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REDUCING THE RISK OF VESSEL STRIKES FOR MARINE MEGAFAUNA

Adopted by the Conference of the Parties at its 14th Meeting (Samarkand, February 2024)

Recalling Article III(4) of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which implies that “Parties that are Range States of a migratory species listed in Appendix I shall endeavour to: (a) conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction, b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and (c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species”,

Further recalling that Resolution 10.15 (Rev.COP12) *Global Programme of Work for Cetaceans* addressed ship strikes as a threat to cetaceans and that it called upon Parties to facilitate the development of thematic Resolutions addressing priority threats for COP13 and COP14,

Recognizing the significant increase in vessel traffic in recent years, which has led to a corresponding increase in the risk of vessel strikes to CMS-listed marine megafauna,

Reminding Parties that a "Range State" in relation to a particular migratory species means any State that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species,

Noting the negative impacts of vessel strikes on the conservation of marine megafauna, including mortality, injury and population decline,

Acknowledging the ongoing work undertaken by the International Maritime Organization (IMO) to minimize collision risk between vessels and marine wildlife, through measures outlined in the IMO guidance (MEPC.1/Circ.674), including Particularly Sensitive Sea Areas (PSSAs) and Ships' routing measures such as Traffic Separation Schemes (TSS) and Areas To Be Avoided (ATBAs),

Acknowledging the work of the International Whaling Commission (IWC) in addressing the risk of ship strikes to whales, dolphins and porpoises,

Welcoming ACCOBAMS Resolutions 7.12 and 8.18 addressing SHIP STRIKES and measures to be taken to reduce the risk of collisions with endangered whales within the Agreement Area,

Welcoming the recent establishment of a Particularly Sensitive Sea Area (PSSA) in the Northwestern Mediterranean Sea, during the MEPC80 Meeting of the IMO, which, for the first time, established a PSSA with the objectives to reduce the risk of collisions with endangered

whale species. The borders of the newly declared PSSA include an area defined as an IMMA during the 2016 Regional workshop,

Recalling that the most effective measures are those that separate whales from vessels (or at least minimize co-occurrence) in space and time, where such measures are possible (using, inter alia, routing schemes), and where routing to keep whales and vessels apart is not possible, the only demonstrated measure to reduce fatal collisions with most large whales is to reduce speed, and

Recognizing the need for immediate and effective action to reduce the risk of vessel strikes to marine megafauna,

The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals

1. *Urges* Parties to adopt measures to reduce the risk of vessel strikes on marine megafauna, including marine mammals, marine turtles, sharks and rays, applying most effective practices and technologies, ensuring that mitigation measures are based on the best available scientific data to achieve positive conservation outcomes;

2. *Encourages* Parties to propose core aggregation zones and known migration corridors of vulnerable marine megafauna, where there is a significant risk of vessel strikes, for the implementation of appropriate IMO measures to avoid that risk. These measures may include appropriate routing or speed limitation measures (TSS or ATBA) or other effective area-based measures. Identified Important Marine Mammal Areas (IMMAs), Important Shark and Ray Areas (ISRAs), and Important Marine Turtle Areas (IMTAs) should be taken into account amongst other resources to determine such marine areas;

3. *Urges* Parties to consider integrating such areas into broader Marine Protected Area (MPA) designations, also with a view to implementing Target 3 of the Kunming-Montreal Global Biodiversity Framework which was adopted by Parties to the Convention on Biological Diversity (CBD) at their 15th Conference of the Parties “calling to ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories”;

4. *Agrees* to promote and support the development and implementation of best practices for reducing the risk of vessel strikes to marine megafauna, including but not limited to:
    a. Speed restrictions in areas with high marine megafauna activity;
    b. Use of technology such as acoustic detection systems to detect and avoid marine megafauna; and
    c. Education and training of vessel crew on marine megafauna conservation and vessel strike prevention;

5. *Urges* Parties to encourage the shipping industry to take proactive measures to reduce the risk of vessel strikes to marine megafauna;

6. *Requests* Parties to review and update their national laws, regulations and policies related to the conservation of marine megafauna and the reduction of vessel strikes, as necessary, to ensure their effectiveness and alignment with this resolution;

7. *Strongly encourages* Parties to cooperate with each other, relevant organizations, and stakeholders to promote and support the implementation of measures to reduce the risk of vessel strikes to marine megafauna, including sharing information on best practices and lessons learned, collaborating on research and monitoring of marine megafauna and vessel strikes, and promoting international cooperation and coordination on the conservation of marine megafauna and the reduction of vessel strikes;

8. *Invites* Parties, industry and other stakeholders to report information on vessel strikes involving cetaceans to the IWC Ship Strikes Database;

9. *Invites* Parties to work with IMO to employ their management tools (e.g. ATBAs or PSSAs) to reduce vessel strikes on marine megafauna, using the example of the PSSA in the North-Western Mediterranean Sea;

10. *Instructs* the Secretariat to facilitate the exchange of information and best practices among Parties, relevant organizations, and stakeholders; and

11. *Adopts* the species-specific *Guidance on Reducing the Risk of Vessel Strikes for Whale Sharks (Rhincodon typus)* attached as the Annex to this Resolution.

Annex to Resolution 14.5

GUIDANCE ON REDUCING THE RISK OF VESSEL STRIKES FOR WHALE SHARKS (*Rhincodon typus*)

Based on the CMS report on *Limiting global ship strike on whale sharks - Understanding an increasing threat to the world's largest fish*[1] (COP14/Inf.27.2.3).

Parties that are Range States to Whale Sharks are recommended to:

1. Identify and implement suitable mitigation measures in their Whale Shark core habitat zones

Due to the pressing need for conservation action, Range States are encouraged to develop mechanisms to reduce the risk of vessel strikes on Whale Sharks. They should investigate the best approach in their Whale Shark core habitat zones, in consultation with researchers and the shipping industry. Range States should base mitigation measures on the best available scientific data to ensure positive conservation outcomes.

2. Designate Whale Shark core zones as Areas To Be Avoided (ATBAs) or consider Traffic Separation Schemes to avoid core habitat zones under IMO

Given the relatively small size of the core habitat zones (median ~116 km²), and the limited impact on shipping time from small changes to shipping routes, this approach would be the most cost-effective and would have a high conservation impact. Whale Shark ATBAs should be incorporated into wider Marine Protected Area (MPA) designations, supporting the current global effort to protect 30 per cent of the ocean by 2030.

3. Consider Traffic Separation Schemes (TSSs) when ATBAs are not an option

Narrowing shipping lanes will reduce the size of the areas with a high risk of vessel strikes. This may be an alternative option in constellations[2] with a relatively large area, such as the Gulf of Mexico, where ATBAs may not be feasible.

4. Reduce speed in core zones for Whale Shark

A speed limit of 10 knots or less can potentially reduce mortality from vessel collisions with Whale Sharks. This mechanism is also a smaller change to ship navigation than re-routing and is therefore more likely to be accepted by shipping stakeholders. Go-slow zones can be applied to all ships, including small ones. Given the small spatial footprint of go-slow zones, similar benefits to the designation of ATBAs would also follow.

1 Araujo G, Rohner CA & Womersley FC (2023). Limiting global ship strike on whale sharks: Understanding an increasing threat to the world's largest fish, prepared for the Convention on the Conservation of Migratory Species of Wild Animals (CMS), 74 pp.
2 Whale shark constellations refer to specific sites or hotspots in the tropics and sub-tropics where a large number of whale sharks predictably gather, making them easily accessible for researchers. These constellations are scattered across various locations. They are characterized by three key aspects that are crucial in mitigating ship strikes: the predictability of their occurrence, the extensive utilization of surface waters by whale sharks, and the observed separation of populations within the species.

5. Create alert networks with temporary avoidance zones

Supported by the general public as citizen scientists, Whale Shark sightings could be communicated among a broad array of boat users to create temporary vessel exclusion zones. Similarly, satellite tracking of Whale Sharks within constellations could help create near-real time avoidance zones. This would also help with general Whale Shark monitoring across larger spatial scales, providing invaluable data about seasonality, abundance and site use.

6. Create a centralized database for documenting vessel strikes on Whale Sharks

With the increasing number of large vessels, understanding the level of impact will be critical for mitigation strategies. A centralized database, which could use the existing global database, Sharkbook.ai, would benefit the long-term monitoring of this threat. Coordination with the IWC Ship Strikes Database may be useful for holistic management in the future.

7. Increase awareness of this issue with the shipping sector and the public

Successful mitigation of vessel strikes on Whale Sharks will require the collaboration of stakeholders from industry, government and the conservation sector. As this threat is largely unknown outside the Whale Shark research community, awareness-raising will be an important first step, particularly by instigating direct conversations with the shipping industry.

8. Use adaptive management and monitor and evaluate mitigation strategies

Any mitigation measures aimed at reducing ship strikes on Whale Sharks will need monitoring and evaluating. This will include compliance to regulations (voluntary or otherwise) set by Range States, such as adherence to traffic separation schemes or ATBAs, as well as data sharing and observer reports. As shipping traffic is increasing, and species move in response to climate change, an adaptive management approach is needed. This means evaluating agreed mitigation strategies and reviewing and updating them over time.