

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.19

Original: English

**ADVERSE ANTHROPOGENIC MARINE/OCEAN NOISE IMPACTS ON CETACEANS
AND OTHER BIOTA**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that anthropogenic ocean noise, depending on source and intensity, is a form of pollution, comprised of energy, that may degrade habitat and have adverse effects on marine life ranging from disturbance of communication or group cohesion to injury and mortality;

Aware that, over the last century, noise levels in the world's oceans have significantly increased as a result of multiple human activities;

Recalling the obligations of Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to protect and preserve the marine environment and to cooperate on a global and regional basis concerning marine mammals, paying special attention to highly migratory species, including cetaceans listed in Annex I of UNCLOS;

Recalling CMS Resolution 8.22 on "Adverse human induced impacts on cetaceans", which urges Parties and non-Parties to promote the integration of cetacean conservation into all relevant sectors and requests the CMS Secretariat and Scientific Council to review, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the human induced marine noise impacts through their threat abatement activities;

Noting that Resolution 1998-6 of the International Whaling Commission (IWC) identified the impacts of anthropogenic noise as a priority topic for investigation within its Scientific Committee, and that the Scientific Committee, in its report to the 56th meeting of the IWC, concluded that military sonar, seismic exploration, and other noise sources such as shipping pose a significant and increasing threat to cetaceans, both acute and chronic, and made a series of recommendations to member governments regarding the regulation of anthropogenic noise;

Recalling Resolution No. 4 "Adverse Effects of Sound, Vessels and other Forms of Disturbance on Small Cetaceans" adopted by the 5th Meeting of Parties 2006 to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS);

Recalling Resolution 2.16 "Impact Assessment of Man-Made Noise" and Resolution 3.10 "Guidelines to Address the Impact of Anthropogenic Noise on Marine Mammals in the ACCOBAMS Area" adopted by the 2nd and 3rd Meeting of Parties to the Agreement on the

Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS);

Recalling that according to Article 236 of UNCLOS, that Convention's provisions regarding the protection and preservation of the marine environment do not apply to warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service; and that each State is required to ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with UNCLOS;

Noting that the Convention on Biological Diversity (CBD) decision VI/20 recognised CMS as the lead partner in the conservation and sustainable use of migratory species over their entire range;

Acknowledging International Union for Conservation of Nature (IUCN) Resolution 3.068 concerning undersea noise pollution (World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004);

Welcoming the activities of the International Maritime Organization (IMO) to address the impact of ship-generated noise on marine mammals and the recent establishment by the Marine Environmental Protection Committee (MEPC58, October 2008) of a high priority programme of work on *minimising the introduction of incidental noise from commercial shipping operations into the marine environment*;

Aware that some types of anthropogenic noise can travel faster than some other forms of pollution over more than hundreds of kilometres underwater unrestricted by national boundaries and that these are ongoing and increasing;

Taking into account the lack of data on the distribution and migration of some populations of migratory cetaceans and the adverse human-induced impacts on cetaceans;

Aware of the fact that incidents of stranding and deaths of some cetacean species have coincided with and may be due to the use of high-intensity mid-frequency active sonar;

Taking note of the ICES report CM 2005/ACE: 01 (Report of the Ad hoc Group on the Impact of Sonars on Cetaceans and Fish (AGISC) which recommends that further research should be conducted on this issue given the potential adverse impacts on individuals and groups of whales, in particular beaked whales, whilst this report recognises that sonar seems not to be a major current threat to marine mammal populations generally;

Reaffirming that the difficulty of proving possible negative impacts of acoustic disturbance on cetaceans necessitates a precautionary approach in cases where such an impact is likely;

Recognising that there is a need for a fundamental understanding of the complex marine ecosystem and that this can only be achieved through vessel-based marine scientific research or moored devices, which implies the application of scientific acoustical methods;

Noting the draft research strategy developed by the European Science Foundation on “*the effects of anthropogenic sound on marine mammals*”, which is based on a risk assessment framework;

Noting the OSPAR Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Marine Area and the ISOM Code of Conduct for Marine Scientific Research Vessels; providing that marine scientific research is carried out in an environmentally friendly way using appropriate study methods reasonably available;

Aware of the calls on the IUCN constituency to recognise that, when there is reason to expect that harmful effects on biota may be caused by such ocean noise, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise such effects; and

Recognising with concern that cetaceans and other marine mammals, reptiles and fish species are vulnerable to noise disturbance and subject to a range of human impacts;

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

1. *Urges* Parties and invites non-Parties which exercise jurisdiction over any part of the range of marine species listed on the appendices of CMS, or over flag vessels which are engaged within or beyond national jurisdictional limits, to take special care and, where appropriate and practical, to endeavour to control the impact of emission of man-made noise pollution in habitat of vulnerable species and in areas where marine mammals or other endangered species may be concentrated, and where appropriate, to undertake relevant environmental assessments on the introduction of systems which may lead to noise associated risks for marine mammals.
2. *Calls* on Parties and invites non-Parties whenever possible to adopt mitigation measures on the use of high intensity active naval sonars until a transparent assessment of their environmental impact on marine mammals, fish and other marine life has been completed and as far as possible aim to prevent impacts from the use of such sonars, especially in areas known or suspected to be important habitat to species particularly sensitive to active sonars (e.g. beaked whales) and in particular where risks to marine mammals cannot be excluded, taking account of existing national measures and related research in this field.
3. *Invites* Parties to provide the CMS Secretariat with copies of relevant protocols/guidelines and provisions for the effective management of anthropogenic noise, taking security needs into account, such as those of relevant CMS daughter agreements, OSPAR, IWC, IMO, NATO and other fora, thereby avoiding duplication of work and *requests* the Secretariat to transmit this information to the Scientific Council with a view to the development by the Scientific Council of voluntary guidelines on activities of concern for presentation to COP10.
4. *Stresses* the need of Parties to consult with any stakeholder conducting activities known to produce underwater noise pollution with the potential to cause adverse effects on marine mammals and other biota, such as the oil and gas industry, shoreline developers, offshore extractors, marine renewable energy companies, other industrial activities and oceanographic and geophysical researchers recommending, how best practice of avoidance, diminution or mitigation of risk should be implemented. This also applies to military authorities to the extent

that this is possible without endangering national security interests. In any case of doubt the precautionary approach should be applied.

5. *Encourages* Parties to facilitate:

- regular collaborative and coordinated temporal and geographic monitoring and assessment of local ambient noise (both of anthropogenic and biological origin);
- further understanding of the potential for sources of noise to interfere with long-range movements and migration;
- the compilation of a reference signature database, to be made publicly available, to assist in identifying the source of potentially damaging sounds;
- characterisation of sources of anthropogenic noise and sound propagation to enable an assessment of the potential acoustic risk for individual species in consideration of their auditory sensitivities;
- studies on the extent and potential impact on the marine environment of high-intensity active naval sonars and seismic surveys in the marine environment; and the extent of noise inputs into the marine environment from shipping and to provide an assessment, on the basis of information to be provided by the Parties, of the impact of current practices; and
- studies reviewing the potential benefits of “noise protection areas”, where the emission of underwater noise can be controlled and minimised for the protection of cetaceans and other biota,

whilst recognising that some information on the extent of the use of military sonars (e.g. frequencies used) will be classified and would not be available for use in the proposed studies or databases.

6. *Urges* all Parties to endeavour to develop provisions for the effective management of anthropogenic noise in CMS daughter agreements and other relevant bodies and Conventions.

7. *Invites* Parties to report to COP10 about the progress made in implementing this Resolution.

8. *Instructs* the Secretariat, in conjunction with the Standing Committee and the Scientific Council to draw this resolution to the attention of other relevant intergovernmental organisations and initiatives, such as the United Nations Environment Programme (UNEP) Governing Council and Regional Seas Programmes, UNICPOLOS, IWC, FAO, HELCOM, Barcelona Convention, and OSPAR, Small Cetaceans and Manatees of Western Africa MoU, Pacific Island Region Cetacean MoU (CCPIR), and NATO (and any other relevant military organisation).

9. *Instructs* the Secretariat to draw this resolution to the attention of the IMO with a view to ensuring the minimisation of the harmful effects of shipping noise on cetaceans and other biota and invites the Secretariat and Parties to contribute to the work recently started by IMO MEPC on “Noise from commercial shipping and its adverse impacts on marine life”.

10. *Invites* the Parties to strive, wherever possible, to ensure that their activities falling within the scope of this resolution avoid harm to cetaceans and other biota.