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**PROCEDURES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE SEA
AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES AND
AMENDMENTS TO THE GUIDELINES CONTAINED IN RESOLUTION A.720(17)**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO resolution A.720(17) by which the Assembly adopted the Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas,

RECALLING FURTHER that the Assembly, at its seventeenth session, when adopting resolution A.720(17), requested the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines under review,

RECOGNIZING the need to supplement the Guidelines in order to clarify the procedures for the identification of Particularly Sensitive Sea Areas and the adoption of associated protective measures, and to add the description of the new Particularly Sensitive Sea Area (Sabana-Camagüey Archipelago, Cuba),

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee at its forty-third session and the Sub-Committee on Safety of Navigation at its forty-fifth session,

1. **ADOPTS:**

- (a) new procedures for the identification of Particularly Sensitive Sea Areas and the adoption of associated protective measures, which supersede the procedures contained in paragraphs 3.2 and 3.5 of the Annex to resolution A.720(17) as set out in Annex 1 to the present resolution; and

- (b) amendments to the Guidelines contained in resolution A.720(17) as set out in Annex 2 to the present resolution for the purpose of adding the description of the new Particularly Sensitive Sea Area (Sabana-Camagüey Archipelago, Cuba);
- 2. INVITES Governments to apply the new procedures when proposing a Particularly Sensitive Sea Area;
- 3. REQUESTS the Marine Environment Protection Committee and the Maritime Safety Committee to keep the Guidelines and the annexed procedures under review.

ANNEX 1

PROCEDURES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES

1 OBJECTIVES

1.1 The purposes of these procedures for the identification of particularly sensitive sea areas (PSSAs) and the adoption of Associated Protective Measures are to:

- .1 set forth the practical steps necessary to implement chapter 3 of the Guidelines;
- .2 provide guidance to Member Governments in the formulation and submission of applications for identification of PSSAs and adoption of their necessary Associated Protective Measures;
- .3 ensure that in that process all interests - those of the coastal State, flag State, and the environmental and shipping communities - are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information regarding the area at risk of damage from international maritime activities and the protective measures to minimize that risk; and
- .4 provide for the assessment of such applications by IMO.

1.2 Identification of any PSSA and the adoption of Associated Protective Measures require consideration of three integral components: the particular environmental conditions of the area to be identified, the vulnerability of such area to damage by identified international maritime activities, and the competence of IMO to provide Associated Protective Measures for the area to address those risks from these maritime activities.

2 DEFINITIONS

2.1 *Associated Protective Measure* - an international rule or standard that falls within the purview of IMO and regulates international maritime activities for the protection of the area at risk.

2.2 *Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas (Guidelines)* - the Guidelines adopted by Assembly resolution A.720(17) in 1991, as amended, which are primarily intended to assist IMO and Member Governments in identifying, managing, and protecting sensitive sea areas.

2.3 *Identification of a particularly sensitive sea area* - a determination by IMO that a proposing Member Government, in accordance with the Guidelines, has established a need for Associated Protective Measures for a particular sea area because of the area's recognized ecological, socio-economic, or scientific characteristics and its vulnerability to damage (that is, injury or environmental harm) by identified international maritime activities.

2.4 *International maritime activities* - vessel traffic and other vessel-based operations that are subject to regulation by international rules and standards within the purview of IMO.

2.5 *Member Governments* - those governments which are Contracting Parties to the Convention on the International Maritime Organization.

2.6 *IMO* - the International Maritime Organization (IMO), which is the international body responsible for identifying areas as Particularly Sensitive Sea Areas and adopting the Associated Protective Measures.

2.7 *Particularly Sensitive Sea Area* - an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities.

2.8 *Proposing Member Government* - a Member Government (or Governments) submitting an application for PSSA identification with its Associated Protective Measures to IMO.

3 APPLICATION BY A PROPOSING MEMBER GOVERNMENT FOR IDENTIFICATION OF A PSSA AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES

3.1 An application to IMO for identification of a PSSA and the adoption of Associated Protective Measures, or an amendment thereto, may be submitted only by a Proposing Member Government. Where two or more Governments have a common interest in a particular area, they should formulate a co-ordinated proposal. The proposal should contain integrated measures and procedures for co-operation between the jurisdictions of the Proposing Member Governments.

3.2 The application should first clearly set forth a summary of the objectives of the proposed PSSA identification, the location of the area, the need for protection and the preliminary proposal for Associated Protective Measures. The summary should include the reasons why the proposed Associated Protective Measures are the preferred method for providing protection for the area to be identified as a PSSA.

3.2.1 Each application should then consist of two parts. In the first part, the application should contain a description of the area, the significance of the environmental characteristics of the area at risk of damage from particular international maritime activities, and an assessment of its vulnerability to damage by these activities. In the second part, the application should show how the proposed Associated Protective Measures will protect the area from the identified risks and show that the measures are within the competence of IMO.

3.2.2 Part I - *Description, Significance of the area and Vulnerability*

- .1 *Description* - a detailed description of the location of the proposed area, along with a chart on which the location of area is clearly marked, should be submitted with the application.
- .2 *Significance of the area* - the application should state the significance of the area on the basis of recognized ecological, socio-economic, or scientific reasons, and should explicitly refer to the criteria listed in paragraph 3.3.5 of the Guidelines.

.3 *Vulnerability of the Area to Damage by International Maritime Activities* - the application should provide an explanation of the nature and extent of risk that international maritime activities pose to the environment of the proposed area. The application should describe: the particular ongoing or future international maritime activities that are causing or may cause damage to the marine environment of the proposed area and the damage and degree of harm that may result from such activities, either from such activity alone or in combination with other potential threats.

(a) Maritime activities: the application should set forth such information as:

- types of maritime activities in the proposed area;
- the nature and volume of international vessel traffic;
- types of cargo carried by such traffic;
- the prevailing oceanographic and meteorological conditions;
- any evidence that these activities are causing damage and whether damage is of a recurring or cumulative nature;
- any history of groundings, collisions, or spills in the area and any consequences of such incidents; and
- any foreseeable circumstances or scenarios under which significant damage could occur.

(b) Potential harm: After identification of the activities and the risk of damage, the application should state the harm that may be expected to result from such activities. The application should explain the effects of the damage on the environmental characteristics of the proposed area and indicate any potential economic harm that may result from such damage.

3.2.3 Part II - *Appropriate Associated Protective Measures and IMO's competence to adopt such measures*

.1 The application should propose the Associated Protective Measures which are available through IMO and show how they provide the needed protection from the threats of damage posed by international maritime activities occurring in and around the area.

(a) The application should identify the proposed measures which may include (i) any measure that is already available in an existing instrument; or (ii) any measure that does not yet exist but that should be available as a generally applicable measure and that falls within the competence of IMO; or (iii) any measure proposed for adoption in the territorial sea or pursuant to Article 211(6) of the United Nations Convention on the Law of the Sea that is specifically tailored to particular, localized circumstances of the area proposed to be identified as a PSSA, where existing measures or a

generally applicable measure (as described in subparagraph (ii) above) would not adequately address the particularised need of the area at risk. For non-parties to the United Nations Convention on the Law of the Sea, such measures may still be adopted pursuant to customary international law.

(b) These measures may include ships' routing measures; discharge restrictions; operational criteria; and prohibited activities, and should be specifically tailored to meet the need of the area at risk.

.2 The application should clearly specify the category or categories of ships to which the proposed Associated Protective Measures would apply, consistent with the provisions of the United Nations Convention on the Law of the Sea (including those related to vessels entitled to sovereign immunity) and other pertinent instruments.

.3 The application should include the steps that the proposing Member Government has taken or will take to pursue the adoption of a generally applicable measure or the recognition of the proposed measure by IMO.

.4 The application should indicate the possible impact of any proposed measures on the safety and efficiency of navigation, taking into account the area of the ocean in which the proposed measures are to be implemented. The application should set forth such information as:

- consistency with the General Provisions on Ships' Routing;
- implications for vessel safety;
- impact on vessel operations; and
- financial implications for shipowners.

3.3 An application for PSSA identification should address all relevant considerations and criteria in the Guidelines and in these procedures, and should include relevant supporting information for each such item.

3.4 The application should contain a summary of steps taken, if any, by the Proposing Member Government to date to protect the proposed area.

3.5 The proposing Member Government should also include in the application the details of action to be taken pursuant to domestic law for the failure of a ship to comply with the requirements of the Associated Protective Measures. Any action taken should be consistent with international law as reflected in the United Nations Convention on the Law of the Sea.

4 CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR IDENTIFICATION OF PSSAs AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES BY IMO

4.1 IMO should consider each application, or amendment thereto, submitted to it by a proposing Member Government on a case by case basis, to determine whether identification of the area as a PSSA and the adoption of Associated Protective Measures are warranted.

4.2 In assessing each proposal, IMO should take into account the criteria which are to be included in each application as set forth above in section 3.3 of the Guidelines. In particular, IMO should consider:

- .1 the full range of protective measures available, and determine whether the Associated Protective Measures identified by the proposing Member Government are appropriate to address effectively the assessed risk of damage to the proposed area by identified international maritime activities and to provide the needed protection;
- .2 whether such measures might result in potential significant adverse effects by international maritime activities on the environment outside the proposed PSSA area; and
- .3 whether the size of the area is limited to that necessary to address the identified need.

4.3 The procedure for considering a PSSA application by IMO is as follows:

- .1 the Marine Environment Protection Committee (MEPC) should bear primary responsibility within IMO for considering PSSA applications, and all applications should first be submitted to the MEPC;
- .2 the MEPC should initially review the application to determine whether it addresses the provisions of the Guidelines. If it does, the MEPC may approve in principle the identification of the area as a PSSA, and should refer the application, with its Associated Protective Measures, to the appropriate Sub-Committee or Committee (which could be the MEPC itself) that is responsible for addressing the particular Associated Protective Measures proposed for the area. The Sub-Committee may seek the advice of the MEPC on issues pertinent to the application. The MEPC should make no final determination to approve identification until after the Associated Special Protective Measures have been considered and approved by the pertinent Sub-Committee or Committee;
- .3 for measures that require approval by the Maritime Safety Committee (MSC), the Sub-Committee should forward its recommendation for approval of the Associated Protective Measures to the MSC or, if the Sub-Committee rejects the measures, it should inform the MEPC and provide the proposing Member Governments with a statement of reasons for its decision. The MSC should consider any such recommendations and, if the measures are to be adopted, it should notify the MEPC of its decision;
- .4 if an application is submitted without fully identifying Associated Protective Measures, the MEPC may approve in principle the identification of the area as a PSSA, pending submission of at least one proposed Associated Protective Measure within 2 years of such approval and subsequent adoption of at least one Associated Protective Measure; and

- .5 after the approval by the appropriate Sub-Committee or Committee of the Associated Protective Measures, the MEPC may provide final approval of the application for PSSA identification. If the application is rejected, the MEPC should notify the proposing Member Government and provide a statement of reasons for its decision.

4.4 IMO should provide a forum for the review and re-evaluation of any Associated Protective Measure adopted, as necessary, taking into account pertinent comments, reports, and observations on the measures. Member Governments which have ships operating in the area of the identified PSSA are encouraged to bring any concerns over the Associated Protective Measures to IMO so that any necessary adjustments may be made. The Member Governments which originally submitted the application for identification with the Associated Protective Measures should also bring any concerns, or proposals for additional measures or modifications to any Associated Protective Measure, to IMO.

4.5 After adoption of the application for identification of a PSSA and its Associated Protective Measures, IMO should ensure that the effective date of implementation is as soon as possible based on IMO rules and consistent with international law.

4.6 IMO should, in assessing applications for identification of PSSAs and their Associated Protective Measures, take into account the technical and financial resources available to developing Member Governments and those with economies in transition.

5 IMPLEMENTATION OF IDENTIFIED PSSAs AND THEIR ASSOCIATED PROTECTIVE MEASURES

5.1 When a PSSA is finally approved, all Associated Protective Measures should be identified on charts in accordance with the symbols and methods of the International Hydrographic Organization (IHO). Proposing Member Governments may also chart identified PSSAs in accordance with appropriate national symbols; however, if an international symbol is adopted by the IHO the proposing Member Governments should mark PSSAs in accordance with such symbol and other IHO recommended methods.

5.2 Proposing Member Governments should ensure that any Associated Protective Measure is implemented in accordance with international law as reflected in the United Nations Convention on the Law of the Sea and any other applicable instruments.

5.3 Member Governments should take all appropriate steps to ensure that ships flying their flag comply with the Associated Protective Measures adopted to protect the area identified as a PSSA. Those Member Governments which have received information of an alleged violation of an Associated Protective Measure by a ship flying their flag should provide the Government which has reported the offence with the details of any appropriate action taken.

ANNEX 2

AMENDMENTS TO THE GUIDELINES CONTAINED IN RESOLUTION A.720(17)

The following text is added at the end of the present text of appendix C:

Sabana-Camagüey Archipelago (Cuba)

The Sabana-Camagüey Archipelago was designated as a PSSA in September 1997 (resolution MEPC.74(40)). It is located in the north-central portion of the Republic of Cuba, extending for 465 kilometres between the Hicacos Peninsula and the Bay of Nuevitas. It is the most extensive island sub-group of the Cuban Archipelago, comprising more than 2,515 islands and small keys.

Within this zone, consideration must be given to the coral reef that borders the Archipelago to the North, which gives it good protection and a high conservation value, particularly in view of its good state of preservation and the ecological functions it fulfils.

Along its outer edge there is a coral reef 400 kilometres long, considered as one of the most notable of the Wider Caribbean Region on account of its size and the diversity of its species.

Characteristics which contribute to giving this area special significance are as follows:

Ecological Criteria

The Archipelago is a highly singular and unique territory on account of its natural scenery and associated biodiversity. Its singularity derives from the predominance of cumulative carbonaceous island complexes, which have features not found in the rest of the Cuban sub-archipelagos.

This group of islands presents highly significant features, particularly in terms of its biotic resources, on account of which it has been categorised as an independent and clearly-defined bio-geographical, ecological and scenic unit.

Its importance in this connection is not only national but also regional, since within this area almost all the habitats, ecosystems and biocenosis found in the different Caribbean islands are represented. The particular ecological sensitivity of this territory lies in its high degree of interdependency, both internal and external.

Internally, there is a high degree of interaction and interdependence between the coastal and marine ecosystems, especially in the sequence of coastal lagoons/dune systems/beaches/algae/coral reefs; and similarly in the combination of mangrove swamps/coastal lagoons/algae/coral reefs, which occurs most often, and most extensively, in the island group.

Social, Cultural and Economic Criteria

The Archipelago is one of the country's three most productive fishery zones. If productivity is to be maintained, a priority requirement is the conservation of natural habitats and ecosystems. The area is also of great significance for its fish-farming, producing large quantities of fish and shellfish to supply domestic and international markets and the tourist industry.

Additionally, the tourist potential of the hundreds of kilometres of beaches of the highest quality, both aesthetically and environmentally, is a feature of significant importance. An extensive development programme for tourism is being implemented on a short-term, medium-term and long-term basis, promoting not only the "sea, sun and sand" type of tourism but also "ecological" tourism, which explores the wide range of existing natural resources.

Scientific and Educational Criteria

A Coastal Ecosystems Research Centre, based in Cayo Coco, collects and processes data on the area and develops new lines of research and monitoring, providing basic information for the wide range of environmental studies needed to support the long-term development of the territory.

The Centre is also involved in developing studies related to the monitoring of the effects of global climate changes, epidemics and mortality in marine organisms; bird and turtle migration; and genetic interchange between marine organisms. It is also responsible for environmental monitoring, particularly in regard to the impact of tourism.

The Centre's activities make an important contribution to education and to a better understanding of the environment. The many ecosystems, biotic communities and characteristic natural processes that exist in the area provide ideal subjects for study, not only by experts and specialists, but also by local people and by Cuban visitors and tourists who come for recreational purposes.

Protective Measures

Traffic Separation Schemes in the territorial waters of the north coast, including those at the latitude of the Costa de Matanzas and in the Canal Viejo de Bahamas, within the territorial waters of the Archipelago Sabana-Camagüey, were approved at the forty-eighth session of the MSC.

Regulations relating to discharges in inland and territorial waters under the jurisdiction of the Sabana-Camagüey Archipelago.

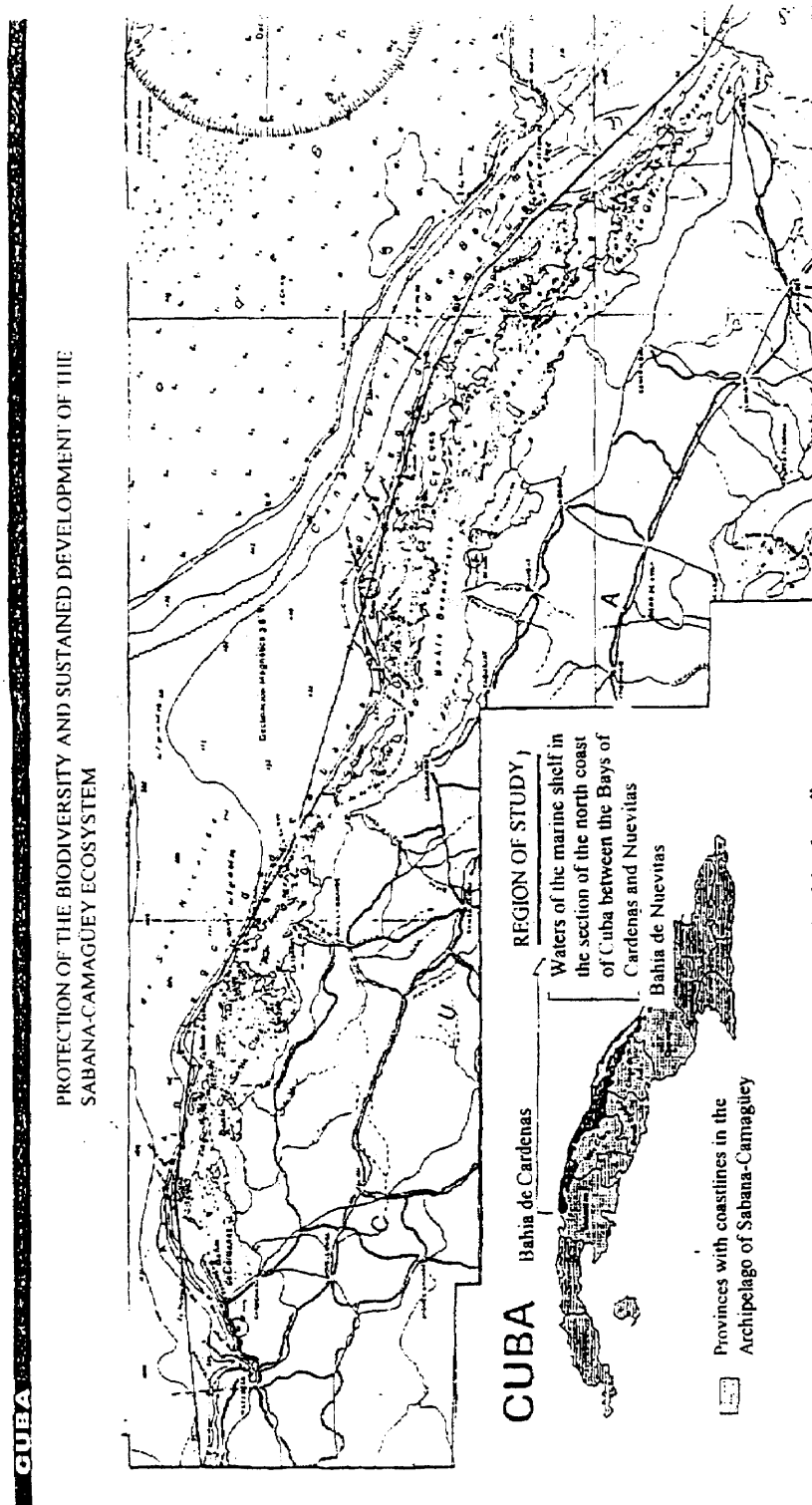
Prohibitions:

Any discharge into the sea, of oil, oily mixtures, noxious liquid substances, garbage or harmful substances from vessels of any type or size.

Any discharge of oil or oily mixtures from cargo tanks, including cargo pumps, from petrol tankers and from engine-room bilge areas, mixed with cargo waste.

Dumping at sea of the following types of garbage from ships of any type or size: 1) Plastics, synthetic fishing lines and nets, plastic garbage bags; 2) loose stowage materials, packing materials and coverings; 3) paper, rags, glass, metal, bottles, ceramics or similar materials.

Ships should avoid discharging ballast water or discharging and reloading while transiting waters under the jurisdiction of the Sabana-Camagüey Archipelago (resolution A.774(18): Guidelines for preventing the introduction of unwanted aquatic organisms and pathogens from ships' ballast water and sediment discharges).



Illustrative chart of the PSSA "Sabana-Camagüey Archipelago"
 Instituto Cubano de Hidrografía

