



**Convention on the Conservation of Migratory Species
Agreement on the Conservation of Small Cetaceans
of the Baltic, North East Atlantic, Irish and North Seas**



Joint Secretariat provided by the United Nations Environment Programme



**Contribution Towards the Secretary General's Report on
Oceans and the Law of the Sea 2011**

Part I: Marine Renewable Energies

Marine renewable energy production is relevant for the work of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and its associated instruments in two main ways:

- i. In a positive way by mitigating the effect of climate change, which has potentially severe consequences for the quality, suitability and availability of the habitat of many marine migratory species, as well as on the species themselves
- ii. In a potentially conflicting way by causing severe disturbance to marine migratory species by means of introduction of underwater noise, higher risk of collision with turbines or service craft and habitat alterations, including alterations to water flow and sea level

The Convention and its relevant associated instruments have therefore had a strong interest in renewable energies for a number of years. CMS serves as a framework convention for a number of regional or species-specific instruments, covering cetaceans, waterbirds, marine turtles, seals and sirenians.

1) Information Regarding the Activities Currently Undertaken Related to Marine Renewable Energies

a) Climate Change Effects on Migratory Species

In particular marine turtles have been found to be extremely vulnerable to the effects of climate change, but also the other marine species listed on the CMS Appendices or covered by its instruments are likely to suffer from it to varying degrees. More information, including on climate change related activities and decisions of the Convention can be accessed [here](#).

Recent relevant decisions include:

- CMS [Resolution 10.19](#) on Migratory Species Conservation in the Light of Climate Change (2011)
- CMS [Resolution 9.7](#) on Climate Change Impacts on Migratory Species (2008)
- AEWAs [Resolution 4.14](#) on The Effects of Climate Change on Migratory Waterbirds (2008)

b) Impacts of Marine Renewable Energies on Migratory Species

Cetaceans (whales, dolphins and porpoises) are the species group most severely affected by underwater noise generated during the construction phase of offshore renewable energy development such as wind farms, and to a lesser degree disturbance during the operation phase e.g. through service craft. Such acoustic disturbance can lead to behavioural changes, including habitat exclusion, physical injury and even death.

Migratory birds and bats also face dangers from offshore wind farms through risk of collision, short- or long term habitat loss due to construction and disturbance by wind turbines and

service craft, and barrier effects on their migratory routes. Application of strobe lighting on constructions and the creation of corridors within offshore wind parks can make an important contribution to reducing the risk of collision with birds and bats. Depending on the height of individual turbines different species are likely to be affected.

To address these issues, several relevant resolutions have been passed in recent years:

- CMS [Resolution 10.24](#) on Further Steps to Abate Underwater Noise Pollution for the Protection of Cetaceans and Other Biota (2011)
- ACCOBAMS [Resolution 4.17](#) on Guidelines to address the impact of anthropogenic noise on cetaceans in the ACCOBAMS area (2010)
- ASCOBANS [Resolution 6.2](#) on Adverse Effects of Underwater Noise on Marine Mammals during Offshore Construction Activities for Renewable Energy Production (2009)
- CMS [Resolution 9.19](#) on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota (2008)
- CMS [Resolution 7.5](#) on Wind Turbines and Migratory Species (2002)

With reference in particular to Res.10.24, CMS Parties call for more research on the impact of disturbance *inter alia* caused by marine renewable energy production on migratory species, urge that Environmental Impact Assessments take full account of effects on migratory species, recommend the application of Best Available Techniques (BAT) and Best Environmental Practice (BEP), including applying noise reduction techniques for offshore activities, and encourage integrating the issue of anthropogenic noise into the management plans for marine protected areas.

2) Matters Which May Require Further Consideration With an Emphasis on Areas Where Coordination and Cooperation at the Intergovernmental and Inter-Agency Levels Could be Enhanced

CMS Res.10.19 points out the following key areas to focus attention on for effective cooperation and implementation:

- At national level, to ensure close cooperation between Focal Points of CMS and its instruments and those of UNFCCC to provide expert guidance and support on how migratory species can be affected by adaptation and mitigation activities, such as renewable energy and bio-energy development, and to collaborate closely in order to develop joint solutions aimed at reducing negative impacts on migratory species
- Also at national level, to include the measures contained in this Resolution in their national climate change strategies, National Biodiversity Strategies and Action Plans (NBSAPs) and other relevant policy processes, ensuring that mitigation or adaptation activities do not result in a deterioration of the conservation status of CMS-listed species
- At Secretariat level, to strengthen synergies between the Secretariats of CMS and CBD, UNFCCC, UNCCD, the Ramsar Convention, the Bern Convention, the IWC and other international instruments, in order to address more effectively the threats that climate change pose to biodiversity

The resolutions dealing with anthropogenic ocean noise impacts also stress the need for the development of voluntary guidelines on offshore construction activities, which should wherever possible be harmonized and developed in cooperation between different intergovernmental instruments.