



RESOLUTIONS TO REPEAL IN PART

RESOLUTION 7.3, OIL POLLUTION AND MIGRATORY SPECIES

(UNEP/CMS/COP12/Doc.21.1.9)

(Prepared by the Aquatic Working Group)

RESOLUTION 7.3 (REV. COP12)*

Recalling that Article II of the Convention acknowledges the need to take action to avoid any migratory species becoming endangered,

Recalling also the need to preserve wildlife in the marine environment as stipulated in the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) as well as the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and Related Protocols (Abidjan Convention) and the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention),

Recalling also the provisions for the protection of the marine environment in the United Nations Convention on the Law of the Sea (UNCLOS) and in numerous conventions adopted under the aegis of the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), and various regional seas agreements,

Recalling also non-marine aquatic and terrestrial conventions applicable at the international, regional, and national levels that address the problem of oil pollution,

Acknowledging Article VII of the Convention on Migratory Species that the Conference of the Parties may make recommendations to the Parties for improving the effectiveness of the convention,

Considering that Article III, paragraph 4(b), of the Convention requires Parties to endeavor “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”,

Recognising that Resolution 4.5 directs the Scientific Council *inter alia* to recommend solutions to the Conference of the Parties to problems relating to the scientific aspects of the implementation of the Convention in particular with regard to the habitats of migratory species,

Noting that accidental spills and other discharges of crude and refined oils and wastes thereof represent an important hazard with well-known negative effects on nature and on different components of biodiversity,

Concerned about the continuing negative impacts of such accidents and other discharges on

* The original draft of this resolution, considered by the Conference of the Parties, was numbered 7.11.

migratory species of wildlife, as well as on their food sources, by the synergistic effects of lethal and chronic toxicity, thermoregulation impairment and fouling, and by habitat degradation,

Aware of the need to monitor regularly and assess the actual impacts of oil pollution by exchange of international experience and existing monitoring programmes, and

Noting the potential risk that significant numbers of migratory wildlife may be killed unnoticed every year in aquatic and terrestrial environments and *wishing* to minimize the adverse effects on these environments through measures to prevent the accidental release and to regulate the intentional release of crude and refined oils and wastes thereof,

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

1. *Calls* upon the Parties:

- a) where feasible and appropriate, to implement a monitoring process in order to assess the cumulative environmental impacts of oil pollution on migratory species;
- b) to develop, apply and, where necessary, strengthen comprehensive environmental protection legislation;
- c) to develop, apply and, where necessary, strengthen measures to enforce such legislation at sea, in freshwater systems and on land;
- d) to develop, apply and strengthen, as necessary, measures of preparedness to respond to oil spills, such as facilities and trained personnel;
- e) where appropriate, to apply existing and further develop guidelines for the treatment of oil-affected wildlife with a view to rehabilitating the individuals involved;
- f) to seek appropriate partnerships with industry to address oil pollution, taking the "polluter pays principle" fully into account; and
- g) to take full account of the precautionary principle in the location of oil installations and movement of oil containers in relation to migratory species habitats; and

2. *Invites* all relevant international, regional and national organizations and bodies to cooperate with CMS in efforts to prevent oil pollution and to minimize the negative impacts on migratory species of the release of crude and refined oils into the environment.