



Australian Government

Australian Maritime Safety Authority

PARTICULARLY SENSITIVE SEA AREAS

Fact Sheet

What is a Particularly Sensitive Sea Area (PSSA)?

A Particularly Sensitive Sea Area (PSSA) is an area of the marine environment that needs special protection through action by the International Maritime Organization (IMO) because of its significance for recognized ecological, socio-economic, or scientific attributes where such attributes may be vulnerable to damage by international shipping activities. At the time of designation of a PSSA, an associated protective measure (APM), which meets the requirements of the appropriate legal instrument establishing such measure, must have been approved or adopted by IMO to prevent, reduce, or eliminate the threat or identified vulnerability.

There are currently eleven designated Particularly Sensitive Sea Areas, as set out in Table 1.

Legal basis

The [United Nations Convention on the Law of the Sea \(UNCLOS\)](#) identifies certain categories of areas which may require higher standards of environmental protection. Article 194(5) places an obligation on parties to take measures necessary to protect and preserve rare or fragile ecosystems. Part IX of UNCLOS identifies enclosed or semi-enclosed areas, such as a gulf, bay, basin, or sea between two or more countries, as places where countries shall endeavour to coordinate management and environmental protection. Most importantly in respect of PSSA's, however, is Article 211(6)(a) which provides for States to submit to the "competent international organization" (for shipping, this is universally understood to be IMO) for its approval proposals for special mandatory measures within their exclusive economic zones which require extra protection from vessel sourced pollution for recognized technical reasons.

UNCLOS thus creates an overall structure for the protection and preservation of the marine environment and a general obligation for States to implement and elaborate upon this structure through both global conventions addressing particular forms of pollution and regional agreements tailored to the requirements of discrete sea areas.

Guidelines and criteria

Revised IMO Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas were adopted as IMO Assembly Resolution A.982(24). Under the guidelines, a submission for a PSSA will need to meet three key elements:

- The area must have the necessary ecological, social, cultural, economic, scientific or educational characteristics;
- The area must be at risk from international shipping activities; and
- There must be measures that can be adopted by IMO to provide protection to the area.

This last point is particularly important. If there are concerns relating to biodiversity conservation, sustainable fisheries, sustainable tourism, or integrated coastal management, a PSSA is unlikely to be the most appropriate protection mechanism. In these circumstances, Marine Protected Areas (MPA) are widely seen as a more appropriate protection mechanism. Similarly, if the threat is caused primarily by vessels on domestic voyages, it may be more appropriate to address it using domestic law.

Procedure

An application for a PSSA may only be submitted by an IMO Member Government or Governments. It is important to note that PSSA designation is not a "stand alone" regime – it can only be achieved in association with associated protective measures (APMs) within the purview of IMO and with an identified legal basis in IMO regulations or other international law. These APMs should be addressed as part of the PSSA submission. Table 1 lists the APMs associated with all current PSSAs. In addition to the APMs there may be other IMO-adopted measures in the designated PSSA. In some cases, national measures may also be relevant.

The IMO's Marine Environment Protection Committee (MEPC) will consider each application on a case-by-case basis to determine whether identification of the area as a PSSA and the adoption of any associated protective measures are warranted. MEPC may then designate in principle the PSSA, and refer the application, with its APMs, to the appropriate Sub-Committee or Committee

(most commonly, this is the Sub-Committee on the Safety of Navigation). MEPC will make no final endorsement to designate the PSSA until this process is completed.

While PSSA designation might serve as a useful tool in conjunction with a Marine Protected Area (MPA), it is neither appropriate nor necessary that it be applied to all MPAs. Many Marine Protected Areas will have minimal pressures from international maritime activities. The value of PSSA designation will be undermined if the process is used everywhere – a PSSA should be seen as a unique designation and a management tool to be used in certain circumstances.

Compliance and Enforcement

The PSSA Guidelines place an obligation on all IMO Member Governments to ensure that ships flying their flag comply with the APM's adopted to protect the designated PSSA. Nevertheless, in submitting proposals for APM's as part of a PSSA submission, proposing member Governments need to give careful consideration to strategies for ensuring compliance

by international shipping. While such strategies will depend largely on the applicable legal system, common concerns include jurisdiction, presentation of evidence, standards of proof of violation, whether sanctions are administrative, civil or penal, and the rights of the accused. IMO suggest that an effective compliance program should incorporate all of the following elements:

- Compliance monitoring through routine inspections, surveys, and /or examinations;
- Detection and policing “patrols”;
- Reporting procedures and incentives, including incentives for self-reporting;
- Adequate investigations of violations reported or otherwise detected;
- A system of adequate sanctions in respect of violations;
- Education and public awareness programmes; and
- Cooperation and coordination with other State parties.

Area	Associated Protective Measures (APMs) *	Date of final MEPC designation	MEPC Resolution containing full description of PSSA
Great Barrier Reef and Torres Strait - Australia	IMO-recommended compliance with Australian system of pilotage; mandatory ship reporting (GBR), two way route (Torres Strait)	MEPC 30, September 1990 (Torres Strait added at MEPC 53, July 2005) MEPC.74(40) and MEPC.133(53)	MEPC.44(30) and MEPC.133(53)
Archipelago of Sabana-Camaguey - Cuba	Area to be avoided	MEPC 40, September 1997	MEPC.74(40)
Sea Area Around Malpelo Island - Columbia	Area to be avoided	MEPC 47, March 2002	MEPC.97(47)
Marine Area Around the Florida Keys - United States	Areas to be avoided, mandatory no anchoring areas	MEPC 47, March 2002	MEPC.98(47)
Wadden Sea - Netherlands, Denmark, Germany	Mandatory deep water route	MEPC 48, October 2002	MEPC.101(48)
Paracas National Reserve - Peru	Area to be avoided (for ships > 200 gt carrying hydrocarbons and hazardous liquids in bulk)	MEPC 49, July 2003	MEPC.106(49)
Western European Waters - Belgium, France, Ireland, Portugal, Spain, United Kingdom	Mandatory reporting for single hull tankers carrying heavy grades of fuel oil	MEPC 52, October 2004	MEPC.121(52)
Canary Islands, Spain	Areas to be avoided, recommended routes, mandatory ship reporting system	MEPC 53, July 2005	MEPC.134(53)
Baltic Sea Area - Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Sweden	Traffic separation, deepwater route, areas to be avoided, mandatory ship reporting system, MARPOL Special Area, SOx Emission Control Area	MEPC 53, July 2005	MEPC.136(53)
Galapagos Archipelago - Ecuador	Area to be avoided, mandatory ship reporting system, recommended tracks	MEPC 53, July 2005	MEPC.135(53)
Papahānamokuākea Marine National Monument - United States	Areas to be avoided; recommended/mandatory ship reporting system	MEPC 57, March 2008	MEPC.171(57)

Table 1 – Designated PSSA's to June 2008

* This table only lists those APMs that have been specifically identified as APMs per se. There may be other IMO-adopted measures in the designated PSSA. In some cases, national measures may also be relevant. More information is available in the MEPC Resolutions.

For more information see:

International Maritime Organization - www.imo.org

Australian Maritime Safety Authority - www.amsa.gov.au (Marine Environment Protection)