



**CONVENTION ON
MIGRATORY
SPECIES**

Distribution: General

UNEP/CMS/COP12/Doc.21.2.3
19 May 2017

Original: English

12th MEETING OF THE CONFERENCE OF THE PARTIES
Manila, Philippines, 23 - 28 October 2017
Agenda Item 21.2.3

**CONSOLIDATION OF RESOLUTIONS: ADVERSE IMPACTS OF ANTHROPOGENIC
NOISE ON CETACEANS AND OTHER MIGRATORY SPECIES**

(Prepared by the Secretariat on behalf of the Standing Committee)

Summary:

This document consolidates two Resolutions on the adverse impacts of noise on migratory species into a single Resolution.

This document should be read in conjunction with
UNEP/CMS/COP12/Doc.24.2.2.

CONSOLIDATION OF RESOLUTIONS: ADVERSE IMPACTS OF ANTHROPOGENIC NOISE ON CETACEANS AND OTHER MIGRATORY SPECIES

Background

1. Two Resolutions provide advice to the Parties relating to the adverse impacts of noise on migratory species:
 - a) [Resolution 10.24, Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species](#); and
 - b) [Resolution 9.19, Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota](#).
2. Annex 1 presents a draft consolidated resolution that includes, in the left-hand column, the original text and preamble of the Resolutions being consolidated. The right-hand column indicates the source of the text and a comment regarding any proposed change.
3. Annex 2 contains the clean version of the draft consolidated Resolution, taking into account the comments in Annex 1.

Recommended Actions:

4. The Conference of the Parties is recommended to:
 - a) adopt the consolidated Resolution included in Annex 2.

ANNEX 1

DRAFT CONSOLIDATED RESOLUTION: ADVERSE IMPACTS OF ANTHROPOGENIC NOISE ON CETACEANS AND OTHER MIGRATORY SPECIES

NB: Proposed new text is underlined; Text to be deleted is ~~crossed out~~.

Text from Existing Recommendations	Comment
<i>Recalling</i> that in Resolution 9.19 <u>and Resolution 10.24</u> the CMS Parties expressed concern about possible “adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota”	Resolution 10.24 Retain with new text to reflect consolidation
<i>Recognis<u>z</u>ing</i> that anthropogenic ocean noise, depending on source and intensity, is a form of pollution, comprised <u>composed</u> 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;	Resolution 9.19 Retain with and minor grammatical correction
<i>Aware</i> that, over the last century, noise levels in the world’s oceans have significantly increased as a result of multiple human activities;	Resolution 9.19 Retain
<i>Recalling</i> 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;	Resolution 9.19 Retain
<i>Recalling</i> that the United Nations General Assembly in paragraph 107 of its Resolution 61/222 on "Oceans and the law of the sea", adopted on 20 December 2006 "encourages further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division ¹ to compile the peer-reviewed scientific studies it receives from Member States and to make them available on its website";	Resolution 10.24 Retain
<i>Recalling</i> 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; <u><i>Recalling</i> CMS Resolution 10.15 on “Global Programme of Work For Cetaceans”, which urges Parties and non-Parties to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora and instructs the Scientific Council and Secretariat, subject to availability of resources, to address the actions foreseen in the Global Programme of Work for Cetaceans;</u>	Resolution 9.19 Repeal; Resolution 8.22 has been recommended for “repeal in full” Recommend replacing with reference to CMS Resolution 10.15, <i>Global Programme of Work for Cetaceans</i> paragraphs 3 & 7 as replacement

¹ UN Secretariat Division for Ocean Affairs and the Law of the Sea (DOALOS)

Text from Existing Recommendations	Comment
<p><i>Recalling</i> that in the meantime other international fora such as the:</p> <ul style="list-style-type: none"> • International Maritime Organization (IMO) • International Whaling Commission (IWC) • Convention for the Protection of the Marine Environment of the North-East-Atlantic (OSPAR) • Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) • Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS) <p>have also recognized or continued to recognize man-made noise as a potential threat to cetacean conservation and welfare;</p>	<p>Resolution 10.24</p> <p>Retain</p>
<p><i>Noting</i> in this context the following resolutions and papers adopted under other international fora during the last triennium:</p> <p>(a) <u>The Convention on Biological Diversity (CBD) COP Decision X.29 concerning marine and coastal biodiversity and in particular its paragraph 12 relating to anthropogenic underwater noise and COP Decision XIII.10 addressing impacts of anthropogenic underwater noise on marine and coastal biodiversity and in particular paragraphs 1-2 relating to anthropogenic underwater noise;</u></p> <p>(b) <i>Recalling</i> 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), ACCOBAMS MOP Resolution 4.17 “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area” <u>and Resolution 5.15 “Addressing the impact of Anthropogenic Noise” adopted by the 4th and 5th Meeting of the Parties to the Agreement on the ACCOBAMS;</u></p> <p>(c) <i>Recalling</i> 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) and ASCOBANS MOP Resolution 6.2 “Adverse effects of underwater noise on marine mammals during offshore construction activities for renewable energy production”;</p> <p>(d) The 2009 IMO Report “Noise from commercial shipping and its adverse impacts on marine life”;</p> <p>(e) The 2008 OSPAR Guidance on environmental considerations for offshore wind farm development;</p> <p>(f) IWC Consensus Resolution 2009-1 on Climate and other environmental changes and cetaceans; and</p>	<p>Resolution 10.24</p> <p>Resolution 10.24; Retain with updated text</p> <p>Retain; text from Resolution 9.19 and Resolution 10.24 has been combined with updated reference</p> <p>Retain; text from Resolution 9.19 and Resolution 10.24 has been combined</p> <p>Resolution 10.24; Retain</p> <p>Resolution 10.24; Retain</p> <p>Resolution 10.24; Retain</p>
<p><i>Noting</i> 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</p>	<p>Resolution 9.19</p> <p>Retain</p>

Text from Existing Recommendations	Comment
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;	
<i>Recalling</i> 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;	Resolution 9.19 Retain
<i>Noting</i> that the Convention on Biological Diversity (CBD) decision VI/20 recognized CMS as the lead partner in the conservation and sustainable use of migratory species over their entire range;	Resolution 9.19 Retain
<i>Acknowledging</i> 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);	Resolution 9.19 Retain
<i>Welcoming</i> 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 <i>minimizing the introduction of incidental noise from commercial shipping operations into the marine environment and IMO MEPC.1/Cir.833, Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life (7 April 2014)</i> ;	Resolution 9.19 Retain with updated text
<i>Acknowledging</i> the ongoing activities in other fora to reduce underwater noise such as the activities of the IMO to delimit shipping noise, and activities within NATO to avoid negative effects of SONAR use;	Resolution 10.24 Retain
<i>Aware</i> 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;	Resolution 9.19 Retain
<i>Taking into account</i> the lack of data on the distribution and migration of some populations of migratory cetaceans and the adverse human-induced impacts on cetaceans;	Resolution 9.19 Retain
<i>Aware</i> 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;	Resolution 9.19 Retain
<i>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) the ICES report CM 2005/ACE:06 (Report of the Ad-hoc Group on Impacts of Sonar on Cetaceans and Fish (AGISC) 2nd edition, 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 recognizes that sonar seems not to be a major current threat to marine mammal populations generally;</i>	Resolution 9.19 Retain with updated reference
<i>Reaffirming</i> 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;	Resolution 9.19 Retain

Text from Existing Recommendations	Comment
<i>Recognizing</i> 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;	Resolution 9.19 Retain
<i>Noting</i> the draft research strategy developed by the European Science Foundation on “ <i>the effects of anthropogenic sound on marine mammals</i> ”, which is based on a risk assessment framework;	Resolution 9.19 Retain
<i>Noting</i> 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;	Resolution 9.19 Retain
<i>Aware</i> of the calls on the IUCN constituency to recognize 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 minimize such effects; and	Resolution 9.19 Retain
<i>Recognizing</i> 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;	Resolution 9.19 Retain
<i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i>	
1. <i>Reaffirms</i> that there is a need for ongoing and further internationally coordinated research on the impact of underwater noise (including inter alia from offshore wind farms and associated shipping) on cetaceans and other migratory species and their migratory routes and ecological coherence in order to give adequate protection to cetaceans and other marine migratory species;	Resolution 10.24 Retain
2. <i>Confirms</i> the need for international, national and regional limitation of harmful underwater noise through management (including, where necessary, regulation), and that <u>this</u> Resolution 9.19 remains a key instrument in this regard;	Resolution 10.24 Retain with updated text to reflect consolidation
4. 3. <i>Urges</i> 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. ;	Resolution 9.19 Retain
3. <i>4. Strongly urges</i> Parties to prevent adverse effects on cetaceans and on other migratory marine species by restricting the emission of underwater noise, understood as keeping it to the lowest necessary level with particular priority given to situations where the impacts on cetaceans are known to be heavy; and where noise cannot be avoided, <i>urges</i> Parties to develop an appropriate regulatory framework or implement relevant measures to ensure a reduction or mitigation of man-made underwater noise;	Resolution 10.24 Retain

Text from Existing Recommendations	Comment
<p>2- <u>5.</u> <i>Calls</i> 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- ;</p>	<p>Resolution 9.19 Retain</p>
<p>4- <u>6.</u> <i>Urges</i> Parties to ensure that Environmental Impact Assessments take full account of the effects of activities on cetaceans and to consider potential impacts on marine biota and their migration routes and consider a more holistic ecological approach already at a strategic planning stage;</p>	<p>Resolution 10.24 Retain</p>
<p>5- <u>7.</u> <i>Recommends</i> that Parties apply Best Available Techniques (BAT) and Best Environmental Practice (BEP) including, where appropriate, clean technology, in their efforts to reduce or mitigate marine noise pollution; and <i>further recommends</i> that Parties use, as appropriate, noise reduction techniques for offshore activities such as: air-filled coffer dams, bubble curtains or hydro-sound dampers, or different foundation types (such as floating platforms, gravity foundations or pile drilling instead of pile driving);</p>	<p>Resolution 10.24 Retain</p>
<p>4- <u>8.</u> <i>Stresses</i> 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- ;</p>	<p>Resolution 9.19 Retain</p>
<p>6- <u>9.</u> <i>Encourages</i> Parties to integrate the issue of anthropogenic noise into the management plans of marine protected areas (MPAs) where appropriate, in accordance with international law, including UNCLOS;</p>	<p>Resolution 10.24 Retain</p>
<p>7- <u>10.</u> <i>Invites</i> the private sector to assist in developing mitigation measures and/or alternative techniques and technologies for coastal, offshore and maritime activities in order to minimize noise pollution of the marine environment to the highest extent possible;</p>	<p>Resolution 10.24 Retain</p>
<p>5- <u>11.</u> <i>Encourages</i> Parties to facilitate:</p> <ul style="list-style-type: none"> • 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 <u>characterization</u> 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; <p>studies on the extent and potential impact on the marine environment of high- intensity active naval sonars and seismic surveys in the marine</p>	<p>Resolution 9.19 Retain</p>

Text from Existing Recommendations	Comment
<p>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</p> <ul style="list-style-type: none"> studies reviewing the potential benefits of “noise protection areas”, where the emission of underwater noise can be controlled and minimised <u>minimized</u> for the protection of cetaceans and other biota, <p>whilst recognising <u>recognizing</u> 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.</p>	
<p>6. <u>12.</u> 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;</p>	<p>Resolution 9.19 Retain</p>
<p>40. <u>13.</u> 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;</p>	<p>Resolution 9.19 Retain</p>
<p>8. Instructs the Secretariat to draw this Resolution to the attention of the governing bodies of the CBD, UNCLOS, UNEP (Regional Seas Programmes, Governing Council), IMO and other relevant intergovernmental organizations, and to keep those bodies informed of progress in implementing this Resolution.</p>	<p>Resolution 10.24 Repeal; combine with the similar provision of Resolution 9.19 below</p>
<p>8. <u>14.</u> 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 <u>organizations</u> and initiatives, such as the United Nations Environment Programme (UNEP) Governing Council and Regional Seas Programmes, UNICPOLOS, <u>CBD, UNCLOS, IMO, IWC</u>, 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 organization), <u>and to keep those bodies informed of progress in implementing this Resolution;</u></p>	<p>Resolution 9.19</p>
<p>9. <u>15.</u> Instructs the Secretariat to draw this resolution to the attention of the IMO with a view to ensuring the minimization of the harmful effects of shipping noise on cetaceans and other biota and invites the Secretariat and Parties contribute to the work recently started by <u>of the</u> IMO MEPC on “Noise from commercial shipping and its adverse impacts on marine life”;</p>	<p>Resolution 9.19 Retain with updated text</p>
<p>3. <u>16.</u> 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, <u>subject to the availability of resources</u>, by the Scientific Council of voluntary guidelines on activities of concern for presentation to COP10; and</p>	<p>Resolution 9.19 Retain with updated text</p>
<p>7. Invites Parties to report to COP10 about the progress made in implementing this Resolution.</p>	<p>Resolution 9.19 Repeal; outdated. If the parties wish to create an ongoing reporting obligation, then provision may read “Invites Parties to report</p>

Text from Existing Recommendations	Comment
	to [each meeting of the Conference of the Parties] about the progress made in implementing this Resolution.”
<p><u>17. Repeals</u></p> <p>(a) <u>Resolution 9.19, Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and Other Biota.</u></p> <p>(b) <u>Resolution 10.24, Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species.</u></p>	New text to reflect the consolidation.

DRAFT RESOLUTION

**ADVERSE IMPACTS OF ANTHROPOGENIC NOISE ON CETACEANS AND OTHER
MIGRATORY SPECIES**

Recalling that in Resolution 9.19 and Resolution 10.24 the CMS Parties expressed concern about possible “adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota”,

Recognizing that anthropogenic ocean noise, depending on source and intensity, is a form of pollution, composed 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 that the United Nations General Assembly in paragraph 107 of its Resolution 61/222 on "Oceans and the law of the sea", adopted on 20 December 2006 "encourages further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division² to compile the peer-reviewed scientific studies it receives from Member States and to make them available on its website",

Recalling CMS Resolution 10.15 on “Global Programme of Work For Cetaceans”, which urges Parties and non-Parties to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, agreements and other international fora and instructs the Scientific Council and Secretariat, subject to availability of resources, to address the actions foreseen in the Global Programme of Work for Cetaceans,

Recalling that in the meantime other international fora such as the:

- International Maritime Organization (IMO)
- International Whaling Commission (IWC)
- Convention for the Protection of the Marine Environment of the North-East-Atlantic (OSPAR)
- Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)
- Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS)

have also recognized or continued to recognize man-made noise as a potential threat to cetacean conservation and welfare,

Noting in this context the following resolutions and papers adopted under other international fora:

² UN Secretariat Division for Ocean Affairs and the Law of the Sea (DOALOS)

- a) The Convention on Biological Diversity (CBD) COP Decision X.29 concerning marine and coastal biodiversity and in particular its paragraph 12 relating to anthropogenic underwater noise and COP Decision XIII.10 addressing impacts of anthropogenic underwater noise on marine and coastal biodiversity and in particular paragraphs 1-2 relating to anthropogenic underwater noise,
- b) 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), ACCOBAMS MOP Resolution 4.17 “Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area” and Resolution 5.15 “Addressing the impact of Anthropogenic Noise” adopted by the 4th and 5th Meeting of the Parties to the Agreement on the ACCOBAMS,
- c) 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) and ASCOBANS MOP Resolution 6.2 “Adverse effects of underwater noise on marine mammals during offshore construction activities for renewable energy production”,
- d) The 2009 IMO Report “Noise from commercial shipping and its adverse impacts on marine life”,
- e) The 2008 OSPAR Guidance on environmental considerations for offshore wind farm development,
- f) IWC Consensus Resolution 2009-1 on Climate and other environmental changes and cetaceans,

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 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 recognized 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 establishment by the Marine Environmental Protection Committee (MEPC58, October 2008) of a high priority programme of work on *minimizing the introduction of incidental noise from commercial shipping operations into the marine environment* and IMO MEPC.1/Cir.833, *Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life* (7 April 2014),

Acknowledging the ongoing activities in other fora to reduce underwater noise such as the activities of the IMO to delimit shipping noise, and activities within NATO to avoid negative effects of SONAR use,

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:06 (Report of the Ad-hoc Group on Impacts of Sonar on Cetaceans and Fish (AGISC) 2nd edition, 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 recognizes 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,

Recognizing 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 recognize 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 minimize such effects, and

Recognizing 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. *Reaffirms* that there is a need for ongoing and further internationally coordinated research on the impact of underwater noise (including inter alia from offshore wind farms and associated shipping) on cetaceans and other migratory species and their migratory routes and ecological coherence in order to give adequate protection to cetaceans and other marine migratory species;
2. *Confirms* the need for international, national and regional limitation of harmful underwater noise through management (including, where necessary, regulation), and that this Resolution remains a key instrument in this regard;
3. *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;
4. *Strongly urges* Parties to prevent adverse effects on cetaceans and on other migratory marine species by restricting the emission of underwater noise, understood as keeping it to the lowest necessary level with particular priority given to situations where the impacts on cetaceans are known to be heavy; and where noise cannot be avoided, *urges* Parties to develop an appropriate regulatory framework or implement relevant measures to ensure a reduction or mitigation of man-made underwater noise;
5. *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;
6. *Urges* Parties to ensure that Environmental Impact Assessments take full account of the effects of activities on cetaceans and to consider potential impacts on marine biota and their migration routes and consider a more holistic ecological approach already at a strategic planning stage;
7. *Recommends* that Parties apply Best Available Techniques (BAT) and Best Environmental Practice (BEP) including, where appropriate, clean technology, in their efforts to reduce or mitigate marine noise pollution; and *further recommends* that Parties use, as appropriate, noise reduction techniques for offshore activities such as: air-filled coffer dams, bubble curtains or hydro-sound dampers, or different foundation types (such as floating platforms, gravity foundations or pile drilling instead of pile driving);
8. *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;

9. *Encourages* Parties to integrate the issue of anthropogenic noise into the management plans of marine protected areas (MPAs) where appropriate, in accordance with international law, including UNCLOS;
10. *Invites* the private sector to assist in developing mitigation measures and/or alternative techniques and technologies for coastal, offshore and maritime activities in order to minimize noise pollution of the marine environment to the highest extent possible;
11. *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;
 - characterization 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 minimized for the protection of cetaceans and other biota,

whilst recognizing 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;

12. *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;
13. *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;
14. *Instructs* the Secretariat, in conjunction with the Standing Committee and the Scientific Council, to draw this resolution to the attention of other relevant intergovernmental organizations and initiatives, such as the United Nations Environment Programme (UNEP) Governing Council and Regional Seas Programmes, UNICPOLOS, CBD, UNCLOS, IMO, 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 organization), and to keep those bodies informed of progress in implementing this Resolution;
15. *Instructs* the Secretariat to draw this resolution to the attention of the IMO with a view to ensuring the minimization of the harmful effects of shipping noise on cetaceans and other biota and invites the Secretariat and Parties contribute to the work of the IMO MEPC on “Noise from commercial shipping and its adverse impacts on marine life”;

16. *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, subject to the availability of resources, by the Scientific Council of voluntary guidelines on activities of concern; and

17. *Repeals*

- a) Resolution 9.19, *Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and Other Biota*; and
- b) Resolution 10.24, *Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species*.