

Policy on Sound and Marine Mammals: An International Workshop (28-30 Sept. 2004)

**Abstract: UNDERSEA NOISE POLLUTION – A CHALLENGE FOR SCIENCE,
GOVERNMENTS AND THE CIVIL SOCIETY**

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A growing body of evidence indicates that undersea-noise pollution can have various adverse impacts on marine life and thus constitutes a severe threat to the marine organisms and ecosystems. The intense and widespread undersea noise is an issue of increasing importance and has already been addressed by several international institutions (including IWC, IMO, ASCO-BANS and ACCOBAMS).

In 2002 ASMS OceanCare founded the European Coalition for Silent Oceans and commissioned a legal analysis on the use of low frequency active sonar (LFAS) by Dr. Alexander von Ziegler, a Swiss expert in sea law. In his expert report entitled “The use of LFA Sonar under International Law” A. von Ziegler concluded that the use of LFAS violates four of the most important general principles of customary law (sovereignty over natural resources and the responsibility not to cause damage to the environment of other states or of areas beyond the limits of national jurisdiction, principle of preventive action, principle of sustainable development, precautionary principle) as well as the obligations deriving from several international conventions. In 2003 the expert report has been distributed to the relevant conventions and to the ministers of defense, foreign affairs and environment of all NATO and UN states. Reactions from numerous ministers showed concern.

Various petitions against the use of military sonar systems have been handed over to the European Parliament and to NATO. The fatal effects of sonar technology have been discussed with the NATO representatives, who since are looking into alternative methods and have intensified efforts to protect marine mammals from the hazardous effects associated with sonar tests. At the 5th UN conference on “Oceans and the Law of the Sea” an NGO delegation presented an overview of the scientific aspects, the legal arguments, and the political activities aiming at placing Ocean Noise under intergovernmental regulation.