

Statement by the International Maritime Organization (IMO)

Second session of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

Item 6 – Area Based Management Tools

To further protect areas that might be particularly vulnerable to the impacts from international shipping, IMO has several Area Based Management Tools within its regulatory framework. These include, in particular:

- 1 Special Areas and Emission Control Areas, under MARPOL¹; and
- 2 Particularly Sensitive Sea Areas (PSSAs), which can in principle incorporate any IMO measure that it has at its disposal to protect the marine environment².

To date, IMO has designated 19 Special Areas under Annexes I to V of MARPOL, and four Emission Control Areas under Annex VI of MARPOL. More stringent operational discharge criteria have been implemented in Special Areas and Emission Control Areas. In addition, 15 PSSAs have been designated, one of which has been extended twice. When PSSAs are designated, associated protective measures including routeing and reporting measures and operational discharge requirement are be adopted. IMO can develop new associated protective measures to meet the evolutionary need of the conservation of marine biodiversity.

The one thing I would like to emphasize in this segment of the discussion, is that these processes have not been developed or implemented in isolation. For example, the PSSA process draws heavily on the EBSA process and criteria when identifying areas, and there are also strong links and continuous dialogue with the UNESCO World Heritage Centre Marine Programme.

These measures are effective. When a vulnerable area has been identified, they regulate the specific activity, in this case international shipping, through a carefully crafted regulatory regime, ensuring a balance between the delivery of essential goods and world trade, and with the protection of the marine environment and sustainable development.

The responsibility to implement IMO's area based management tools lies with Member States of IMO, acting in their capacities as flag, port, and coastal States. In their flag State capacity, States are responsible for ensuring their ships are in compliance with regulations. When they act as coastal States, they are responsible for applying regulations to any ships in their waters on a non-discriminatory basis. In their capacity as port States, they are responsible for verifying that ships calling their

¹ The identification and designation of such areas is supported by the 2013 Guidelines for the designation of Special Areas under MARPOL (IMO Assembly resolution A.1087(28)).

² The identification and designation of such areas is supported by the 2005 Revised Guidelines for the

² The identification and designation of such areas is supported by the 2005 Revised Guidelines for the identification and designation of PSSAs (IMO Assembly resolution A.982(24) and as amended by MEPC.267(68))

ports are in compliance - and here I am reiterating that it applies equally to all ships regardless of flag and regardless of whether the flag state actually ratified the instrument in question.

With regards to the monitoring and review of adopted measures, IMO launched Member State Audit Scheme to review how effectively IMO treaties are implemented by States Parties. The Member State Audit Scheme has been a successful vehicle to monitor Member States' compliance with area based management tools designated by IMO and has assisted greatly Member States in fulfilling their obligations.

Based on the framework and responsibilities set out in UNCLOS, IMO Member Governments have established a comprehensive regime for international shipping aiming at protecting the marine environment, which includes several options for area based management tools, all firmly based in globally binding IMO instruments.

IMO believes that the future BBNJ instrument should acknowledge IMO's primary authority for the designation of area based management tools concerning international shipping activities. Any new tools developed under the future BBNJ instrument should be complimentary in nature and not undermine the designation procedure of IMO's own tools.

Thank you Madam Facilitator.
