

IMO Measures to Protect Areas beyond National Jurisdiction – The Sargasso Sea

PANEL ON THE MARINE ENVIRONMENT

Conference on Attaining the Sustainable Development Goals

Asia Pacific Centre for Environmental Law, 20th Anniversary Celebrations

Singapore, 10-11 November 2016

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Outline

I. High Seas

Jurisdiction Limits & Maritime Claims

The Sargasso Sea

II. IMO Measures

The IMO and Its Mandates

Ships' Routeing

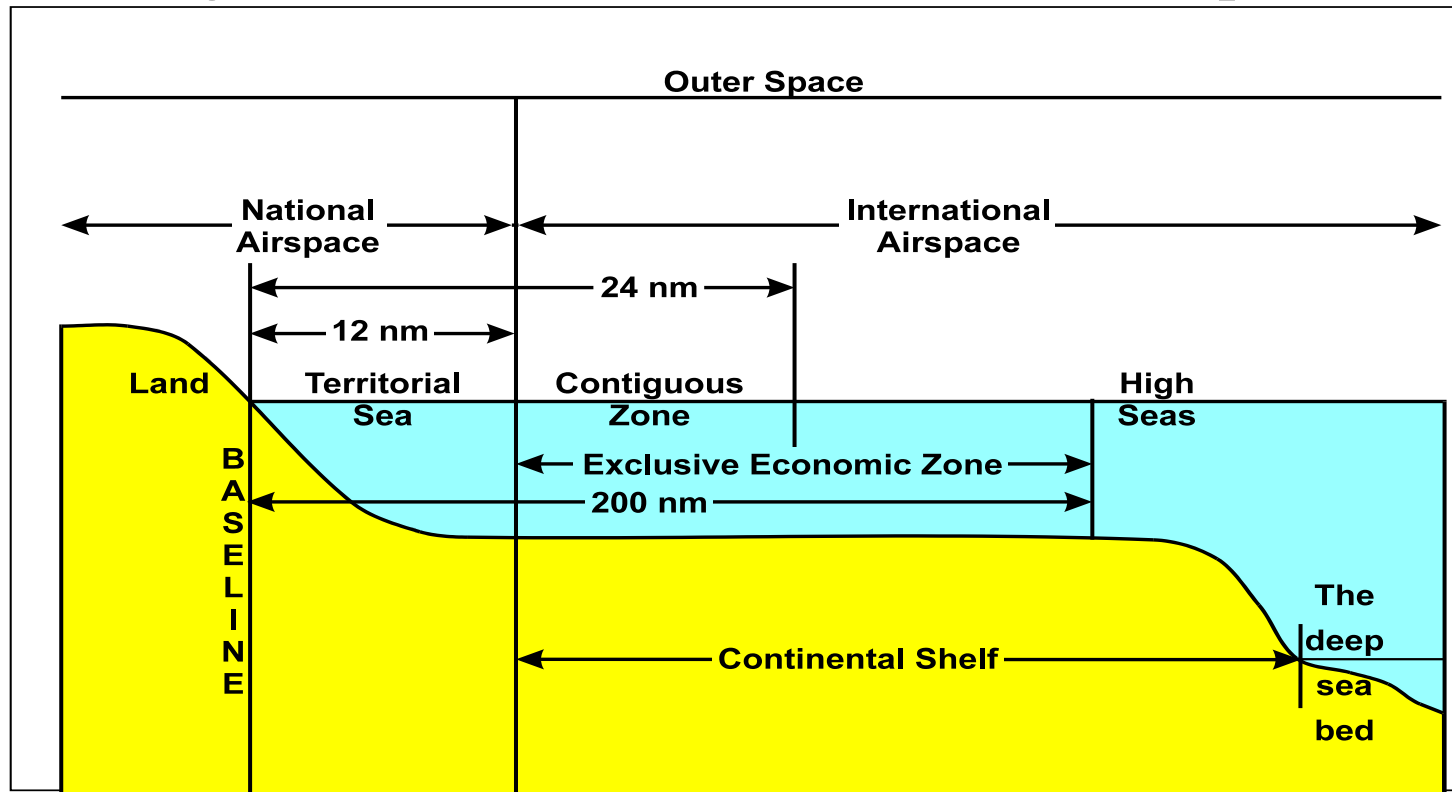
Special Areas under MARPOL

Particularly Sensitive Sea Area

III. Conclusions

I. High Seas : Jurisdiction Limits

Legal Boundaries of the Oceans and Airspace



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I. High Seas : Maritime Claims

WORLD OCEANS

71%

OF EARTH IS
COVERED BY
OCEAN

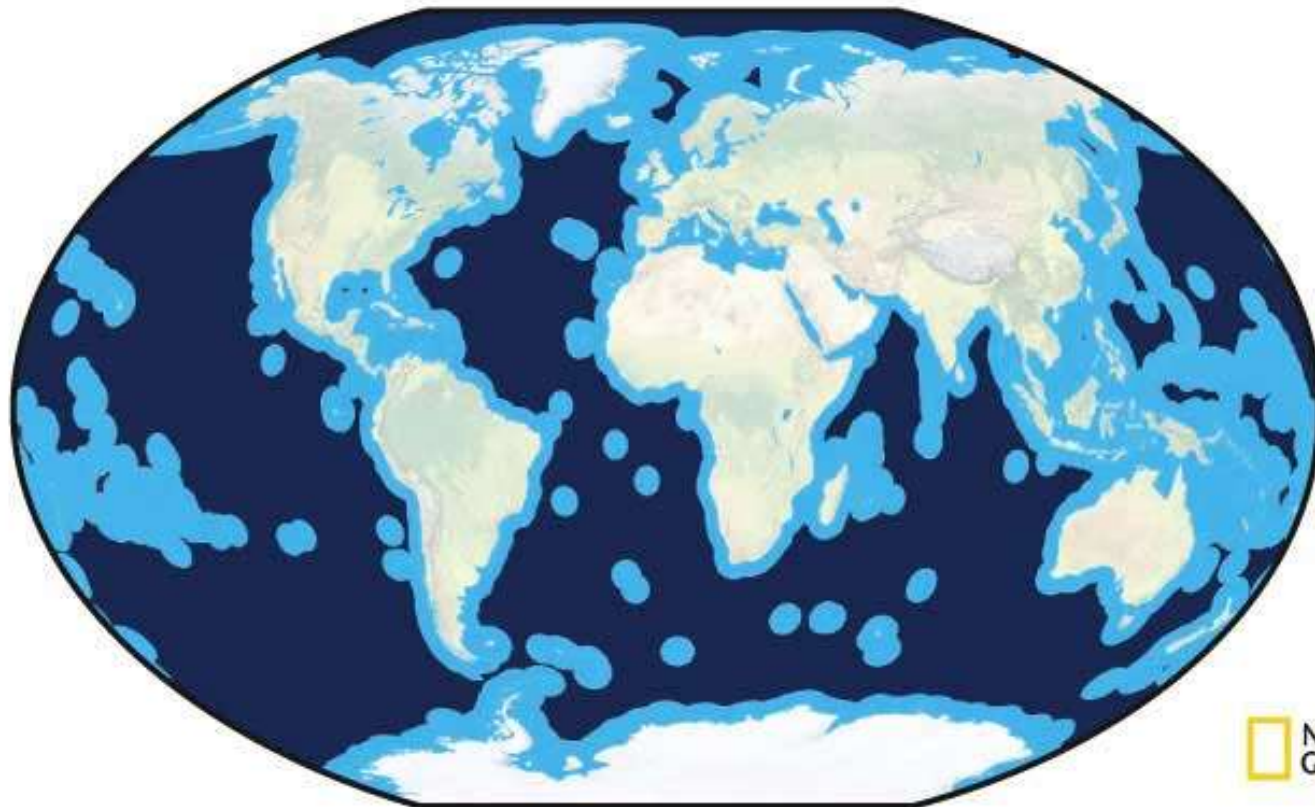
64%

OF THE OCEAN
IS CONSIDERED
THE HIGH SEAS/
INTERNATIONAL
WATERS

THE HIGH SEAS
COVER

45%

OF THE EARTH'S
SURFACE



I. High Seas : The Sargasso Sea

A Vital Ecosystem of Global Importance



I. High Seas : The Sargasso Sea Challenges



The Sargasso Sea Studying Area



2014 Hamilton Declaration:

The portion of **high seas** and the **Area** under that portion of the high seas (excluding the EEZ and TS around Bermuda, and the extended CS of neighbouring states).

Challenges Raised by the Sargasso Sea:

Existing IMO measures were proposed by specific concerned State(s) within areas under national jurisdiction;
Can such measures be used on the high seas?

II. IMO Measures : *The IMO and its Mandates*

- **The International Maritime Organization**
 - United Nations Specialized Agency
 - Responsible for the Safety and Security of Shipping and the Prevention of Marine Pollution by Ships
- IMO has a mandate under UNCLOS as the **Competent International Organization** to adopt **international rules and standards** for the safety, security and environmental performance of international shipping
 - Maritime Safety Committee (MSC)
 - Marine Environment Protection Committee (MEPC)

II. IMO Measures : Regulation of Shipping

Several possible measures to restrict shipping activities, limit discharges, etc. in areas that are considered to be of particular importance and sensitive to shipping

▪ Ships' Routeing Measures

- International Convention on Safety of Life at Sea, 1974 (SOLAS)
- 162 Parties, 99.17% of world gross tonnage

▪ Special Areas and Emission Control Areas under MARPOL

- International Convention for the Prevention of Pollution from Ships 1973, as modified by the 1978 Protocol (MARPOL)
- 154 Parties, 99.15% of world gross tonnage

▪ Particularly Sensitive Sea Areas (PSSAs)

- IMO Resolutions A.982(24), A.927(22), A.885(21), A.720(17)
- Possible Associated Protected Measures (APM) including actions that are to be, or have been, approved or adopted by IMO

II. IMO Measures : *Ships' Routeing Measures*

Objectives

Safety of navigation, preventing or reducing the risk of accidental pollution or other direct damage

Procedure

Proposal by State(s) concerned – NCSR (technical evaluation) – MSC (adoption)

Possible Measures

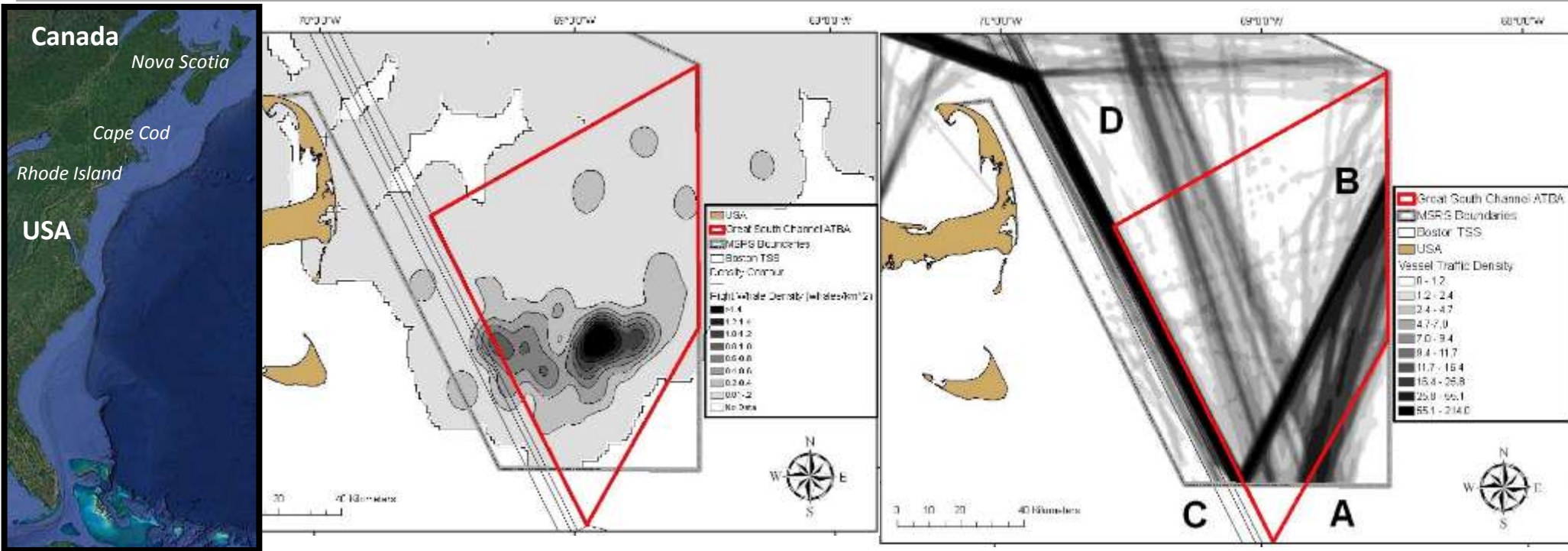
TSS, two-way routes, recommended route/tracks, areas to be avoided, no anchoring area, precautionary areas, deep-water routes, etc.
Can be voluntary or mandatory

Applicable Areas

Within national jurisdiction, could be extended to the adjacent high seas
(No precedent in ABNJ)

II. IMO Measures : Voluntary Ships' Routeing Measures

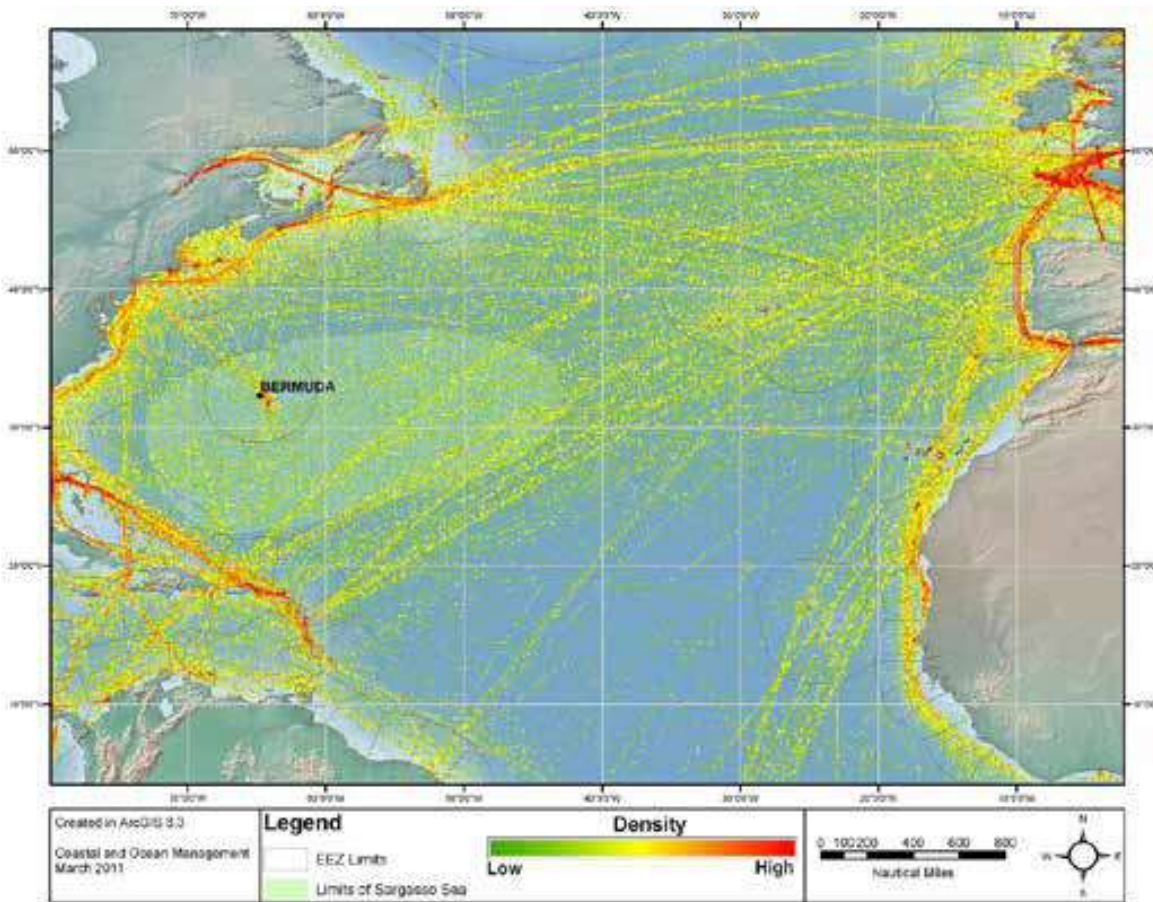
USA – Northwest Atlantic - Great South Channel



Recommandary Seasonal Area To Be Avoided approved by NAV committee of the IMO in 2008 to restrict strikes with highly endangered North Atlantic Right Whales during migrations, ships ≥ 300 gt during 1 April to 31 July

II. IMO Measures : Proposal for the Sargasso Sea

Voluntary/Mandatory Ships' Routing Measures



Traffic Separation Schemes
Precautionary Areas
Areas to be Avoided

II. IMO Measures : Special Areas under MARPOL

Definition

A sea area where for recognised technical reasons related to its **oceanographical** and **ecological** conditions and to the particular character of its **traffic**, special mandatory methods for the prevention of sea pollution by oil, noxious liquid substances, or garbage is required.

Procedure

Proposal by State(s) concerned – MEPC (adoption)

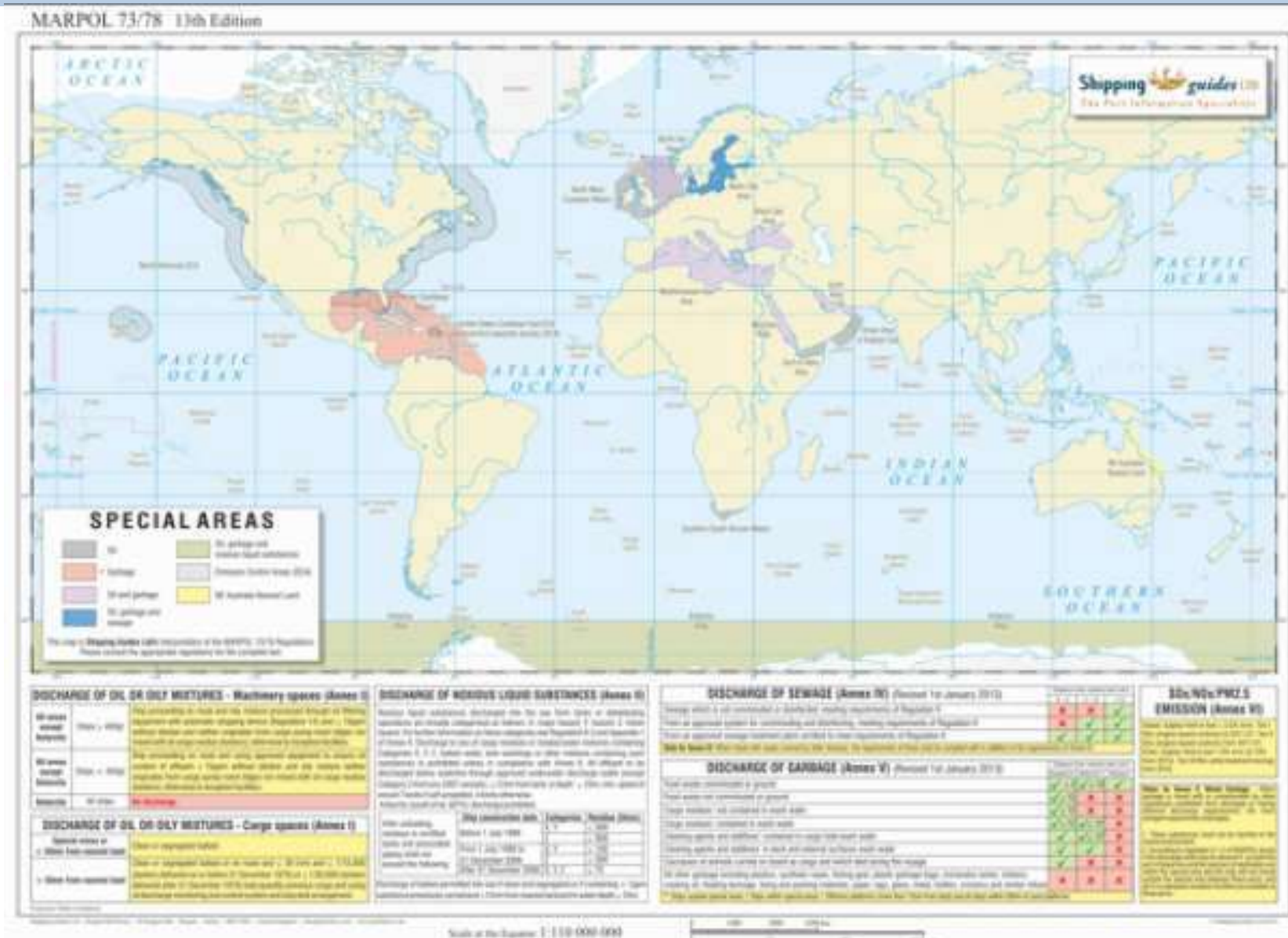
Possible Measures

Detailed discharge requirements for oil, sewage and garbage (EIF when adequate **reception facilities** are provided)
Emission Control Areas for SO_x and NO_x (ECAs)

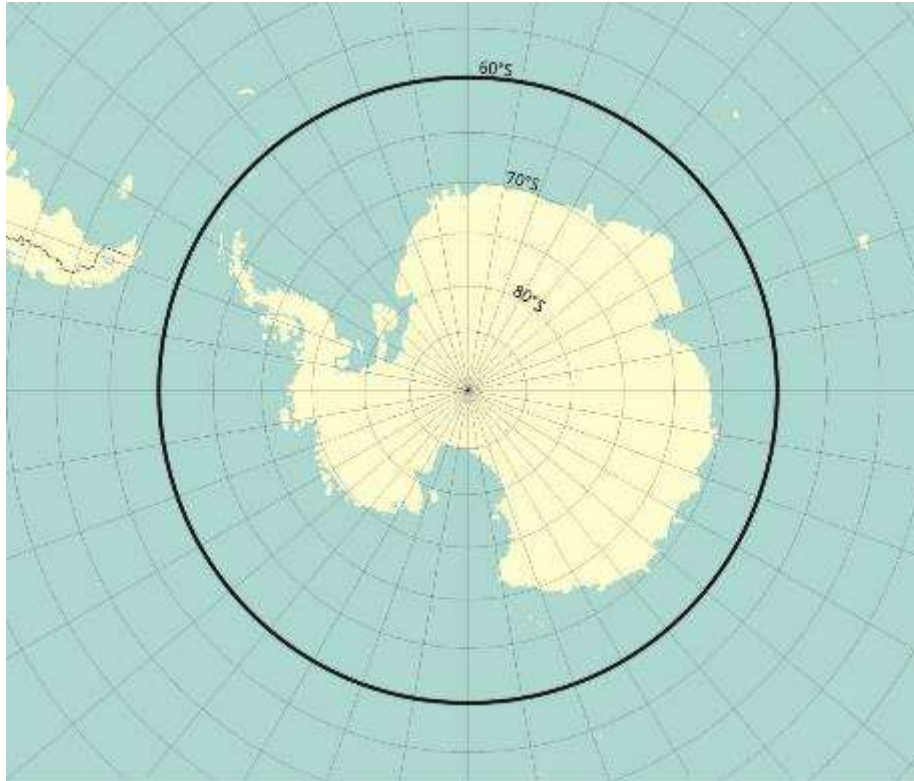
Applicable Areas

May encompass the maritime zones of several States, an entire enclosed or semi-enclosed area or beyond national jurisdiction
(No precedent in ABNJ)

II. IMO Measures : Existing Special Areas



II. IMO Measures : Antarctic



Areas covered South of 60°S

Specials under MARPOL Annexes I, II and V (for all types of Ships)

Guidelines for Ballast Water Exchange in the Antarctic Treaty Area – MEPC.163(56) 2007

Annex	Adopted	Date of IEF	In Effect from
I. Oil	16 Nov 1990	17 Mar 1992	17 Mar 1992
II. Noxious Liquid Substances	30 Oct 1992	1 Jul 1994	1 Jul 1994
V. Garbage	16 Nov 1990	17 Mar 1992	17 Mar 1992

II. IMO Measures : Proposal for the Sargasso Sea

Special Area under MARPOL

Annex I: Oil

**Annex II:
Noxious
Liquid
Substances**

**Annex IV:
Sewage**

**Annex V:
Garbage**



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II. IMO Measures : Particularly Sensitive Sea Areas

Definition

A sea area that needs special protection because of its significance for recognized **ecological, socio-economic, or scientific attributes** where such attributes may be vulnerable to damage by international shipping activities.

Procedure

Proposal by State(s) concerned – MEPC (adoption)

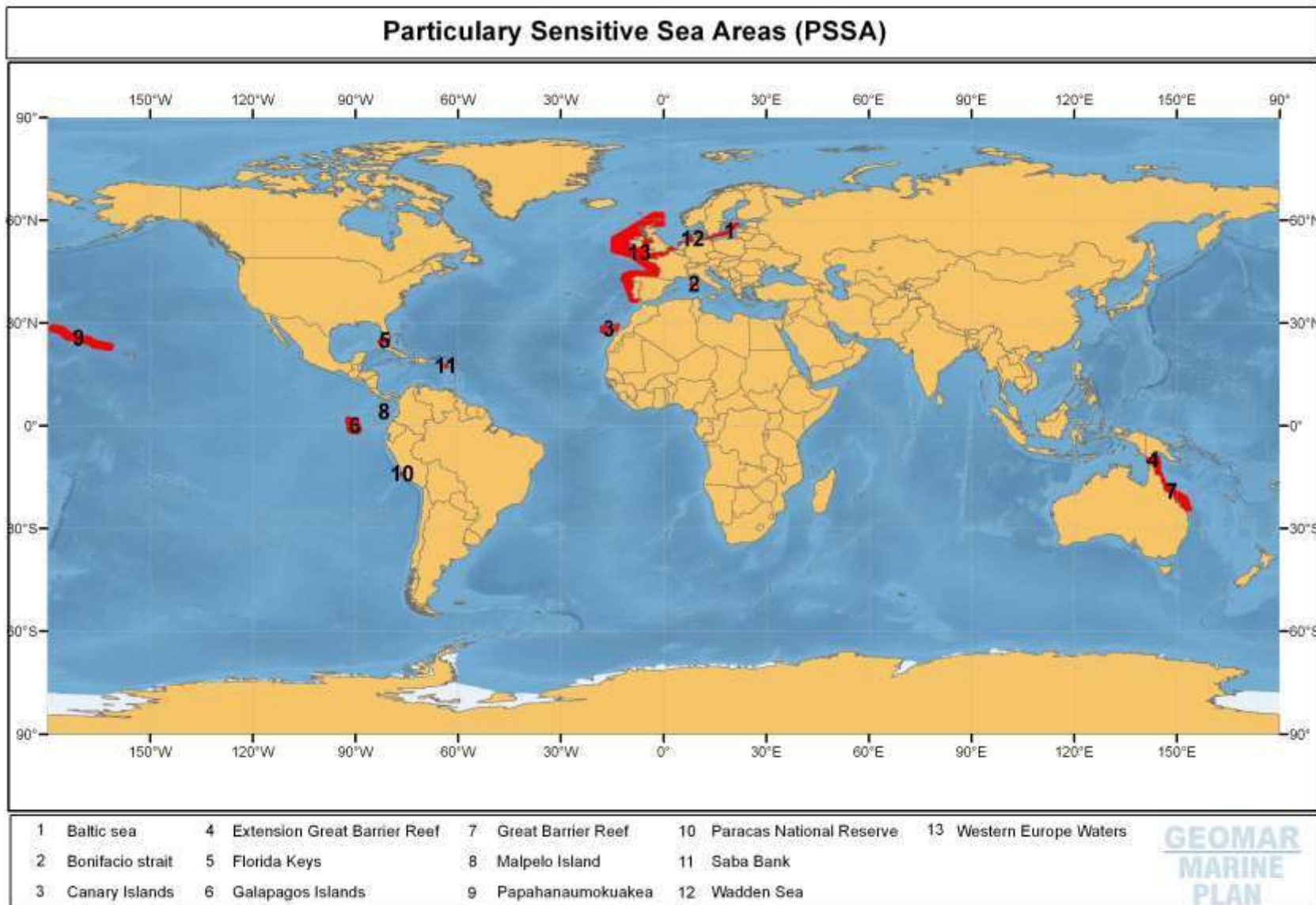
Possible Measures

Any legal shipping measures under IMO instruments, including Special Areas under MARPOL, ships' routing and reporting systems or other measures

Applicable Areas

Within and beyond the limits of the territorial sea
(No precedent in ABNJ)

II. IMO Measures : Existing PSSAs



GEOMAR
MARINE
PLAN

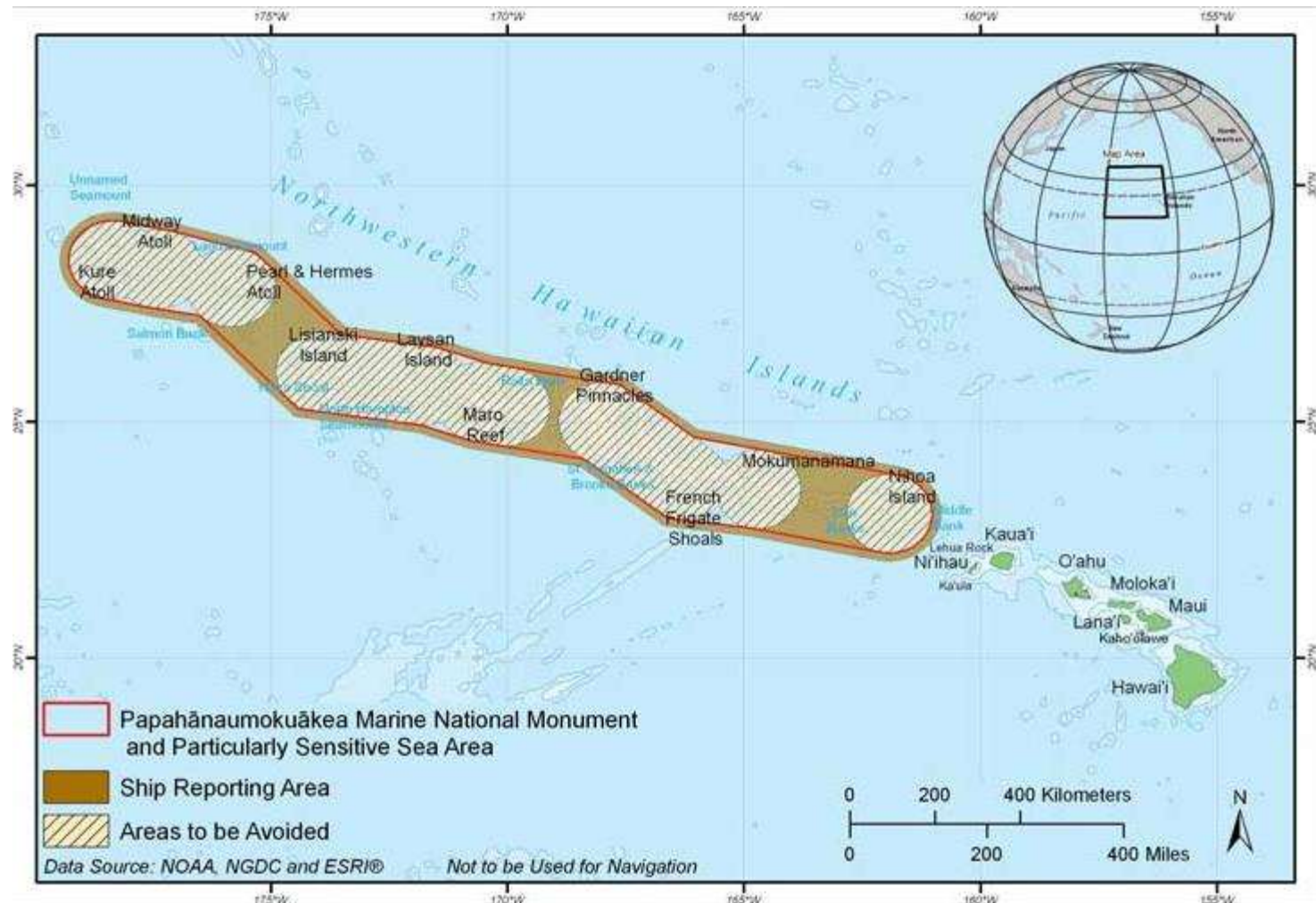
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II. IMO Measures : Papahānaumokuākea

Description: to avoid the risk of damage from ship groundings and pollution damage by international shipping activities

Associated Protective Measures: Areas to be Avoided, Ship Reporting System (all ships ≥ 300 gt);



II. IMO Measures : Proposal for the Sargasso Sea

Biodiversity Significance

Listed as an Ecologically and Biologically Significant Area (EBSA) under the Convention on Biological Diversity (CBD)

Threats

Adverse impacts from ships and shipping (including underwater noise, damage to Sargassum mats, oil/chemical/waste discharges and ballast water exchange)

Associated Protected Measures

Routeing Systems
Special Areas under MARPOL
Ballast Water Control Area
Reporting Systems



II. IMO Measures : Challenges?

Using IMO Measures to Protect the Sargasso Sea

- Advantage of the IMO measures is that, once they are adopted and identified on the navigation charts, they are generally complied with by the ships without specific enforcement measures
- **Procedures Challenges:** which State(s) could make proposals to the IMO?
 - SOLAS Regulation V/10, para. 3 'The initiation of action for establishing a ships' routing system is the **responsibility of the Government or Governments concerned.**'
 - **How to determine the Government or Governments concerned?**

III. Conclusions

- **IMO is the competent international authority to regulate, including restrict, shipping activities**
- **There is no legal restrictions on which maritime zones these measures (routeing, special areas under MARPOL or PSSAs) may be adopted**
- **Concerned State(s) should make proposal to the IMO to adopt specific measures for the protection of the Sargasso Sea**
- **The difficulty is to anticipate the objections may be raised at IMO**

Thanks for your attention!

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