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REFERENCE:

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Dear Mr. Ferreira de Souza Dias,

I wish to refer to notification SCBD/SAM/DC/JL/JA/83033, dated 8 January 2014, through which the Secretariat of the Convention on Biological Diversity invites Parties, other Governments and relevant organizations to provide relevant information concerning the objectives of the Expert Workshop on Underwater Noise and its Impacts on Marine and Coastal Biodiversity, which will be held in London, United Kingdom of Great Britain and Northern Ireland, from 25 to 27 February 2014.

I am pleased to inform you that, since 2006, the General Assembly, in its annual resolution on oceans and the law of the sea, has encouraged further research, studies and consideration of the impacts of ocean noise on marine living resources, and requested the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website. In that regard, I wish to draw your attention to the contributions available at: [http://www.un.org/depts/los/general\\_assembly/noise/noise.htm](http://www.un.org/depts/los/general_assembly/noise/noise.htm).

I also wish to draw attention to the legal framework for the protection and preservation of the marine environment set out in Part XII of the United Nations Convention on the Law of the Sea (UNCLOS). Part XII sets out the general obligation for States to protect and preserve the marine environment (article 192), and includes a number of provisions which elaborate on this obligation. Of particular relevance to the objectives of the Expert Workshop, UNCLOS requires States, inter alia, to:

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Executive Secretary  
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- take, individually or jointly as appropriate, all measures consistent with UNCLOS that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities (article 194) – these measures include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life (article 194(5)). These measures shall deal with all sources of pollution of the marine environment and shall include, inter alia, those designed to minimize to the fullest possible extent pollution from (i) vessels, in particular measures for regulating the design, construction, equipment, operation and manning of vessels; (ii) installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for regulating the design, construction, equipment, operation and manning of such installations or devices; and (iii) other installations and devices operating in the marine environment, in particular measures for regulating the design, construction, equipment, operation and manning of such installations or devices (article 194(3), see also articles 208, 209, 211). Such measures shall be no less effective than international rules, standards and recommended practices and procedures, established through the competent international organization (International Maritime Organization) or general diplomatic conference in the case of pollution from vessels (article 211) or adopted by the International Seabed Authority in the case of pollution from activities in the Area (articles 209 and 145);
- take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, which may cause significant and harmful changes thereto (article 196);
- cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with UNCLOS, for the protection and preservation of the marine environment, taking into account characteristic regional features (article 197);
- cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment (article 200);
- cooperate, directly or through competent international organizations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment (article 201);
- observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment (article 204) and, when they have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, to, as far as practicable, assess

the potential effects of such activities on the marine environment (article 206); and

- provide scientific and technical assistance to developing States (article 202), which shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in the allocation of appropriate funds and technical assistance, and in the utilization of their specialized services (article 203).

It should be noted that UNCLOS defines “pollution of the marine environment” as the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities (article 1).

Also of relevance to the Workshop is Part XIII of UNCLOS, which provides an extensive framework for marine scientific research, including with regard to the conduct of such research and the publication and dissemination of information and knowledge resulting therefrom. It should be noted that while States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with UNCLOS (article 239), marine scientific research shall be conducted in compliance with all relevant regulations adopted in conformity with UNCLOS, including those for the protection and preservation of the marine environment (article 240).

Finally, Part XIV of UNCLOS on the development and transfer of marine technology provides that States shall promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, including land-locked and geographically disadvantaged States, with regard to the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment, marine scientific research and other activities in the marine environment compatible with UNCLOS (article 266).

The Division will, regrettably, not be able to participate in the Expert Workshop but is ready to provide any additional information that may be required. I wish you a successful meeting.

Sincerely yours,



Gabriele Goettsche-Wanli  
 Director  
 Division for Ocean Affairs and the  
 Law of the Sea  
 Office of Legal Affairs