures to ensure that silky sharks will not enter international trade and shall notify the Commission of such measures.

### Data Collection and reporting

14. Parties and Cooperating parties to ICCAT have an obligation to report on shark (by)catches on an annual basis. This data is collated and published every 5 years, with the most recent lustrum running from 2010 to 2015. This predates any of the listings of these species on the SPAW-protocol but gives an indication of parties with catches of these species and those actively collecting data on shark catches.
15. The following SPAW parties reported shark catches to ICCAT for the Caribbean region (ICCAT area BIL93)

Country	Species	Amount
St Lucia	<i>Sphyrna mokkaran</i>	2.8 tons
	<i>Carcharhinus longimanus</i>	0.75 tons
Trinidad & Tobago	<i>Sphyrna</i> spp (unclassified hammerhead sharks)	158 tons
USA	<i>Sphyrna lewini</i>	0.06 tons
	<i>Carcharhinus longimanus</i>	1.66 tons
Venezuela	<i>Sphyrna lewini</i>	0.16 tons
	<i>Carcharhinus longimanus</i>	1.3 tons
	<i>Carcharhinus falciformis</i>	0.61 tons
Panama	<i>Carcharhinus falciformis</i>	0.83 tons
Granada	<i>Carcharhinus falciformis</i>	5393 tons

16. Curacao, Mexico, Panama and Barbados also report catches of some of these shark species but from other (adjacent) areas: Gulf of Mexico, North-West Atlantic. No catches of whale shark or manta rays are recorded in the ICCAT database.

### **CITES**

17. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provides a legal framework to monitor and control the international trade in species that are overexploited by such trade; it is reported to be one of the most effective agreements in regulating natural resource use (Fowler and Cavanagh 2005). Animals and plants threatened with extinction by trade are listed in Appendix I, banning international commercial trade in these species or their parts. Appendix II is reserved for species that could become threatened if trade is not controlled; trade in these species is closely monitored and allowed only after exporting countries provide evidence that such trade is permitted and not detrimental to populations of the species in the wild. In 2017, 183 countries were Party to CITES, including all Caribbean, North American, and Central American countries except for Haiti.



18. All species listed on SPAW Annex III are listed on CITES Appendix II. This means:
- An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is required.
  - An export permit may be issued only if the specimen was legally obtained and if the export will not be detrimental to the survival of the species.
19. A re-export certificate may be issued only if the specimen was imported in accordance with the Convention. In the case of a live animal or plant, it must be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment.
20. For sharks it is also important to note that if a specimen is introduced from the sea, the rules on transport depend on the registration country of the vessel and the charter state, for more information see CITES Conf. 14.6.
21. At CITES CoP18 further resolutions for the management of sharks and rays were adopted:
22. Resolution Conf. 12.6 (Rev. CoP18) – Conservation and Management of Sharks applies to sharks and rays and is binding on CITES Parties. It lists the following measures relevant to all SPAW Annex III listed elasmobranchs:
- ENCOURAGES Parties to improve data collection and reporting (where possible by species and gear type), adopt management and conservation measures for shark species, and enhance implementation and enforcement of these actions through domestic, bilateral, RFMOs or other international measures;
  - URGES Parties that are shark fishing States, that have not yet done so, to develop NDFs, as well as an NPOA, at the earliest opportunity or, when insufficient information is available, take steps to improve research and data collection at the species level on both fisheries and trade as a first step towards developing an NPOA Sharks and making NDFs, with a view to establishing long-term data collection on the status of shark and ray stocks;
  - INVITES Parties that engage in directed or non-directed shark fishing activities of shared stocks to collect and share, on a regional basis such as through RFMOs, RFBs or other regional collaborations, where they exist, data on effort, catches, live releases, discards, landings and trade (to species level and by gear type where possible), and make this information available to assist Scientific Authorities in the making of NDFs of such shared stocks;
  - FURTHER ENCOURAGES Parties to share information about stricter domestic measures pertaining to shark fisheries and trade, in particular zero export quotas or trade bans;
  - FURTHER ENCOURAGES Parties, intergovernmental and non-governmental bodies to develop robust, low-cost tools and systems, where not already existing, to ensure that shark species, in particular CITES-listed species, are identified accurately at the first point of capture/landing, and undertake studies of trade in all shark products.

## **SDG**

23. All Contracting Parties of the Cartagena Convention and SPAW Protocol are committed to the United Nations Sustainable Development Goals (SDGs) and the 2030 Agenda for Sustainable Development. Though the SDG's are not legally binding they do guide states in their objectives and implementation of ocean policy; SDG 14 - Life below the water - focuses on the conservation and sustainable use of oceans, seas, and marine resources, to ensure prosperity, food security, and sustainable development for all states specific indicators to comply with the international commitment.

24. Each SDG has specific targets with a timeline for accomplishing them, for SDG 14 these are:

1. By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution
2. By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans
3. Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels
4. By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics
5. By 2020, conserve at least 10 percent of coastal and marine areas, consistent with national and international law and based on the best available scientific information
6. By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation
7. By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism
8. Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries
9. Provide access for small-scale artisanal fishers to marine resources and markets
10. Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want

25. In regards to the management of sharks and rays in the Wider Caribbean region, targets 2, 4, 6, 7, 8 and 10 are of relevance.

26. The main threat facing shark and ray populations worldwide is overfishing. Most fisheries for these species are poorly regulated and there is an overall lack of capacity to control fishing activities. **Harmful subsidies** are an important driver for continued overexploitation and declines of global fish stocks affecting vulnerable ecosystems and species.<sup>1</sup> Governments must fulfill their

---

<sup>1</sup> The recognition of the damage that harmful subsidies are causing to fish stocks and the marine environment through the adoption of the Sustainable Development Goals (SDGs) in 2015. <https://sdgs.un.org/goals/goal14> & **Fisheries subsidies** are defined as financial contributions, direct or indirect, from public entities to the fishing sector, providing “benefits” to make more profit than it would otherwise. These include grants, loans, and equity infusions; foregone government revenue from tax exemptions; indirect support through government payments into

commitment to stop investing public money in activities that fund overfishing and degrade the ocean and in turn, aims to comply with United Nations Sustainable Development Goal (SDA) 14.<sup>2</sup> SDG should be implemented according to the global indicator framework for the SDG, and targets of the 2030 Agenda for Sustainable Development<sup>3</sup>:

27. The sharks and rays' species are in different degrees of risk and they play a critical ecological role to vulnerable ecosystems in the Wider Caribbean Region. In order to effectively protect sharks and rays it is necessary to understand that harmful subsidies increase overfishing, overcapacity, and bycatch of those endangered species.<sup>4-5</sup>

## CMS

28. The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is an environmental treaty under the aegis of the United Nations Environment Programme (UNEP). CMS provides a global platform for the conservation and sustainable use of migratory animals and their habitats. The Convention brings together those states through which migratory animals pass, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout the entire migratory range. The following SPAW Contracting Parties, Cuba, Dominican Republic, France, the Netherlands, Honduras, Panama, and Trinidad and Tobago are also Parties to CMS. CMS Appendix I includes migratory species that are endangered. Parties are requested to protect these animals, conserve or restore the habitats in which they live, remove obstacles to migration and control other factors that might endanger them. It is prohibited for any Range State to take, hunt, capture, harass, deliberately kill, or attempt to engage in any such conduct of these species.

29. In accordance with Article III (5) of the Convention

“Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:

- a) the taking is for scientific purposes;

---

funding mechanisms; or any other form of income or price support. **Beneficial subsidies** encourage the growth of fish stocks through the promotion of fishery resource conservation and management. **Harmful or capacity-enhancing subsidies** include programs that encourage more fishing capacity, resulting in overfishing. Reference: Sumaila, U.R., Ebrahim, N., Schuhbauer, A., Skerritt, D., Li, Y., Kim, H.S., Mallory, T.G., Lam, V.W. and Pauly, D., 2019. “Updated estimates and analysis of global fisheries subsidies” Marine Policy, 109 (2019), p.103695. & Sumaila, U. Rashid, Ahmed S. Khan, Andrew J. Dyck, Reg Watson, Gordon Munro, Peter Tydemers, and Daniel Pauly. "A bottom-up re-estimation of global fisheries subsidies." Journal of Bioeconomics 12, no. 3 (2010): 201-225.

2 WTO, 2020. Negotiations on fisheries subsidies, Available at: [https://www.wto.org/english/news\\_e/news20\\_e/fish\\_14dec20\\_e.htm](https://www.wto.org/english/news_e/news20_e/fish_14dec20_e.htm) & Stop Funding Overfishing Campaign 2020. 174 leading organizations have signed the statement #StopFundingOverfishing to support the signing of the global agreement that will protect our ocean from harmful fisheries subsidies before the World Trade Organization. Available at: <https://stopfundingoverfishing.com/es/statement/>

3 Global indicator framework for the SDG. Available at: [https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202020%20review\\_Eng.pdf](https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202020%20review_Eng.pdf)

4 The IUCN defines the oceanic white tip shark (*Carcharhinus longimanus*), scalloped hammerhead shark (*Sphyrna lewini*), great hammerhead shark (*Sphyrna mokarran*) as **critically endangered** conservation status; about the whale shark (*Rhincodon typus*), and giant manta ray's as **endangered** conservation status; about the silky shark (*Carcharhinus falciformis*), and reef manta ray (*Manta alfredi*) as **vulnerable** conservation status; and all species with a decreasing population trend. IUCN 2020. *The IUCN Red List of Threatened Species. Version 2020-3*. <https://www.iucnredlist.org>

5 WECAFC, 2019. Plan de acción regional para prevenir, desalentar y eliminar la pesca ilegal, no declarada y no reglamentada (INDNR) en los países miembros de la COPACO (2019-2029). Available at: <http://www.fao.org/iuu-fishing/resources/detail/es/c/1320374/> & PNUMA-WCMC. 2018. Fortaleciendo la implementación de la CITES en América Central y el Caribe: Evaluaciones de especies. PNUMA-WCMC, Cambridge, Available at: <https://cites.org/sites/default/files/eng/cop/18/inf/S-CoP18-Inf-091.pdf> & Destructive Greenpeace's seafood Red List, Available at: <https://www.greenpeace.org/usa/oceans/sustainable-seafood/red-list-fish/> & Destructive fishing gear, Oceana Belize, Available at: <https://belize.oceana.org/promote-responsible-fishing/destructive-fishing-gear>

- b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
- c) the taking is to accommodate the needs of traditional subsistence users of such species; or
- d) extraordinary circumstances so require;

provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.

**30. CMS Appendix II - includes migratory species with an unfavorable conservation status or those that would significantly benefit from international co-operation. Range States shall endeavour to conclude agreements where these should benefit the species and should give priority to those species in an unfavourable conservation status.**

**31. Of the species listed on Appendix III of SPAW, Oceanic White Tip, Whale shark and all Manta rays are listed on Appendix I with Silky Shark and the Hammerhead sharks listed on Appendix II.**

**32. In total, CMS lists 37 species of sharks and rays in its Appendices, 22 of which are included in Appendix I.**

**33. Resolution 13.3 Chondrichthyan Species inter alia**

- Requests all Parties to strengthen measures to protect migratory chondrichthyan species against threatening processes, including habitat loss and destruction, Illegal, Unreported and Unregulated (IUU) fishing, as well as fisheries bycatch where this represents a threat to the conservation status of these species;
- Urges Parties to ensure that the populations and/or stocks of all fished and traded chondrichthyan species are maintained within safe biological limits, noting that a lack of scientific data does not preclude conservation or fisheries management action towards this objective;
- Requests Parties to identify and conserve critical habitats and life stages, and migration routes, with a view to contributing to the development and implementation of effective conservation and sustainable management measures, based on the best available scientific knowledge and the precautionary approach;
- Urges Parties to enact and enforce national legislation to prohibit the take of chondrichthyan species listed in Appendix I;

**34. Resolution 12.22 Bycatch “Reaffirms the obligation on all Parties to protect migratory species against bycatch, including seabirds, fishes, marine turtles and aquatic mammals.”**

**35. The SPAW Protocol is considered a fundamental instrument to assist with the implementation of regional and global treaties such as the Convention on the Conservation of Migratory Species of Wild Animals (CMS). As such, recognizing the value of a collaborative arrangement between the CEP and CMS Secretariats, and their respective associated scientific and technical bodies, as well as the need for coordination among Secretariats of relevant biodiversity-related conventions, a Memorandum of Cooperation (MoC) was concluded in 2005 between the Secretariat of the Cartagena Convention and Secretariat of the CMS.**

**CMS Sharks MOU[A1]**

36. The Memorandum of Understanding (MOU) on the Conservation of Migratory Sharks is the first global instrument for the conservation of migratory species of sharks negotiated under the auspice of CMS. It was first adopted in 2010 and now has 39 signatories supporting its objectives. The MOU is a non-binding international instrument. It aims to achieve and maintain a favorable conservation status for migratory sharks based on the best available scientific information and taking into account the socio-economic value of these species for the people in various countries.
37. The objectives of the Conservation Plan are listed in Annex III of the MoU, adopted in 2012 and include:
1. Improving the understanding of migratory shark populations through research, monitoring and information exchange
  2. Ensuring that directed and non-directed fisheries for sharks are sustainable
  3. Ensuring to the extent practicable the protection of critical habitats and migratory corridors and critical life stages of sharks
  4. Increasing public awareness of threats to sharks and their habitats, and enhance public participation in conservation activities
  5. Enhancing national, regional and international cooperation
38. In pursuing activities described under these objectives, Signatories should endeavor to cooperate through regional fisheries management organizations (RFMOs), the FAO, Regional Seas Conventions (RSCs) and biodiversity-related Multilateral Environmental Agreements (MEAs). The Signatories should cooperatively strive to adopt, implement and enforce such legal, regulatory and administrative measures as appropriate to conserve and manage migratory sharks and their habitat.
39. In 2016 the Sharks MoU set up an Advisory committee and a Conservation Working group to assist signatories in the implementation of the MoU. In this role the shark MoU is a facilitating body to assist signatories in implementing measures associated with the CMS listings.

### **Regional management**

40. SPAW is the dedicated environmental legal framework for the Wider Caribbean Region but there are several fisheries management organisations specific to the region, which point to the need for enhanced cooperation and joint institutional programming with the SPAW programme in areas of synergy, where appropriate and recognising roles and mandates.

### **WECAFC**

41. The Western Central Atlantic Fisheries Commission (WECAFC) covers the Wider Caribbean region. This commission is in the process of establishing RFMO status. All SPAW Parties are also members of WECAFC. Both ICCAT and WECAFC have adopted recommendations for the protection of some shark and ray species.
42. Recommendation WECAFC/XVII/2019/5+6+7 “On the Conservation and Management of Sharks and Rays in the WECAFC Area” contains the following advice relevant to sharks and rays listed on Annex III of the SPAW Protocol. WECAFC Recommendations are not binding.
- WECAFC MEMBERS develop their National Plans Of Action for-Sharks in line with the International Plan Of Action for-Sharks from FAO, in support of more effective conservation and management of sharks and rays in general.
  - WECAFC MEMBERS prohibit vessels flying their flag from retaining on board, transshipping, landing, trading shark and ray species, consistent with measures adopted, as appropriate, by

ICCAT, and/or listed on Annex II of the Cartagena Convention Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol) and Appendix I of the Convention on Conservation of Migratory Species (CMS).

- WECAFC MEMBERS ensure that incidental catches of the species covered by paragraph 2 [species protected by ICCAT, SPAW Protocol Annex II, and CMS App. I] as well as, other sharks and rays caught in association with WECAFC fisheries and are not used for commercial purposes or food and/or subsistence, are promptly released unharmed and alive and without removing the species from the water, to the extent possible, while ensuring safety of the crew. The species, number of specimens and status (alive, dead, uncertain) upon release should be reported.
- WECAFC MEMBERS prohibit the removal of shark fins at sea and require that all sharks be landed with their fins naturally attached through the point of first landing of the sharks.
- WECAFC MEMBERS prohibit the retention on board, transshipment, landing and selling of shark fins harvested in contravention of this measure.
- WECAFC MEMBERS that are non-contracting parties to ICCAT are strongly encouraged to provide their estimates of landings and of live and dead discards of sharks, caught by vessels flying their flag, and all other available data including observer data, annually to WECAFC and ICCAT, as appropriate, to support the stock assessment process. The Members are encouraged to report catches of sharks by species, or to the lowest taxonomic level if species identification is not possible.
- WECAFC MEMBERS, where possible, conduct research on key biological, ecological, economic and trade parameters, life history and behavioural traits, migration patterns, as well as on the identification of potential mating, pupping and nursery grounds of the most common sharks species in the WECAFC area.

43. A Regional Plan of Action for the Conservation and Management of Sharks and Rays in the WECAFC Area is under development to be finalized by the WECAFC /CITES/OSPESCA/CRFM/CFMC Working Group on Shark Conservation and Management.

## **OSPESCA**

44. The Organization of the Fisheries and Aquaculture Sector of the Central American Isthmus (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA) OSPESCA aims at promoting coordinated and sustainable development of fishing and aquaculture, in the framework of the Central American integration process (SICA), defining, approving and implementing policies, strategies, programmes and regional projects on fisheries and aquaculture. This is a legally binding framework and its members are Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

45. In 2011 it adopted measures on shark finning and for the management of whale sharks.

- Regional Regulation OSP-05-11 which prohibits the practice of shark finning and establishes regional management measures for the sustainable use of sharks, which contributes to finning eradication.
- Regional Regulation OSP-07-2014 which strengthens the sustainability of the Whale Shark species (*Rhincodon typus*) by adopting management measures by the SICA Member States.

[A1]I will finalize the content

## National Management

### National Plans of Action

46. Widespread concern over the lack of management of shark fisheries and the impact that expanding catches may have on shark populations led to the adoption and endorsement of the Food and Agriculture Organization of the United Nations (FAO) International Plan of Action for the Conservation and Management of Sharks (IPOA–SHARKS) in 1999.
47. The IPOA-Sharks is a voluntary international instrument, developed within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries, that guides nations in taking positive action on the conservation and management of sharks and their long-term sustainable use. Its aim is to ensure the conservation and management of sharks and their long-term sustainable use, with emphasis on improving species-specific catch and landings data collection, and the monitoring and management of shark fisheries. The IPOA-Sharks recommends that FAO member states ‘should adopt a national plan of action for the conservation and management of shark stocks (NPOA-Sharks), if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries’. Additionally, the IPOA-Sharks directs that states that implement a NPOA-Sharks should regularly, at least every four years, assess its implementation for the purpose of identifying cost-effective strategies for increasing its effectiveness.
48. To date 9 countries in the SPAW area have a National Plan of Action for Sharks (Antigua & Barbuda, Belize, Brazil, Colombia, Costa Rica, Cuba, Mexico, Panama, Venezuela and The United States. The EU (Spain, France, UK and Netherlands) also has a Regional Plan of Action but this does not contain measures or actions relevant to the WECAFC area apart from an overall finning ban which applies to all EU flagged vessels. Barbados has drafted a plan that is yet to be adopted.

### Shark Sanctuaries and Marine Reserves

49. In the past few years there has been a surge in the establishment of shark sanctuaries and large Marine Protected Areas (MPAs) around the globe. Sanctuary designations typically prohibit the commercial fishing of all sharks, the retention of sharks caught as bycatch, and restricts the possession, trade, and sale of sharks and shark products within a country’s full exclusive economic zone (EEZ). In the SPAW area the Bahamas, Honduras, The British Virgin Islands and the Dutch Caribbean islands of Saba, Bonaire and St. Martin designated shark sanctuaries with most other countries having some form of marine reserves established in their waters.

### Recommendations to SPAW Contracting Parties

50. This above listed overview of legislation and management demonstrates the extensive measures already in place to ensure fragile shark species are protected and harvest is sustainable. However, there are gaps in the implementation of measures with not all countries aligning their national policy and data collection frameworks to international standards.
51. The following actions are recommended:
52. On Management:
  1. SPAW Parties to implement national legislation for the sustainable management of each of the 9 species listed on Annex III in their waters, in line with article 11(1)c of the Protocol, and to report back to the SPAW STAC on progress in implementation on an annual basis.
  2. SPAW Parties participate in the WECAFC/CITES/OSPESCA/CRFM/CFMC Working Group on Shark Conservation and Management.

3. SPAW Parties adopt precautionary catch limits for all shark and ray species listed on Annex III of the SPAW Protocol.
4. SPAW Parties prohibit the removal of shark fins at sea and require that all sharks be landed with their fins naturally attached through the point of first landing of the sharks, consistent with Recommendation WECAFC/XVII/2019/5+6+7 “On the Conservation and Management of Sharks and Rays in the WECAFC Area”.
5. Notwithstanding paragraph 2, SPAW Parties ensure that any shark and ray species listed in Annex III are exported in compliance with the requirements of CITES, including the non detriment finding and legal acquisition finding (catch documentation) requirements.
6. SPAW Parties to ensure they have a national CITES management authority in operation equipped to fully comply with CITES requirements.
7. SPAW Parties that are also Parties to CMS enact legislation to prohibit the taking of any shark and ray species listed in Appendix I of CMS in accordance with Art III (5) of CMS;
8. SPAW Parties in reference to SDG 14.6 and WTO agreements should ensure sustainable species populations and sustainable fisheries by reducing or eliminating harmful fisheries subsidies that contribute to overfishing, degradation of the population of migratory species, and vulnerable ecosystems.
9. SPAW Parties should encourage sustainable fishery management and end illegal, unreported, and unregulated (IUU) fishing and destructive fishing practices.

### 53. Species specific:

10. SPAW Parties prohibit retention of Oceanic Whitetip shark in line with the measures adopted by ICCAT and recommended by WECAFC and IUCN Shark Specialist Group and implement measures to prevent the accidental catches of this species in other pelagic fisheries.<sup>6</sup>. This can be achieved by uplisting it to Annex II of the protocol.
11. SPAW Parties adopt precautionary catch limits for hammerhead and silky sharks caught for domestic consumption and subsistence. To ensure consistent protection across the Wider Caribbean Region, SPAW Parties should adopt measures to prevent these species from entering international trade, in line with measures adopted by ICCAT.
12. SPAW parties adopt measures to prevent accidental bycatch of sharks and rays in fisheries.
13. SPAW parties to adopt measures to prevent accidental ship strikes of whale sharks.
14. SPAW parties to uplist several species of sharks and rays considering that management measures have been a failure so far. While largely shared by most, this recommendation is not consensual as one expert does not support it.

### 54. On data collection and identification:

15. SPAW Parties implement data collection on shark and ray (by)catches and report their catches to ICCAT and WECAFC to the lowest taxonomic level possible in order to facilitate stock assessments and management across the Wider Caribbean Region. Priority should be given to shark and ray species listed on Annex III. Collected data should include information such as: location where caught; date; gear type; and weight, using the appropriate reporting forms, in the format specified by the Secretariats.
16. SPAW parties to set up a fisheries independent monitoring system for species listed on Annex III including sightings database, telemetry and genetics research and catch and release data.
17. SPAW RAC in collaboration with shark and ray experts, review available species identification tools to identify what, if any, gaps exist. As resources are available, SPAW RAC

---

<sup>6</sup> Merry D. Camhi et al., 2007. The Conservation Status of Pelagic Sharks and Rays. Report of the IUCN Shark Specialist Group Pelagic Shark Red List Workshop.



should consider acquisition and distribution of any tools deemed critical to Parties for the purpose of assisting in species identification and data reporting.

18. SPAW RAC in collaboration with shark and ray experts, develop outreach and education materials to educate the public on the ecological importance of sharks and rays, their declines, and the need for their conservation.

19. SPAW Parties conduct research into nearshore critical habitats, particularly nursery areas, of sharks and rays listed on Annex III and protect these areas as needed.

20. SPAW Parties as part of the SDG should increase the capacity to monitor the commercial fishing fleet that causes overfishing, IUU fishing, and declines in marine species. As well as to track fishing vessels and download data on their activities, improve marine protection policies, and improve fisheries management, and address overfishing.

**55. On contingency:**

21. SPAW parties to review the management of the species listed on annex III on a biennial basis to assess the extent in which the recommendations for sustainable management were followed. SPAW parties to review the management of species listed on annex III on a biennial basis to assess the extent in which the recommendations for sustainable management were followed. If no discernible progress was made and the status of the species has not improved a moratorium on landings could be issued to prevent further decline.

**56. On cooperation:**

22. SPAW Parties are encouraged to cooperate with CMS and the CMS Sharks MOU on the conservation of sharks and rays in the region, as well as with fisheries organisations in the region and to develop joint programs.