



**CONVENTION ON
MIGRATORY
SPECIES**

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12th MEETING OF THE CONFERENCE OF THE PARTIES
Manila, Philippines, 23 - 28 October 2017
Agenda Item 26.2

**PROPOSAL FOR A CONCERTED ACTION FOR
THE WHALE SHARK (*Rhincodon typus*) ALREADY LISTED ON APPENDIX II OF THE
CONVENTION**

Summary:

The Government of the Philippines has submitted the attached proposal* for a Concerted Action for the Whale shark (*Rhincodon typus*) in accordance with the process elaborated in paragraph 4 and Annex 3 of Resolution 11.13.

*The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CMS Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

**PROPOSAL FOR THE DESIGNATION OF
THE WHALE SHARK (*Rhincodon typus*) FOR CONCERTED ACTIONS**

Proponent	Government of the Philippines
Target species, lower taxon or population, or group of taxa with needs in common	<p>Class: Chondrichthyes Subclass: Elasmobranchii Order: Orectolobiformes Family: Rhincodontidae Genus: Rhincodon Species: <i>Rhincodon typus</i></p> <p>Currently listed in CMS Appendix II; Proposed for CMS Appendix I.</p>
Geographical range	<p>The whale shark has a circumtropical distribution through all tropical and warm temperate seas, apart from the Mediterranean (Rowat and Brooks 2012). Their core distribution is between approximately 30°N and 35°S, with occasional seasonal penetration to the north and south (Colman 1997, Rowat and Brooks 2012, Sequeira et al. 2014a). The northernmost records are from 44°N in the Bay of Fundy, Canada (Turnbull and Randell 2006) and the Sea of Okhotsk off Japan (Tomita et al. 2014), with the southernmost from 37°S in Victoria, Australia (Wolfson 1986) and New Zealand (Duffy 2002). Whale shark distribution is likely to be temperature limited, as they are rarely sighted in surface temperatures of less than 21°C (Colman 1997, Duffy 2002, Afonso et al. 2014, Tomita et al. 2014).</p> <p>Areas where 500 or more individuals have been documented through either counts or model estimates include the Arabian Gulf and Gulf of Oman (Robinson et al. 2016), Ningaloo Reef in Western Australia (Meekan et al. 2006, Norman et al. In revision), Quintana Roo in México (de la Parra Venegas et al. 2011, Ramírez-Macías et al. 2012b), Inhambane province in Mozambique (Norman et al. In revision), the Philippines (Schleimer et al. 2015), around Mahé in the Seychelles (Rowat et al. 2009, 2011; Brooks et al. 2010), and Darwin Island in the Galapagos (Acuña-Marrero et al. 2014), although the latter population estimate refers to a steady flow of migrating sharks over a period of months rather than a bona fide aggregation. Most aggregation sites are seasonal, with whale sharks migrating on a predictable basis to exploit ephemeral prey sources.</p> <p>Evidence from fisheries catches indicates that the Gujarat coast of India (Akhilesh et al. 2012), Taiwan (Hsu et al. 2012) and southern China (Li et al. 2012) also had large numbers of whale sharks in the vicinity, at least prior to the initiation of targeted fisheries in those countries, with estimated catches from China of up to 1,000 individuals per year (Li et al. 2012).</p> <p>In the Indian Ocean, data from the tuna purse-seine fleet has identified the Mozambique Channel as having a high density of whale shark-associated sets (Sequeira et al. 2012). In the Atlantic and Pacific Oceans, whale shark sightings were correlated with effort (Harley et al. 2013, Sequeira et al. 2014b). Modelled habitat suitability was highest in the eastern Atlantic in the area off Gabon and surrounding countries (Sequeira et al. 2014b), while the Bismark and Solomon Seas have relatively frequent whale shark sightings within the Western and Central Pacific (Harley et al. 2013).</p>
Activities and expected outcomes	<p>The Philippines proposes the hosting of workshops with neighbouring countries to further research and conservation of the species, with expected outcomes being:</p> <ol style="list-style-type: none"> 1. Improved understanding of whale shark ecology, connectivity and threats. 2. Unified basic tourism guidelines to limit negative impacts from tourism interactions with the species;

	<ol style="list-style-type: none"> 3. Proposal to organizations and governments requesting a minimum number of onboard observers on commercial shipping lines & fishing vessels to improve reporting and thereby the understanding of threats to whale sharks (e.g. net entanglements, vessel collisions etc.); 4. Increased awareness about the CMS Sharks MOU amongst Range States from the South East Asian region and increased membership to the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU) by highlighting the benefits whale shark conservation brings to countries and communities, particularly ecological services. 5. Ensure all Parties implement national legislation for the protection and effective management of whale sharks. 6. Address climate change, ocean acidification, and plastic pollution of the seas as well as other global issues through whale shark conservation initiatives. <p>Undertaking tagging and genetic studies on whale shark populations helps understand connectivity of populations and groups. This serves the purpose of obtaining more information on population structures and hotspots that can be protected.</p> <p>Whale shark tourism is managed through legislation in Australia, Belize, Ecuador (Galapagos Islands but not mainland), Mexico and St Helena Island (UK). In the Philippines, local ordinances exist regulating tourism activities, such as Donsol, Sorsogon and Pintuyan, Southern Leyte. Voluntary codes of conduct exist in many other tourism locations. The emergence of unsustainable tourism practices, such as interference with an individual, crowding, or provisioning, is an impact that needs to be regulated either through prohibitions or limiting/minimizing these activities. These threats should be monitored and guidelines developed to reduce the impact of tours, with more stringent regulation than voluntary codes of conduct. In addition, these tourism activities should be part of a wide campaign to raise awareness about whale sharks, including tourists, tourism operators and local people.</p> <p>The issues of net entanglements, vessel collisions, plastic pollution and other threats should be identified through monitoring and literature reviews, such that increased attention to the protection will lead to better guidelines, protocols, and critical areas identified and protected. Many CMS Parties have ongoing issues with vessel strikes on whale sharks (Pierce and Norman 2016), yet some do not currently have any protection in place.</p> <p>Improved surveillance and reporting on catch, bycatch, entanglement and collisions on commercial shipping lines and vessels through a minimum number of onboard observers will significantly improve our understanding of these threats and which is an important precondition for the development of better mitigation strategies of by-catch and injuries.</p> <p>As neighbouring countries (namely Malaysia Indonesia, China) of the Philippines are non-signatory to CMS and with whom some degree of connectivity has been established, a regional workshop with other Range States might increase the awareness of and the interest in CMS and the Sharks MOU across the region.</p>
<p>Associated benefits</p>	<p>The species would benefit from improved management and conservation efforts across its boundaries. As a side effect, Range State, that are not Parties to CMS yet would get actively involved in implementation. An effect of the latter could be increased interest of those countries to accede to CMS and to sign the CMS Sharks MOU. By Increasing the coverage of CMS it could bring about more homogenous protection for migratory species and a greater impact for the work of CMS.</p> <p>Ecotourism, like tourism in general is one of the fastest growing economic sectors in the world. Whale shark tourism, undertaken in a sustainable way, would significantly support local communities in remote areas and would create alternative livelihoods.</p>

	<p>Increasing the number of onboard observers could provide information and on not only whale sharks but other migratory species that may be the subject of bycatch or vessel strikes, such as many cetacean species. Additionally, onboard observers could monitor fisheries and fishing practices, to ensure sustainable management that would benefit the whole marine ecosystem.</p>																																													
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Relationship to other CMS actions	It is anticipated that the action point to provide unified basic tourism guidelines could cooperate and complement the COP Resolution on Sustainable Tourism also proposed by the Philippines at COP 12. Furthermore, discussions and actions could make use of the shark's MOU, of which the whale shark is a member, as a forum of discussion.																																				
Conservation priority	<p>A 2016 reassessment of the species' global conservation status for the IUCN Red List of Threatened Species classified the species as globally Endangered due to an overall population reduction of greater than or equal to 50%. In the Indo-Pacific, a population reduction of 63% is inferred over the last three generations (75 years), and in the Atlantic a population reduction of more than 30% is inferred. Major contemporary threats to whale sharks include fisheries catches, bycatch in nets, and vessel strikes.</p> <p>International trade in whale sharks is still occurring, potentially illegally (Pierce and Norman 2016). Despite the species' listing on Appendix II of CITES, no research or management findings have been produced that support sustainable take at any level.</p>																																				

<p>Relevance</p>	<p>The whale shark is currently listed on Appendix II of CMS and proposed for inclusion in Appendix I. The whale shark is also listed in Annex I of the CMS Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MOU). Collective action is essential for the conservation due to its highly migratory nature, with whale sharks on Annex I (Highly migratory species) on the United Nations Convention on the Law of the Sea (UNCLOS).</p> <p>There are multiple CMS Parties that are also whale shark Range States which do not have any protection currently in place for the species. Several of these countries are notable whale shark hotspots, including Madagascar (Jonahson and Harding 2007), Mozambique (Rohner et al. 2015), Tanzania (Rohner et al. 2015), Pakistan, Peru (Hearn et al. 2016), Gabon (Capietto et al. 2014), and Portugal (Afonso et al. 2014).</p>
<p>Absence of better remedies</p>	<p>Whale sharks are currently listed under Appendix II of CITES, however this only covers the international trade of whale sharks and does not consider factors such as vessel strikes, tourism disturbance and bycatch – all key threats to whale sharks.</p> <p>Limited protection in the high seas is also limited for whale sharks. Whale sharks undergo cross ocean migrations and thus spend significant time in the high seas, where there are limited protection measures. Previously, tuna purse-seine fisheries often use whale sharks as indicators of tuna presence, even setting nets around the sharks (Capietto et al. 2014). Regional Fisheries Management Organisations (RFMOs) have banned the intentional setting of purse-seine nets around whale shark in the Eastern Pacific, Western Central Pacific (WCP) and Indian Oceans, though not yet in the Atlantic Ocean (Capietto et al. 2014, Fowler 2016a). However, a large proportion of entangled whale sharks (73% in WCP; SPC-OFP 2012) are not sighted prior to nets being deployed.</p> <p>The Sharks MOU, which also lists the whale shark in Annex 1, shall be invited to cooperate in the implementation of the proposed actions and to provide technical guidance as appropriate.</p>
<p>Readiness and feasibility</p>	<p>The whale shark is a charismatic species and one that can be a focus of conservation efforts. Their potential for attracting tourists has already been recognized and is raising the profile of the species. There are funding opportunities for conservation projects capitalizing on these charismatic species and how they can provide a focal point for conservation. Furthermore, the recent listing of whale sharks as an endangered species identifies whale sharks as a priority for conservation funding. Whale shark conservation has proven successful at generating funding from major funding sources, including Pew Foundation, Whitley Fund for Nature, Rufford Small Grants for Nature Conservation and PADI Foundation.</p> <p>Leadership can be provided by the Philippines, and potential Kenya. There is a wide base of support and impetus for whale shark conservation action with a multitude of Parties co-proposing whale sharks to be included on Appendix I of CMS, in addition to its current listing on Appendix II.</p>
<p>Likelihood of success</p>	<p>The feasibility of the actions is supported by good government ownership from the Philippines (potentially Kenya) and a base of support from various other Range States. Individual nation states have found success with localized conservation efforts, especially with the introduction of tourism based activities. Management measures have already proven effective in protecting whale sharks from fishing pressure and secured protected habitats. For instance, Donsol in Sorsogon, Philippines has been declared a shark sanctuary and has a flourishing whale shark interaction tourism industry based upon the whale sharks. Tourism has proven it can be a positive driver towards environmental protection while also bringing economic benefits to local communities. This model is highly replicable in other Range States.</p> <p>Risk factors include poor leadership, lack of technical support from scientists, or unsuccessful fundraising. Within the ecological study of whale sharks there are currently uncertainties including the distribution of mature whale sharks and</p>

	<p>reproductive biology. However, applying the precautionary principle, this makes the case for effective conservation efforts all the more pertinent; while the resolve to study these uncertainties (e.g. by increasing onboard observers) could inform future conservation efforts.</p> <p>Many NGOs are already cooperating to provide increased conservation and research opportunities, such as the partnership between Georgia Aquarium and Conservation International. Additionally, organizations and individuals from across the globe input their photos into the Wildbook for Whale Sharks online. The International Whale Shark Conference also meets to discuss matters of whale shark conservation and research every three years.</p>
<p>Magnitude of likely impact</p>	<p>It is anticipated that these Concerted Actions can improve the management of whale shark practices, with a greater degree of protection for whale sharks across their geographic range by ensuring all CMS Parties are engaged in this protection. Simultaneously, it can press for a greater consideration of whale shark conservation in the high seas by working together with RMFOs.</p> <p>Tourism is a fast-growing industry and whale sharks are becoming increasingly recognizable. It is expected that the demand for whale shark tourism will rise around the globe, both acting as a threat and an opportunity. If utilized positively it can assist in the management of the species and raise awareness. If CMS can provide effective guidelines then it can ensure this practice is sustainable and equitable for all, with a model replicable to other applicable species.</p>
<p>Cost-effectiveness</p>	<p>One of the key components of the concerted actions is to encourage cooperation between ranges states, the sharing of information and effective strategies. CMS could provide the forum for this without incurring especially high costs. If conservation successes can be replicated and best practices (such as tourism guidelines) established, this collaboration will prove vastly more cost-effective than for countries to forge their own path individually.</p>
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