



Arctic Shipping, the IMO and ASEAN Countries

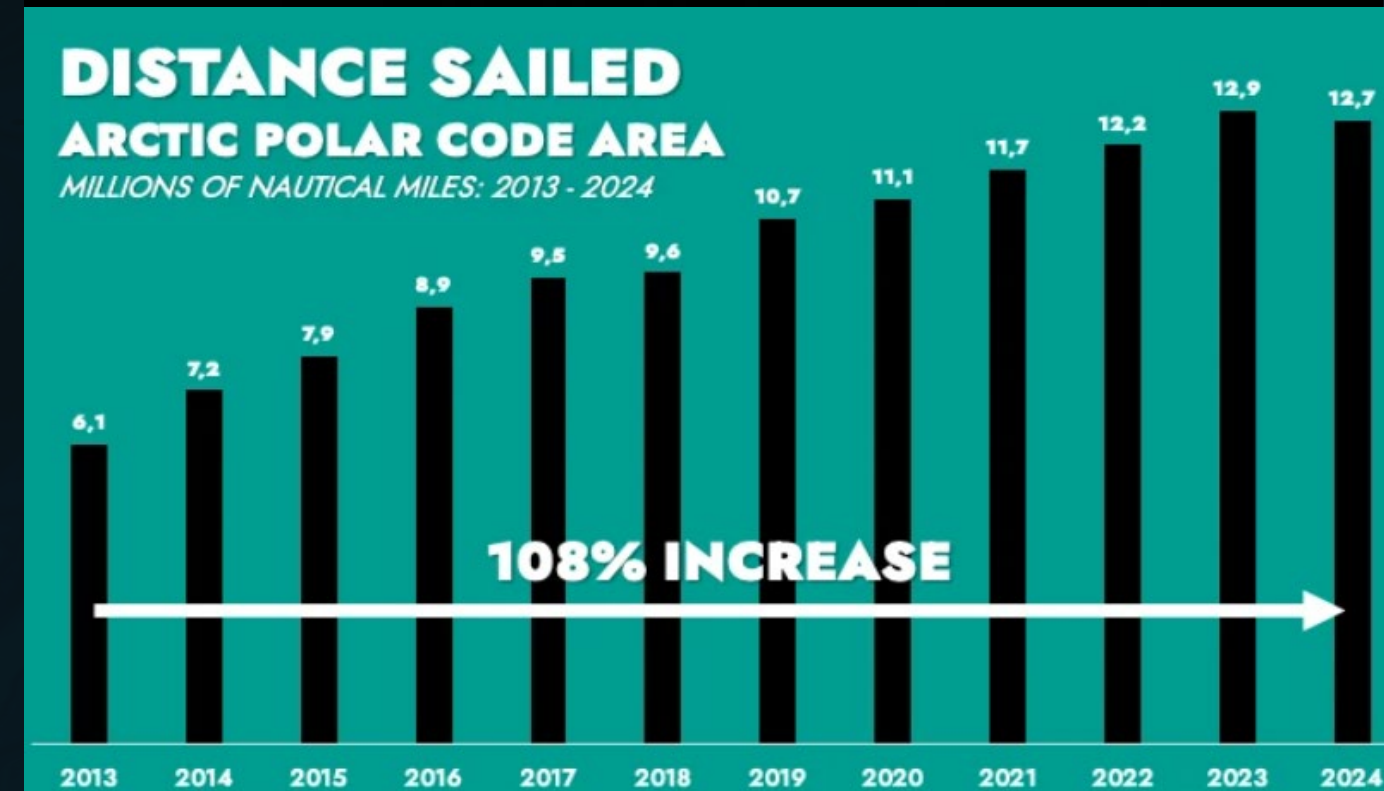
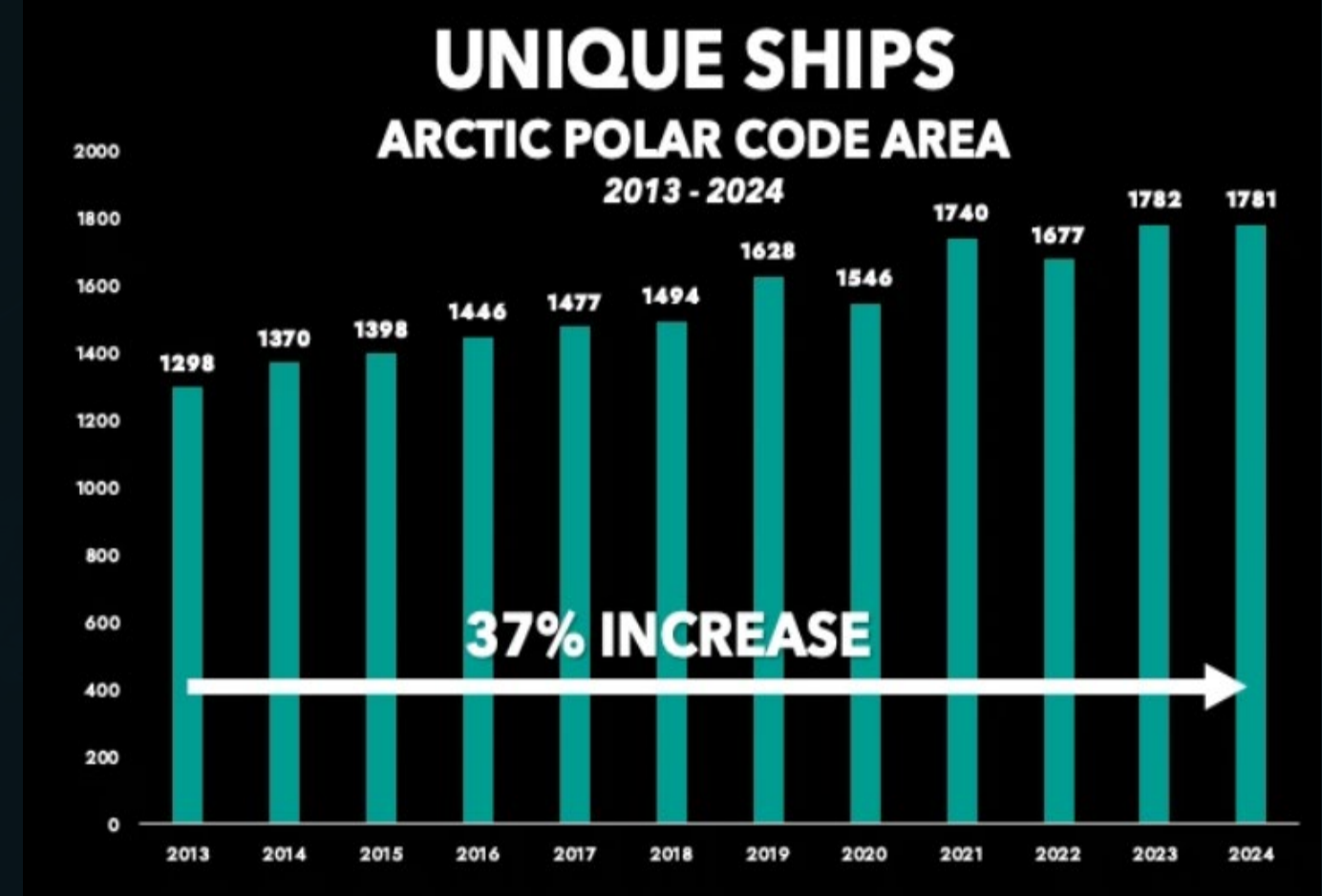
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Canada – Asia Arctic Dialogue, 27 – 28 April 2026

What is Arctic shipping?

- Only oil tankers and container ships (Trans-Arctic)?
- Also: bulk carriers, fishing vessels, ice breakers, passenger ships, ferries (Intra-Arctic activities)?

Arctic shipping is increasing – risks?



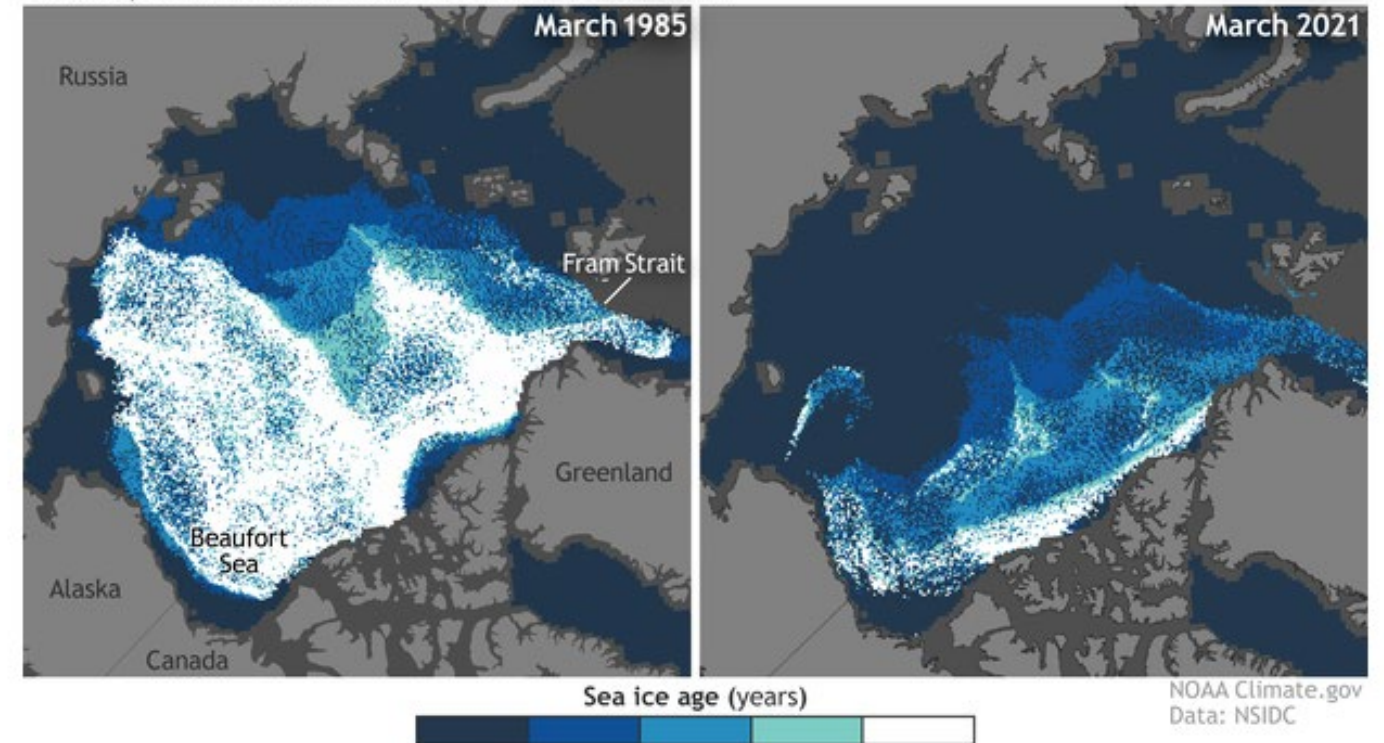


- UN specialized agency and **“the competent international organization”** under UNCLOS
- Responsible for developing **“generally accepted international rules and standards”** for the safety and security of shipping and the prevention of marine pollution by ships
- 50+ Conventions **and Guidelines** (MARPOL, SOLAS, CLC, SCTW, etc.)
- Founded in 1948 with **176 MS**

The IMO is the appropriate body for the Arctic States to turn to regarding *all shipping issues related to Arctic maritime safety, security and environmental protection*. All eight Arctic States are active and influential IMO members.

(AMSA Report, 2009)

YOUNG, THIN ICE DOMINATES TODAY'S ICE PACK



Responding to oil spills in the ice-covered Arctic Ocean would pose unique challenges. For example, floating booms often used to concentrate oil for burning—as in this field experiment in the Barents Sea—must be strong enough to handle increased drag from ice floes. Photo courtesy [SINTEF](#).

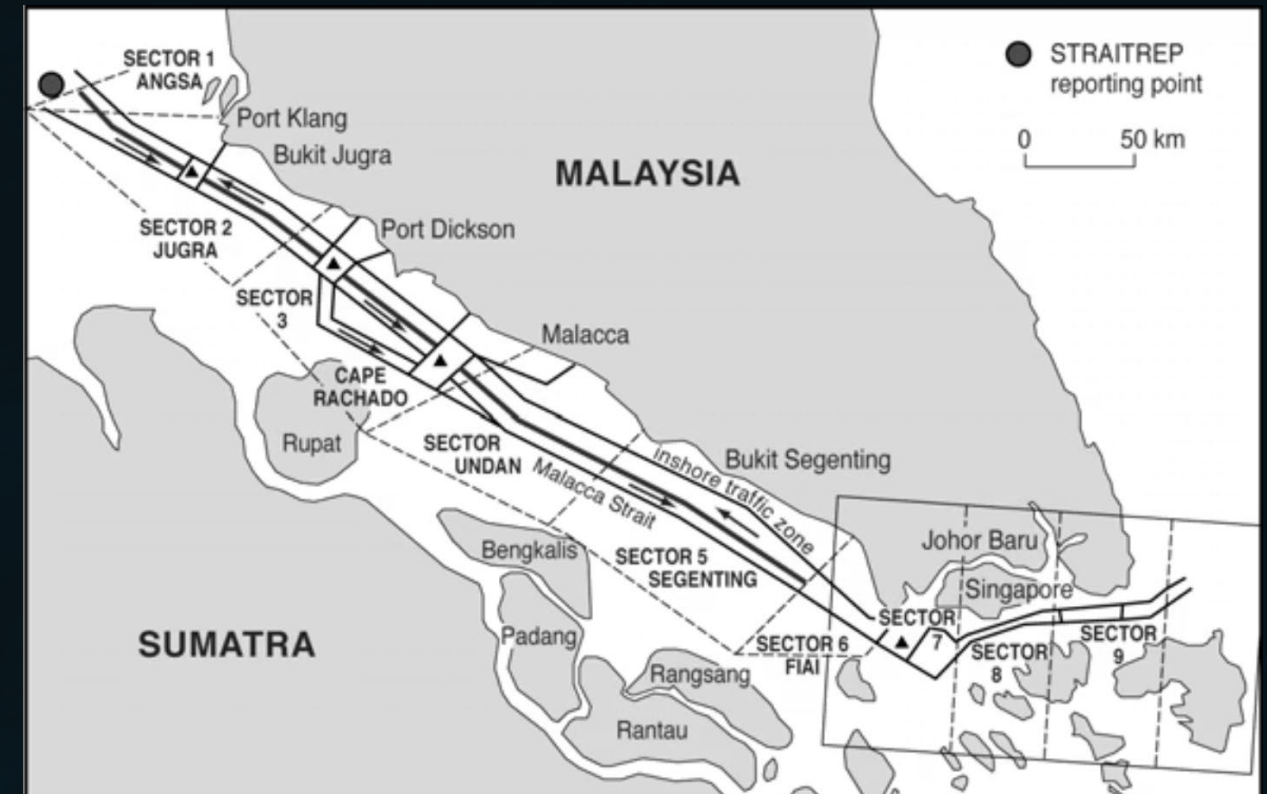
Discharge Restriction under MARPOL

- A general discharge restriction for:
 - Annex I (Oil)
 - Annex II (Noxious liquid substances in bulk)
 - Annex III (Harmful substances)
 - Annex IV (Sewage)
 - Annex V (Garbage)
 - Annex VI (Air Pollution)
- Certificates of Compliance (COC):
 - Substance involved
 - Type and speed of the vessel
 - Discharge rate
 - Distance from land



Navigational measures under SOLAS

- **Ship reporting:** notifies the coastal or littoral States of the vessel's name, call sign, IMO number, position, course, and speed when it enters a designated sea area
- **Ship routing:** traffic separation schemes, two - way routes, recommended tracks, precautionary areas, speed reduction, and areas to be avoided, pilotage, no - anchoring.



Area-based Measures under IMO

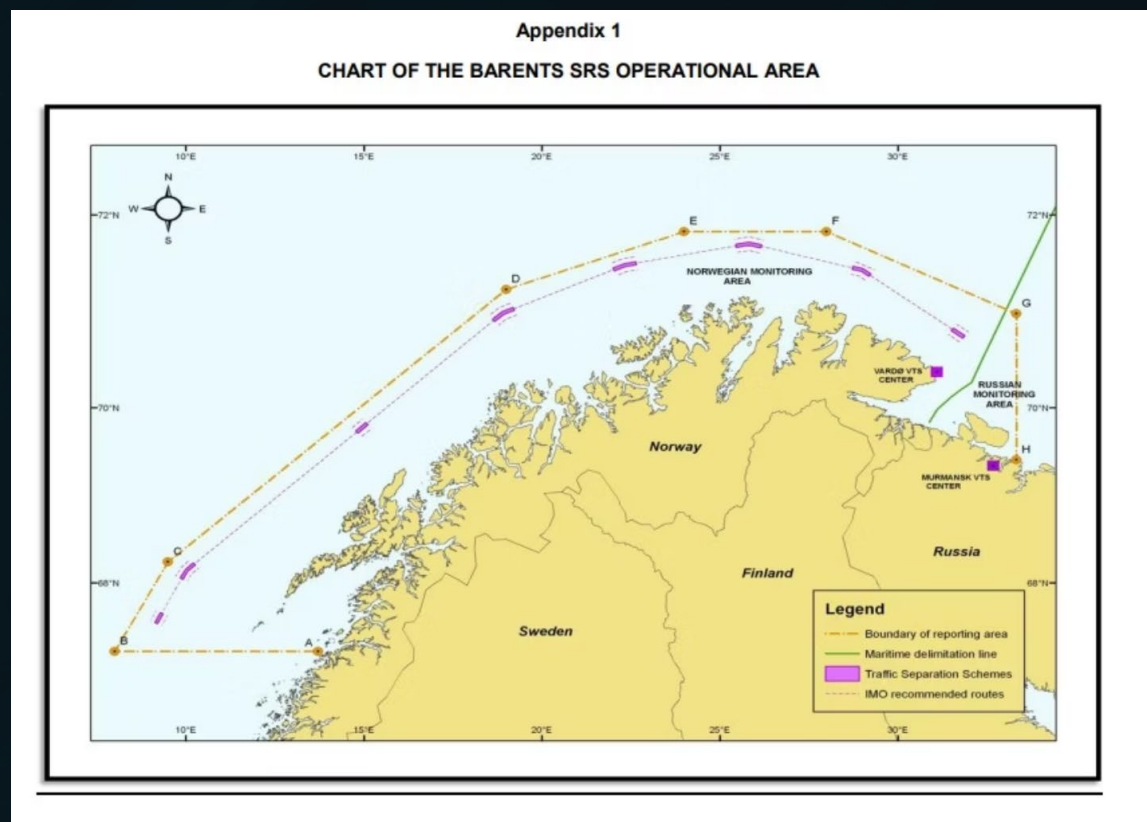
Special Areas and Emission Control Areas

- More stringent discharge/emission requirements in 'a defined Area' that met *cumulative criteria*
- SA requires reception facilities and ECA requires International Air Pollution Prevention (IAPP) Certificate
- Can be established in jurisdictional water and ABNJ
- Legally binding

Particularly Sensitive Sea Areas

- An area that needs 'special protection' that met *certain criteria* with associated protective measures (APM)
- APM: (i) discharge restriction under MARPOL; (ii) navigational measures under SOLAS; (iii) other measures under Art. 211(6) UNCLOS
- Can be established in jurisdictional water and ABNJ
- Non - legally binding *but....*

Ship reporting in the Barents Sea



The MSC, at its 91st session in November 2012, adopted a new mandatory ship reporting system "In the Barents Area (Barents SRS)" (proposed by Norway and the Russian Federation).

Ships of certain categories (size, cargo, tow, defective, etc.) passing through or proceeding to and from ports and anchorages in the Barents SRS area are required to participate in the SRS, by reporting to either Vardø VTS centre (Norway) or Murmansk VTS centre (Russia)

Ship routeing in the Bering Strait



The MSC, at its 99th session in May 2018, adopted new and amended ships' routeing measures in the Bering Sea and Bering Strait, aimed at reducing the risks of incidents (proposed by the Russian Federation and the United States)

The measures include:

- six two-way routes and six precautionary areas, to be voluntary for or all ships of 400 gross tonnage and above
- three areas to be avoided in the Bering Sea

Other IMO measures

- **Polar Code for non - SOLAS ships**

Fishing vessels (>24m), pleasure yachts and cargo ships (>300 GT) must comply with the Polar Code Part I - A (effective 1 Jan 2026)

- **MARPOL Special Area *without saying so***

Part II - A of the Polar Code prohibits discharge of Oil, Noxious liquid substance, Sewage and Garbage in Arctic water

- Navigation and communication equipment

MSC approved guidance for navigation and communication equipment intended for use on ships operating in polar waters

- Seafarer training

Training for seafarers operating ships in Polar waters (MOU with Transport Canada)

Roles of States in implementing SRM in UNCLOS

01

Flag States: *Primary jurisdiction*

- Exercising effective control and jurisdiction over their vessels (Art. 94 UNCLOS)
- Address violations of their vessels (Art. 217 UNCLOS)
- Protection of seafarers on board their ships together with the state of nationalities (Virginia G, Grand Prince)

02

Port States: *Residual jurisdiction*

- Extra - territorial jurisdiction (Art. 218 UNCLOS and Art. 6(5) MARPOL)
- Establish conditions for entry into ports (Art. 211(3) UNCLOS)
- Checks log - books and certs for ships coming into their ports

03

Coastal States: *Limited jurisdiction*

- Adopt non - discriminatory laws and regulations in **ice - covered waters** (Art. 234)
- Monitor shipping activities using S- AIS and/or LRIT
- Report ships that do not comply with SRM to the flag States

Most ASEAN States do not currently have ships in the Arctic BUT...

- Top flag States (2025): Singapore (#5); Indonesia (#13); Vietnam (#24); Malaysia (#26)
- Top sea farers supplying States (2025): The Philippines (#1); Indonesia (#4); Myanmar (#9); Vietnam (#10)

SO...

- What are the “due diligent” obligations of ASEAN States for regulating their vessels in Arctic shipping?
- What other measures can be implemented through the IMO in the Arctic?
- Potential responses to claims in the Arctic?

Thank you very much
I am looking forward to the discussions
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