

Draft Resolution No. 8: Addressing the Threats from Underwater Munitions

Recalling that the Conservation and Management Plan annexed to the Agreement stipulates that ASCOBANS should work towards “the prevention of other significant disturbance, especially of an acoustic nature”;

Recalling Resolution No. 4 of MOP5 on Adverse Effects of Sound, Vessels and Other Forms of Disturbance on Small Cetaceans;

Further recalling related decisions adopted by the Conference of the Parties to CMS, in particular Resolution 9.19 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota and Resolution 10.24 on Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Migratory Species;

Also recalling United Nations General Assembly Resolution 68/208 on Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea;

Further recalling the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development adopted in September 2015, and especially Goal 14 to Conserve and sustainably use the oceans, seas and marine resources, which includes the following targets:

- By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution;
- By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans;
- Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries;

Aware of estimates that tens of millions of tons of unexploded chemical and conventional munitions are present in the marine environment in the ASCOBANS Area, and that thousands of fishermen and other sea users encounter such munitions every year;

Further aware that knowledge of sites, types of munition and ways of disposal (en route, item by item, in container or in hulls), state of corrosion and quantities of dumped munitions is fragmentary, as are meaningful data on the environmental impacts of munitions and their constituents;

Concerned that both chemical and conventional munitions present in the marine environment, whether as unexploded ordnance (UXO) or discarded military munitions (DMM), pose a threat to the health and safety of humans as well as marine life, and that through corrosion and chemical changes these devices might become more volatile, thus increasing the danger of unexpected explosions;

Further concerned that munitions are regionally point sources of pollution, both as chronic contamination of the marine environment through leakages, and sudden release of toxic substances through explosions;

Also concerned that cetaceans are at risk through both chemical and physical hazards posed by munitions, encompassing direct contact and possible accumulation of toxic substances in their tissues, including through ingestion of contaminated prey, as well as injury due to pressure and noise resulting from explosions;

Grateful for the work of OSPAR and HELCOM on this issue, and especially welcoming the priority afforded this issue by HELCOM through the Expert Group on Environmental Risks of Hazardous Submerged Objects (SUBMERGED);

Conscious that hearing is the primary sense for cetaceans and that damage to auditory functions will affect the animals' ability to hunt, communicate and navigate, and therefore has direct relevance for their survival, welfare and reproduction;

Aware that research and modelling undertaken recently in the Netherlands and Germany indicate that each year thousands of harbour porpoises in the ASCOBANS Area are at risk of suffering injury ranging from permanent shifts of their auditory threshold to trauma to the ear caused by blast waves, and many more are at risk of suffering from temporary threshold shifts;

Recognizing that underwater munitions are an unquantified pressure and further efforts are needed to understand the significance of its impact on small cetaceans in the ASCOBANS Area and beyond;

Emphasizing that the difficulty of proving detrimental effects to cetaceans and their habitats necessitates a precautionary approach in dealing with this issue;

Further emphasizing that this is a global problem and a wider environmental issue that requires attention and a targeted response from a range of organizations and stakeholders, including policy-makers;

The Meeting of the Parties to ASCOBANS

1. *Encourages* Parties to support research investigating the risk to marine animals and habitats from underwater munitions, especially with respect to:

- (a) Identification and mapping of actual locations and contents of dump sites;
- (b) Effects of disintegrating submerged munitions on the marine environment and marine life, for example by monitoring or testing for chemicals and the products that typically arise when chemical or conventional munitions degrade, or signs of underwater detonations as a possible cause of death when conducting necropsies of marine animals;
- (c) Analysing the risk of chemicals emanating from chemical or conventional munitions to the marine food chain, especially considering that the characteristics of their behaviour and distinctive acute toxicity in combination with the underwater pathway of introduction sets them apart from the majority of man-made marine pollutants regarded hitherto;
- (d) Development of alternative ways of removal other than detonation, paying close regard to safety of life at sea;

2. *Further encourages* Parties systematically to integrate munitions detection programmes into all surveys of the sea floor (e.g. MSFD benthic habitat mapping and assessment) ;
3. *Further encourages* Parties (i) to require all vessels under their flag, when encountering underwater munitions, to notify relevant national authorities, and (ii) to provide simple ways for submitting this information and ensure that agreed OSPAR and HELCOM reporting procedures are followed;
4. *Recommends* that all relevant information be made available to regional and international organizations addressing this issue, such as HELCOM and OSPAR and the United Nations Environment Programme (UNEP), to facilitate coordinated responses;
5. *Urges* Parties to support efforts to address this threat in other regional and international organizations and use their influence to have this topic treated as priority in these fora;
6. *Calls upon* UNEP to investigate and address the problem of underwater munitions on a global scale, bearing in mind the implications for human health and safety, and the conservation of protected species and their habitats;
7. *Invites* UNEP to consider creating a mechanism, such as a joint task force which might include the Regional Seas Conventions, the CMS Family and other relevant intergovernmental organizations, to address this issue in a coordinated fashion and facilitates knowledge exchange;
8. *Recommends* that based on work done e.g. under the auspices of OSPAR, HELCOM, NATO and national governments and involving all relevant stakeholders and organizations, ideally under UNEP's leadership, international guidelines for removal of munitions be developed, which should cover *inter alia*:
 - (a) Using a precautionary approach when choosing mitigation and removal methods;
 - (b) Taking into account wider environmental effects, potential negative impacts for marine life, costs and risk to human health and safety, when deciding on removal and choosing mitigation and removal techniques;
 - (c) Advising on methods of removal other than targeted detonations;
 - (d) Advising on alternative technologies such as the use of underwater robotics, water abrasive suspension cutting or mobile detonation chambers and the circumstances under which these might safely be applied;
 - (e) Advising on possible mitigation techniques to be employed when no alternatives to detonation are feasible, such as techniques to reduce the shock and acoustic waves, dedicated visual and passive acoustic observation techniques to increase detection of cetaceans and the additional use of acoustic deterrents to reduce the risk of harm to marine mammals;
9. *Further recommends* that an international conference be held on the issue, ideally under UNEP's leadership in partnership with NATO, ensuring that an overview of the status of knowledge and practices in different parts of the world is gained and that cooperation can be fostered for capacity-building;
10. *Invites* NATO and national armed forces to continue to take a leading role in efforts to detect, categorize and remove, in the most environmentally-friendly way feasible, any potentially hazardous underwater munitions, and *welcomes* the planned workshop in October 2016 in Bulgaria;

11. *Requests* the Secretariat to collaborate with UNEP, HELCOM, OSPAR and other relevant regional and international organizations in addressing this issue;

12. *Requests* the Advisory Committee to continue looking for new available information on impacts of underwater munitions and their removal on cetaceans and to make recommendations to Parties as appropriate.