

Draft Resolution on Anthropogenic Underwater Noise

Submitted by Austria on behalf of EU Member States, Argentina, Brazil, Costa Rica, Monaco,
Panama, Switzerland and South Africa

Recognizing the increased understanding of environmental stressors to cetaceans since the International Convention for the Regulation of Whaling (ICRW) was concluded in 1946;

Noting that cetaceans fundamentally depend on sound for their survival and that exposure to certain anthropogenic underwater noise can have both physiological and behavioral consequences for cetaceans;

Further noting that noise can travel over long ranges in the marine environment across and beyond areas of national jurisdiction;

Recognizing the rapid growth during recent decades of anthropogenic underwater noise generated by human activities, as evidenced from locations where such data are available, such as shipping, seismic exploration, drilling, construction etc.;

Noting the advice of the Scientific Committee, presented in its 2016 report that there is evidence indicating that chronic anthropogenic underwater noise is affecting the marine acoustic environment in many regions, and that there is emerging evidence that compromised acoustic habitat may adversely affect some cetacean populations;

Noting that emerging research indicates there may be effects of anthropogenic underwater noise at lower trophic levels;

Recalling the UN Convention on the Law of the Sea, that sets out the obligation on States to protect and preserve the marine environment and, to assess the potential effects of activities that may cause substantial pollution or significant and harmful changes to the marine environment, including marine mammals;

Recognizing the potential role that the proposed new internationally legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the

Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ) could play in addressing anthropogenic underwater noise, such as through area-based management tools, including marine protected areas, and undertaking of environmental impact assessments as well as capacity building;

Further recalling Goal 14 of the 2030 Agenda for Sustainable Development "Conserve and Sustainably Use the Oceans, Sea and Marine Resources for Sustainable Development" and its Target 14.1 to prevent and significantly reduce marine pollution of all kinds by 2025;

Noting that anthropogenic underwater noise is not persistent and can be reduced in the marine environment immediately by reducing the emissions of noise at the source;

Gratefully acknowledging the significant body of work accomplished to date by the Scientific Committee on the issue of anthropogenic underwater noise;

Welcoming the inclusion of anthropogenic underwater noise as a priority threat to address in the Conservation Committee's Strategic Plan 2016-2026;

Further welcoming the increased attention being given to the issue of anthropogenic underwater noise by international bodies including: the Convention on Biological Diversity (CBD); the Convention on Migratory Species (CMS) and its daughter agreements; the International Maritime Organization (IMO); and the United Nations General Assembly, and Regional bodies such as the Regional Seas Conventions;

Further noting examination of the issue of anthropogenic underwater noise by the UN Informal Consultative Process on Oceans and the Law of the Sea, in June 2018 to which the IWC contributed extensively;

Now, therefore the Commission:

1. **Agrees** that considering anthropogenic underwater noise will contribute towards achieving Goal 14 of the 2030 Agenda for Sustainable Development "Conserve and Sustainably Use the Oceans, Sea and Marine Resources for Sustainable Development"
2. **Further agrees** that, in line with the precautionary approach, the lack of full

scientific certainty shall not be used as a reason for postponing cost effective measures to address the effects of anthropogenic underwater noise (or other potential threats);

3. **Recommends** contracting governments to:

- a. Incentivize the development, adoption and voluntary transfer, on mutually agreed terms, of technologies and strategies that mitigate the impacts of anthropogenic underwater noise on cetaceans from various activities that produce the noise; If appropriate, this could be carried out through regulatory measures;
- b. Consider working with appropriate stakeholders to establish national and regional anthropogenic noise registers and monitoring programmes, as appropriate, to support the assessment of anthropogenic underwater noise impacts on cetaceans;
- c. Engage with industries, academia, NGOs, and other stakeholders to support the development and implementation of mitigation strategies and best practices that protect cetaceans in line with an ecosystem approach and the precautionary approach;
- d. Take into account best practice guidelines to ensure robust, comprehensive, and transparent assessment and to facilitate mitigation of adverse effects of anthropogenic underwater noise, such as the *IMO Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life* (circular MEPC.1/Circ.833) and the *CMS guidelines for Environmental Impact Assessments for Marine Noise-generating Activities* (CMS, 2017);
- e. Consider that cetacean research and conservation management efforts include the protection of the acoustic habitat and the impacts of anthropogenic underwater noise on lower trophic levels, including fish, invertebrates and other marine mammal prey species;
- f. Support the adoption of measures, such as noise standards, by relevant national and international authorities that reduce the risk of harmful impacts occurring on cetaceans from the introduction of anthropogenic underwater noise;

4. **Instructs** the Scientific Committee to continue its work regarding anthropogenic underwater noise and cetaceans, with a particular focus on: (1) evaluation of the

extent and degree of exposure of cetaceans to different types of noise; (2) obtaining a better understanding of the effects of noise on cetaceans at the individual and population level, including chronic and acute effects; (3) reviewing the effectiveness of different approaches to reducing cetacean exposure to noise; and (4) reviewing work on the impacts of noise on cetacean prey and considering any implications of this for cetacean populations via the food-chain;

5. **Instructs** the Conservation Committee to review progress in implementing IWC Recommendations on the mitigation and management of anthropogenic underwater noise and, based on this review, develop advice on priority actions to implement to address the impacts of anthropogenic underwater noise on cetaceans;
6. **Requests** the IWC Secretariat to:
 - a. forward a copy of this Resolution to the Secretariats of the CBD, CMS, IMO, FAO and other relevant specialized agencies and programs of the UN, including the Division on Oceans and Law of the Sea;
 - b. bring information relating to anthropogenic underwater noise impacts on cetaceans to the attention of these forums; and
 - c. encourage actions by and promote cooperation between these forums, consistent with their mandates, to address anthropogenic underwater noise in recognition of the impacts it can have on cetaceans.