



CIL Arctic Research Programme

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ARCTIC IMO ISSUES

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Preview

- Singapore's interests in the Arctic
- The International Maritime Organization (IMO)
- Polar Code
- Tacit Acceptance Procedure
- Geographic scope of Polar Code
- Application to classes of ships
- Application to NWP and NSR regulations (CA/RF)
- Goal-based approach & prescriptive regulations
- Seafarer Training and Certification
- Potential new measures affecting Arctic shipping
- Existing IMO guidelines
- Questions

Singapore's Arctic Interests

- Minister of State Mr. Sam Tan's speeches to Arctic Circle Assemblies 12 October 2013 & 31 October 2014 on Singapore's interests in the Arctic:
 - Environmental protection
 - Development of a safe Arctic region
 - Sustainable economic development
 - Development of human capital
- Broader than apparent interests of other Arctic Council observers
- Sources: www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2013/201308/press_20130812_02.html
 - [2013/201310/press_20131014.01.html](http://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2013/201310/press_20131014.01.html)
 - [2014/201410/press_20141101.html](http://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2014/201410/press_20141101.html)
 - [2014/201411/press_20141117_1.html](http://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2014/201411/press_20141117_1.html)

Environmental Protection

- Sharing how to reduce emissions
- Tracking Arctic migratory birds stopping at Sungei Buloh Wetlands Reserve
- Sharing at Arctic Council Working Group Singapore's experiences in oil spill management
- Improving emergency preparedness in Arctic through technologic advances (AUV)

Development of a Safe Arctic

- Support for IMO's Polar Code
- Sharing at Arctic Council Singapore's experiences in search and rescue
- Sharing at Working Group Singapore's experiences in oil spill management
- Improving emergency preparedness in Arctic through technologic advances (AUV)

Development of Human Capital

- Third Country Training Programme
- People-to-People exchanges between Singapore and Arctic indigenous communities
- Scholarships under Singapore Cooperation Programme
 - Scholarships for short professional enrichment courses on policy and public administration such as port management, public health, human capital development
 - Scholarship for Masters of Law (Maritime Law) at NUS
- Study visits to Singapore for the Permanent Participants, most recently 17-21 November 2014

Sustainable Economic Development

- Share technical knowledge to develop tools for Arctic
 - Two Singapore-built icebreakers work in the Arctic
 - Ice-class offshore rigs
 - Green rigs
- Arctic research by NUS Centre for Offshore Research and Engineering and Singapore Maritime Institute
- Support for Arctic Council
 - New Arctic Economic Council
- Hosting high-level discourse on Arctic issues in Singapore in conjunction with World Ocean Council Sustainable Ocean Summit in Singapore 7-9 November 2015, hosting a one-day event

The IMO

- UN Specialized Agency responsible for measures to improve safety and security of international shipping and to prevent marine pollution from ships
- Also involved in maritime security and legal issues
- Structure
 - Assembly (meets biennially – next Nov/Dec 2015)
 - Council (meets twice yearly)
 - Committees: MSC, MEPC, Legal, TC, FAL
 - Sub-Committees: NCSR, CCC, HTW, III, PPR, SDC, SSE (@ meet once yearly)

Polar Code

- International Code for Ships Operating in Polar Waters
- Drafted by IMO DE Sub-Committee and Correspondence Group (Norway lead), with input from other sub-committees
- Common provisions plus tailored separate mandatory and guidance provisions for safety and marine pollution
- Applicable to Arctic and Antarctic waters
- MSC adopted common and safety-related provisions 21 November 2014
- MEPC to complete pollution prevention provisions 11-15 May 2015
- To be mandatory, through amendments to SOLAS and MARPOL, effective 1 January 2017
- To replace *Guidelines for Ships Operating in Polar Waters, 2009*

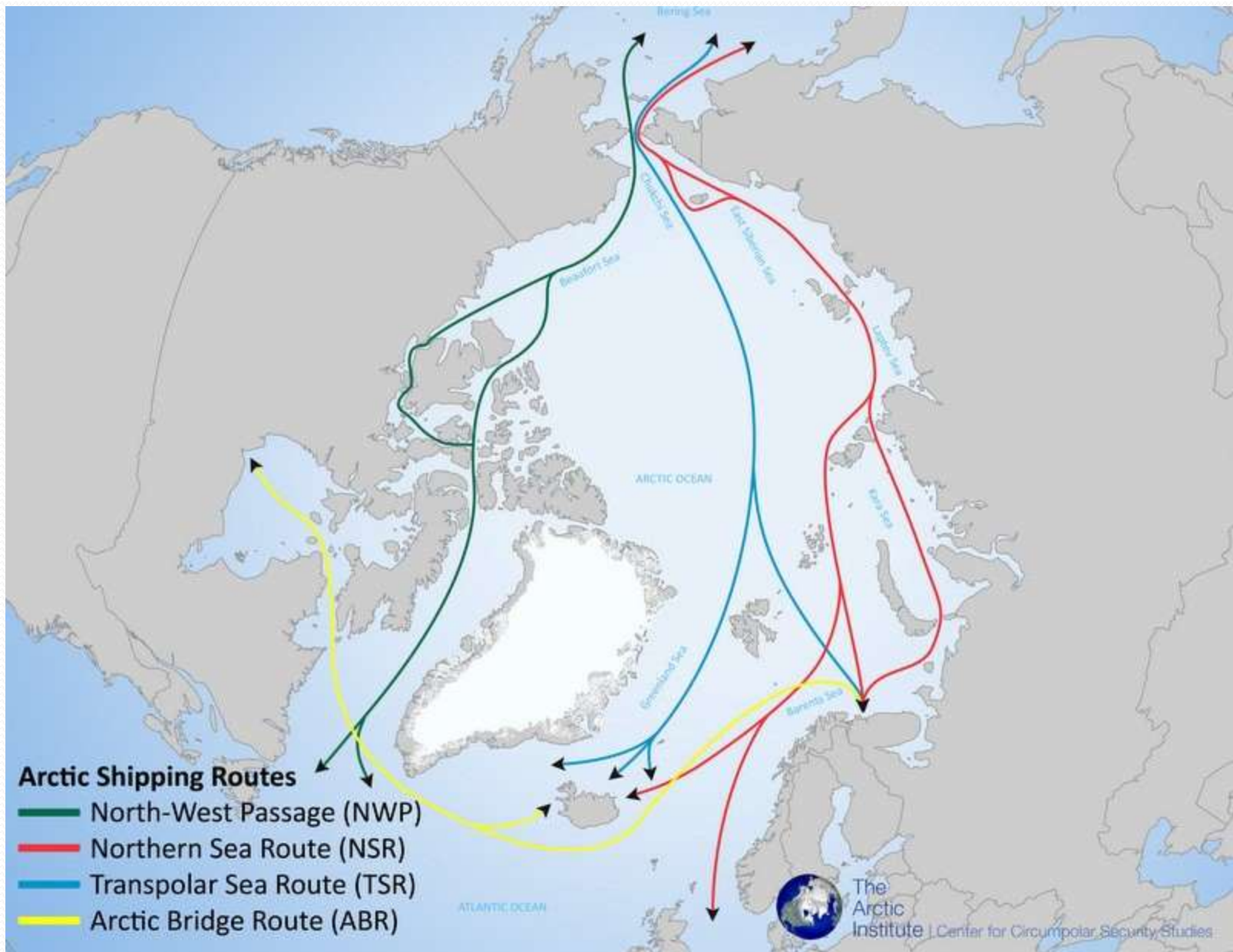
Tacit Acceptance Procedure

	Committee Meeting	Interval	Committee Meeting	Interval	Entry into force
SOLAS Article VIII Amendments to Regulations except Chapter I	MSC 93 approved for circulation new Chapter XIV May 2014	Minimum 6 months	MSC 94 adopted Nov. 2014	Minimum one year	Deemed accepted 1 July 2016 EIF 1 January 2017
MARPOL Article 16 Amendments to Annexes I, II, IV, V	MEPC 67 approved for circulation October 2014	Minimum 6 months	MEPC 68 adoption May 2015	Minimum 10 months	Dates to be set at MEPC 68
					Deemed accepted 6 months later EIF 1 January 2017 (T)

Geographic Scope of Polar Code



Source: MEPC 67/20, Annex 10, p. 5, not reflecting the modifications in MSC 94/WP.7, Annex 1, p. 3



Application

- New SOLAS Chapter XIV Regulation 2/1:
- To ships operating in polar waters, certified – i.e., >500 gt whether or not on international voyages (MSC 93/22 para.10.20)
 - But no “express” inclusion of SOLAS vessels on domestic voyages as required by SOLAS Regulations I/1(a) and I/3(a)
- Not applicable to ships entitled to sovereign immunity
 - Encouraged to act in a manner, so far as reasonable and practicable, with Polar Code (XIV reg. 2/4)

Polar Code vs NWP/NSR

- Nothing in Polar Code shall prejudice rights and obligations of States under international law (XIV reg. 2/5)
- Does this exempt Canada's AWPPA and Russia's NSR regulations from Polar Code?
 - Canadian and Russian flag vessels on domestic voyages (most of current traffic)?
 - Foreign flag ships using NWP/NSR?
- Geographic scope of application includes all waters of Arctic Ocean, including internal waters and territorial sea, as well as straits used for international navigation

LOS Convention

- Article 22(2): innocent passage – no laws on CDEM unless giving effect to generally accepted international rules or standards (of IMO)
- Article 42(1): in straits used for international navigation – laws related only to sea lanes and TSS (article 41(1))
- Article 234 Ice-covered areas
 - In section 12 on protection and preservation of marine environment
 - Legitimise Canada's AWPPA of 1972
 - Subject to compulsory dispute resolution (article 297(1))
 - Query its scope of application (next slide)

Ice-Covered Areas (234)

- Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

Application to Other Ships

- After Code is adopted intend to expand to some ships now exempt from SOLAS
 - Fishing vessels
 - Ships < 500 gt

DE 55/22 para. 12.7.1; MSC 91/22 para. 8.5
- By amendment to SOLAS chapter XIV that must “expressly” add them as required by SOLAS Regulations I/1(a) and I/3(a)

Goal-Based Approach

- IMO has adopted a risk-based and goal-based standards approach for new regulations
- Need to be tied to prescriptive requirements to be enforceable
- Part I-A of Polar Code uses this approach, as modified by NCSR 1 and later approved at MSC 94
- Part II-A as modified at MEPC 67 does not, as included in MARPOL amendments
 - Prescriptive measures only

Seafarer Training

- Now no requirements, especially for ice navigator
- STCW Manila Conference June 2010
 - Guidance regarding training of masters and officer for ships operating in polar waters (STCW Section B-V/g)
 - Resolution 11, Measures to ensure the competency of masters and officers of ships operating in polar waters
- HTW 1 (February 2014)
 - invited MSC 89 (May 2011) to endorse chapter 12 on familiarity
 - Drafting amendments to STCW to resume at HTW 2 2-6 February 2015 (Agenda Item 9)
- No mandatory requirements until Polar Code adopted

Possible New Measures

- Routing and Reporting Systems
- Vessel Traffic Services
- Specially designated Arctic marine areas
 - MARPOL Special Areas
 - Particularly Sensitive Sea Areas
 - Emission Control Areas
 - Marine Protected Areas
- Ballast water controls
- Anti-Fouling

IMO Guidelines

- Guidelines for Ships Operating in Polar Waters, 2009
- Enhanced Contingency Planning Guidance for Passenger Ships Operating in Areas Remote from SAR Facilities (2006)
- Guidelines for Voyage Planning for Passenger Ships Operating in Remote Areas (2007)
- Guide for Cold Water Survival (2006)

Arctic MSI Services

- Maritime Safety Information Service (MSI) is an internationally coordinated network of broadcasts of MSI from official information providers by
 - National Hydrographic Offices for navigational warnings and chart correction data
 - National Meteorological Officer, for weather warnings and forecasts
 - Rescue Co-ordination Centers (RCCs), for shore-to-ship distress alerts
 - International Ice Patrol, for oceanic ice hazards
- Revised International SafetyNET Manual
 - IMO MSC.1/Circ. 1364, 24 May 2010
- Revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI), IMO MSC.1/Circ. 1310, 8 June 2010
- 2d Revised Joint IMO/IHO/WMO Manual on MSI, IMO MSC.1/Circ. 1310 (Rev.1) [xx] December 2014, effective 1 January 2016
 - MSC 94/WP.1, para. 9.27



Thank you for your attention

Any questions?

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