



# The Use of ABMTs in the Regulation of Shipping Activities

**CIL-NCLOS Workshop: Protection of the Marine Environment and Shipping:  
Contemporary Challenges and New Approaches (Session 3 – ABMTs)  
Royal Norwegian Embassy in Singapore – Singapore**

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**ACOPS**  
Advisory Committee on  
Protection of the Sea



## Introduction

1. IMO mechanisms that may qualify as ABMTs
2. Designation criteria
3. Process and Measures
4. Comparing with the ABMT process

Parting questions

# Introduction

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## *IMO's approach*

→ Safety first but also PPME with 58 treaties and protocols

→ Guidelines on incorporation of the precautionary approach in the context of specific IMO activities (MEPC.67(37) of 15 Sept 1995)

[https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.67\(37\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.67(37).pdf)

(1)

Review and consider environmental risks when prioritizing IMO's work

(2)

Evaluate feasibility of pollution prevention measures

(3)

Where measures under (2) are not available, use best available information and science to set standards

(4)

Identify implementation steps and procedures

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*\*Focus here on measures adopted by IMO (i.e. not unilaterally by states)*

# Introduction

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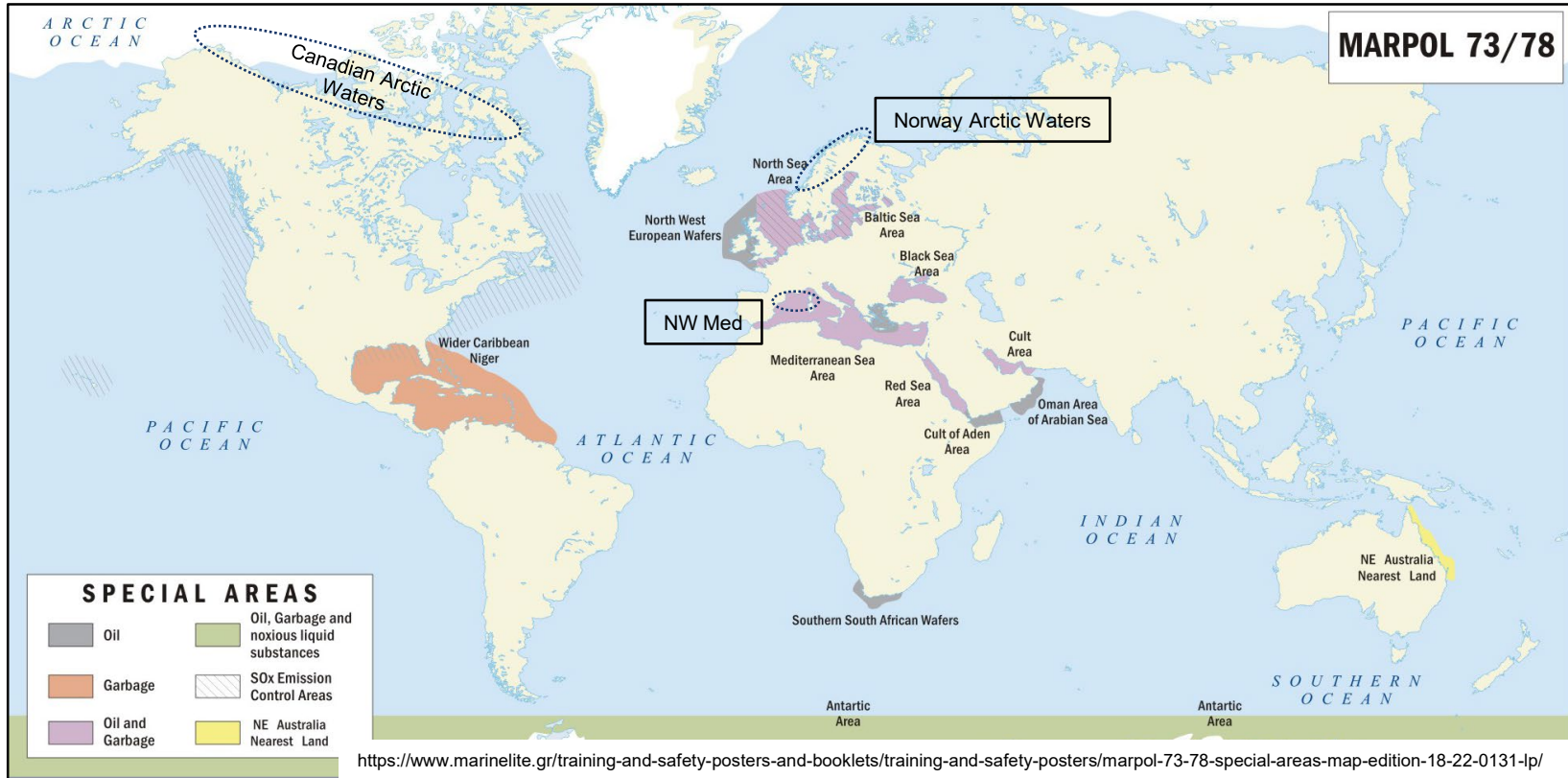
## *ABMT under the BBNJ Agreement*

- A tool. Including an MPA, for a geographically defined area through which one or several sectors or activities are managed **with the aim of achieving particular conservation and sustainable use objectives**
- Incl. Through the establishment of a comprehensive system of ABMTs with ecologically representative and well connected networks of MPAs
- Protect, preserve and restore biodiversity and ecosystems (incl. for resilience to stressors, incl. to climate change, ocean acidification and marine pollution)
- Through strengthening of cooperation and coordination among states and relevant IFBs



# 1. IMO mechanisms that may qualify as ABMTs

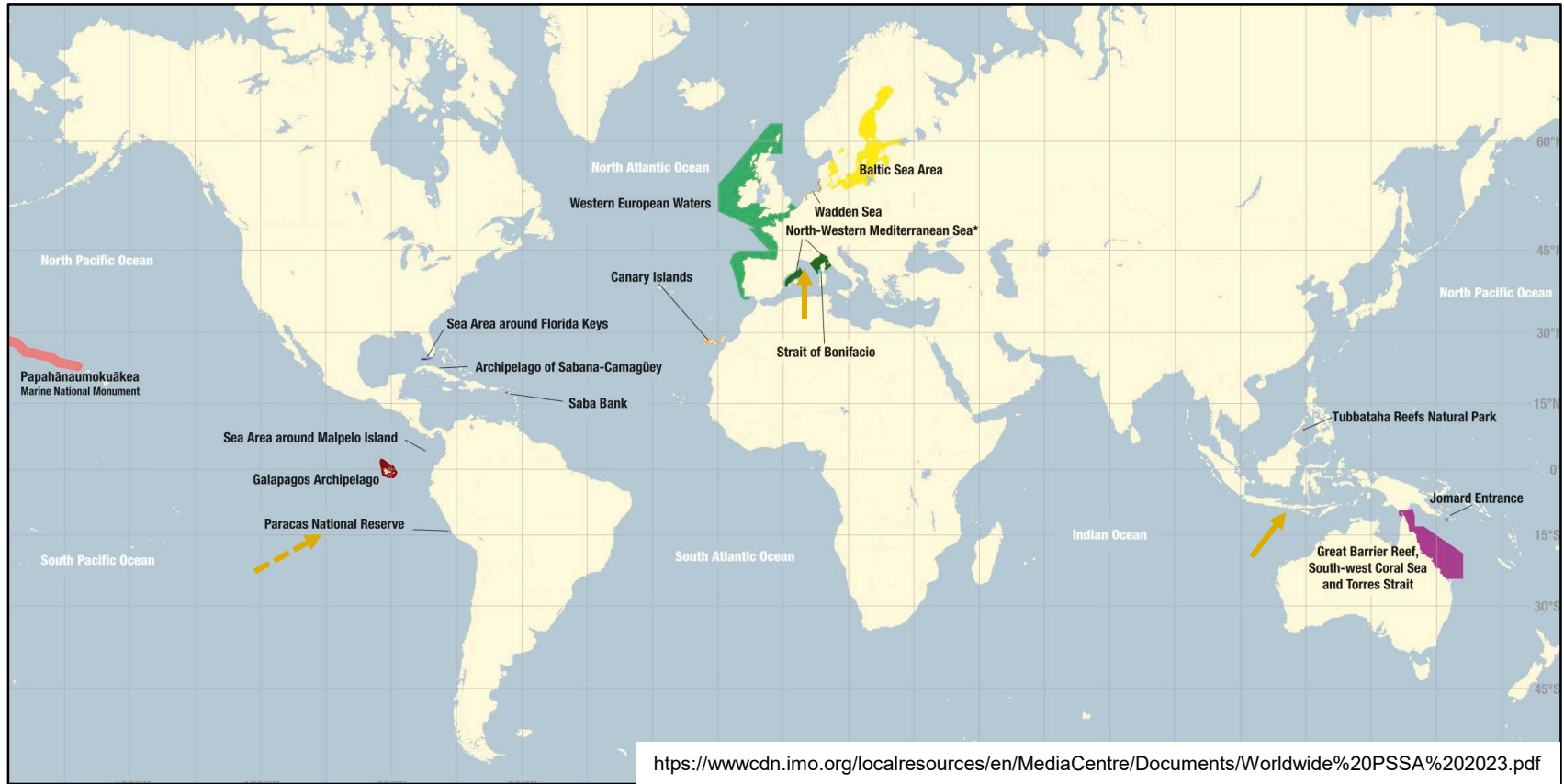
## ***Special Areas under MARPOL Annexes I, II, IV, V and VI limit discharges from substances and air emissions***



# 1. IMO mechanisms that may qualify as ABMTs



## *Particularly Sensitive Sea Areas*





# 1. IMO mechanisms that may qualify as ABMTs

## ***Routing measures based on the protection of the marine environment and without a PSSA (under SOLAS and GPSR – G/I Provisions on Ships' Routing)***

Applicant	Location	Date	Measure(s)
USA	Off northeastern and southeastern coast of the USA	1998	Two mandatory SRS
UK	Shetland Islands	2001	ATBA
Finland	Gulf of Finland (Baltic Sea)	2002	TSS
Canada	Bay of Fundy	2002	Change in TSS location
New Zealand	NE of the North Island	2003	Mandatory ATBA
Norway	In Barents Sea	2006	Recommendatory Route
Canada	South Nova Scotia	2007	Seasonal ATBA
Iceland		2007	ATBA
Australia	Nigaloo Reef	2012	ATBA
USA	Los Angeles San Francisco Santa Barbara	2012	Several TSS
Norway and Russia		2012	Mandatory SRS

Applicant	Location	Date	Measure(s)
Panama	Gulf of Panama	2013	TSS & Recommendation y speed (10kn max)
USA	Aleutian Islands	2015	5 ATBAs
France and Italy	Corsica Channel	2016	TSS and Precautionary Area
Costa Rica	Off Pacific coast	2017	ATBA
Russia and USA	Bering Strait	2018	ATBAs, Two-Way Routes, Precautionary Areas
Norway and Sweden	Kattegat	2018	TSS, Deep-Water Route, Recommended Routes and Precautionary Area
Indonesia	Sunda Strait	2019	Precautionary Areas with Recommended Directions of Traffic Flow and TSS
Indonesia	Lombok Strait	2019	



## 2. Designation criteria

Cond.	Criterion	Description
Oceanography	-	May cause concentration or retention of harmful substances in the water or sediments of the areas e.g. convergence zones or gyres, low flushing, extreme ice state, etc.
Ecology	Depleted, threatened or endangered marine species	
	High natural productivity	
	Spawning, breeding and nursery areas for important marine species	includes migratory marine species and migratory birds
	Rare or fragile ecosystems	e.g. corals reefs, mangrove, seagrass beds and wetlands
	Critical habitats for marine resources	Includes fish stocks and areas of critical importance for the support of large marine ecosystems
Vessel traffic	-	Discharge would be unacceptable in the light of existing conditions

Special Area  
under MARPOL

PSSAs

Ecological	Uniqueness or rarity	'The only one of its kind'; rare means that it occurs in a few locations or has been seriously depleted across its range. Can be habitats of rare, threatened or endangered species that only occur in one area or nurseries/feeding/breeding/spawning areas
	Critical habitat	Essential for the survival, function, or recovery of fish stocks or rare or endangered species or for the support of large marine ecosystems
	Dependency	Ecological processes are highly dependent on biotically structured systems (e.g. coral reefs, mangrove forest, seagrass beds). Includes migratory routes of marine species and birds
	Representativeness	Outstanding and illustrative example of specific biodiversity, ecosystems, ecological or physiographic processes or community or habitat types, etc.
	Diversity	May have an exceptional variety of species or genetic diversity or highly varied ecosystems/habitats/communities
	Productivity	Particularly high rate of natural biological production; e.g. relatively high biomass in oceanic fronts, upwelling areas and some gyres
	Spawning or Breeding grounds	Critical spawning/breeding/nursery area for marine species that may spend the rest of their life cycle elsewhere or for migratory routes for marine species or birds
	Naturalness	Relative lack of human-induced disturbance or degradation
	Integrity	A biologically functioning unit, an effective, self-sustaining ecological entity
	Fragility	Highly susceptible to degradation by natural events or human activities. Some biotic communities may have low tolerance to changes in environmental conditions or exist close to the limits of their tolerance. Existing stress can justify need for special protection from further stress.
Social, cultural and economic	Biogeographic importance	Contains rare biogeographic qualities or representative of a biogeographic 'type(s)' or contains unique or unusual biological, chemical, physical or geological features
	Social or economic dependency	Environmental quality and use of living marine resources are of particular social or economic importance, incl. fishing, recreation, tourism, people livelihoods, etc.
	Human dependency	Particularly important for traditional subsistence or food production or the protection of the cultural resources of the local populations
Scientific and educational	Cultural heritage	Particularly important due to the presence of significant historical and archaeological sites
	Research	Has high scientific interest
	Baseline for monitoring studies	Provides suitable baseline conditions: no substantial perturbations or steady state such that considered to be in a natural or near-natural condition
	Education	Offers exceptional opportunity to demonstrate particular natural phenomenon





## 2. Designation criteria – Cont'd

### ***PSSA: Vulnerability to Impacts from International Shipping***

The following factors need to be considered:

#### **Vessel Traffic Characteristics**

- Operational factors (type of maritime activities)
- Vessel types
- Traffic characteristics
- Harmful substances carried

#### **Natural Factors**

- Hydrographical
- Meteorological
- Oceanographic

- Evidence that international shipping activities are causing or may cause damage
- Significance of the risk, potential damage, degree of harm
- History of grounding or other incidents if any and of consequences
- Adverse impacts to shipping anticipated from proposed PSSA
- Stresses from other sources
- Measures already in effect

Actual or potential risk?  
Precautionary approach?

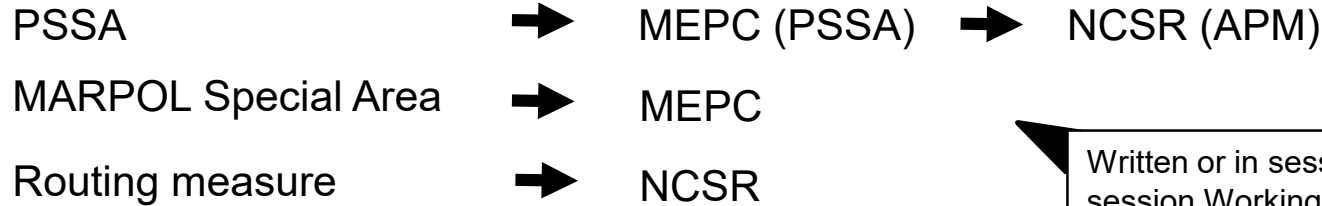
**+ Associated Protected Measure(s) (APM) need(s) including in the initial application**  
**2005 Guidelines removed the possibility to ask for a PSSA in principle**



### 3. Process and Measures

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#### Submission by Member States



Written or in session responses + in session Working Group / Technical Group meetings

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#### Measures

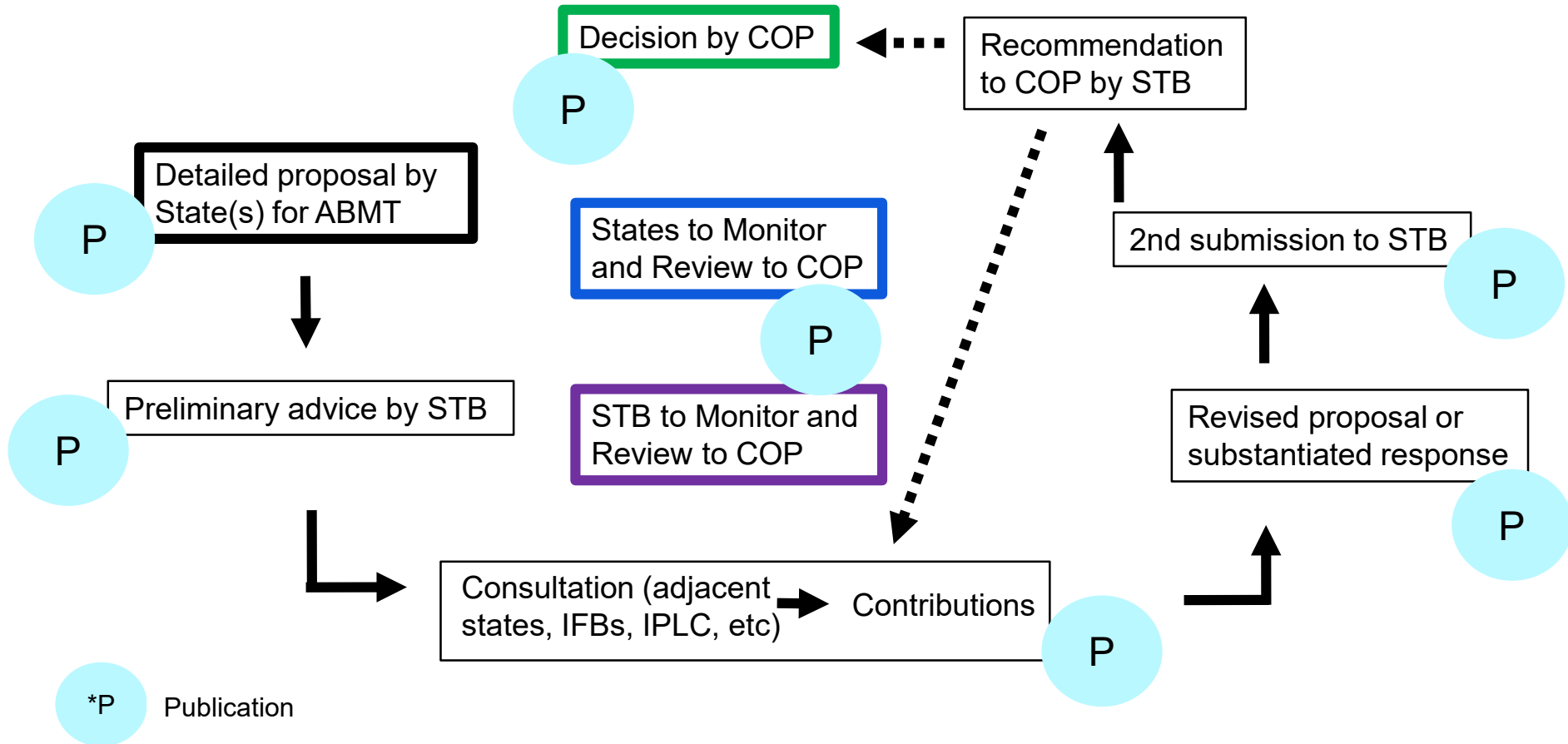
##### Mandatory

Traffic Separation Scheme, Precautionary Area, Deep water route, ABTA, Ship reporting system, No anchorage area, limitation of ballast water exchange (new), etc.

##### Recommended

ABTA (e.g. seasonal), SRS, No anchorage area, Reporting of particular sighting (e.g. whales), etc.

# 4. Process for ABMTs under the BBNJA vs. IMO measures



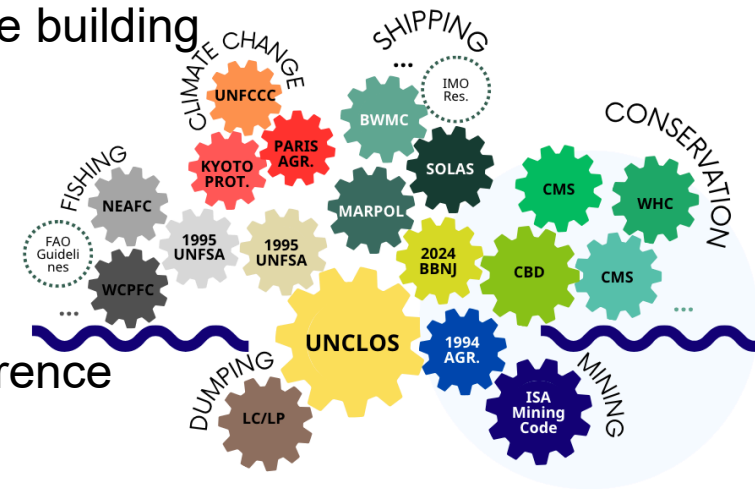
# Final Thoughts 1/2



Essential features of the BBNJ Agreement suggest an evolution of the principles that underpinned the Rio Declaration

E.g.

- Cumulative impacts to include all activities and the requirement for baseline constitution
- Evolution of PPME to restoration and resilience building
- Monitoring and review
- Transparency and inclusiveness
- Consultation and cooperation to achieve coherence



## Final Thoughts 2/2

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- 'Not undermine' rule vs. Exclusive mandate of the IMO for the regulation of international shipping [Art.5(1)and(2)]
- Promote coherence with IFBs [Art5(2)]
- Promotion of cooperation among IFBs [Art.8(1)] and of the objectives of the BBNJA at the IMO [Art.8(2)]
- IMO for all direct restrictions to shipping activity? BBNJA COP for compatible and complementary measures – If so which?
- BBNJ COP /STB on overall monitoring and assessment? Cost-polluter pays?
- Next step: revision by IMO of its process to comply (BBNJA as interpretation of UNCLOS)?