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MARITIME SAFETY COMMITTEE  
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Agenda item 23

MSC 86/23/19  
7 April 2009  
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## WORK PROGRAMME

### Mandatory Polar Code

Submitted by Friends of the Earth International (FOEI), Greenpeace, IFAW and WWF<sup>1</sup>

#### SUMMARY

<b><i>Executive summary:</i></b>	This document provides observations on the submission from Denmark, Norway and the United States, (MSC 86/23/9) which proposes a new work programme item be added to the agendas of the DE Sub-Committee and any other appropriate sub-committees with a view to developing mandatory requirements for application in the Polar regions.
<b><i>Strategic direction:</i></b>	5.2 and 7.2
<b><i>High-level action:</i></b>	5.2.1 and 7.2.2
<b><i>Planned output:</i></b>	5.2.1.1 and 7.2.2.1
<b><i>Action to be taken:</i></b>	Paragraph 8
<b><i>Related document:</i></b>	MSC 86/23/9

#### Introduction

1 This document comments on document MSC 86/23/9 and is submitted in accordance with paragraph 4.10.5 of the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2).

2 MSC 79 tasked the Sub-Committee on Ship Design and Equipment (DE) to revise MSC/Circ.1056-MEPC/Circ.399 on Guidelines for ships operating in Arctic ice-covered waters and make them applicable to the Antarctic. DE 52 completed this work and it will be considered at MSC 86. Denmark, Norway and the United States have submitted a proposal to add a new work programme item to the agenda of the DE Sub-Committee and any other appropriate sub-committees as a high priority to develop mandatory requirements for application in the Polar Regions (MSC 86/23/9).

<sup>1</sup> This document was prepared for the IMO's MSC by the Antarctic and Southern Ocean Coalition (ASOC), an umbrella NGO with expert observer status at Antarctic Treaty Consultative Meetings (ATCM) and meetings of the Commission for the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), in collaboration with ASOC members FOEI, Greenpeace, IFAW and WWF.

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## Comments

3 The Antarctic and Southern Ocean Coalition (ASOC), a global coalition of non-governmental organizations, has worked since 1978 to ensure that the Antarctic Continent, islands and the great Southern Ocean survive as the world's last unspoiled wilderness, a global commons for the heritage of future generations. Friends of the Earth International (FOEI), Greenpeace, the International Fund for Animal Welfare (IFAW) and WWF are ASOC members with consultative status at IMO.

4 The number and size of vessels operating in the Antarctic Treaty Area has increased significantly in the past decade, placing greater pressure on the environment and on marine life, which is increasingly exposed to the risk of marine pollution, including underwater ocean noise, and collision with ships. Furthermore, some vessels are not well equipped for the conditions and many have limited ability to deal with wastes generated on board. Increasingly concern is being expressed about the potential for a major disaster in the wake of the sinking of the **M/V Explorer** and other recent groundings and incidents involving loss of power<sup>2</sup>, and about the impacts of day to day operations.

5 With increased traffic, emissions to air form an emerging issue. Due to incomplete combustion of ship fuel, large amounts of black carbon are formed, which enhance the warming effect and decrease the reflecting capacity of (land- and sea-) ice.

6 FOEI, Greenpeace, IFAW and WWF support the proposal from Denmark, Norway and the United States for a new work programme item for the DE Sub-Committee and any other appropriate Committees and sub-committees to develop mandatory requirements for application in Polar Regions. ASOC has been advocating a mandatory legal instrument to address shipping activity in Antarctic waters. Concerns include the risks to human safety and of oil spills associated with vessels in remote and frequently hazardous Antarctic waters; operational threats to the environment and wildlife including legal and illegal discharges of oils, chemicals, treated and untreated sewage and grey water, garbage and other substances, including offal discharges; leaks from refuelling operations; introduction of alien species through ballast water discharges and on ships' hulls; damage caused by leaching from anti-fouling systems; air emissions, in particular black carbon and NO<sub>x</sub>; underwater noise; and ship strikes.

7 ASOC and its members have developed a summary briefing outlining issues which should be considered for inclusion in a mandatory legal instrument to improve the management of shipping activity in Antarctic waters (see annex). Further information on these and other relevant issues for a mandatory legal instrument for shipping in Antarctic waters will be developed in due course.

## Action requested of the Committee

8 The Committee is invited to take note of the information contained in this document and refer it to the relevant Committees and sub-committees, as appropriate.

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<sup>2</sup> The **M/S Explorer**, a commercial tourism vessel, sank in November 2007, spilling an unknown amount of fuel. Two cruise ships, the **M/V Lybov Orlova** and the **M/V Nordkapp**, grounded at Deception Island in the South Shetland Islands in November 2006 and January 2007 respectively. The grounding of the **Nordkapp** resulted in hull damage and the spillage of an unknown amount of fuel. The cruise ship **M/S Fram** lost power in December 2007 along the Antarctic Peninsula and drifted into an iceberg. The trawler **Argos Georgia** drifted for 15 days after losing power while fishing in the Ross Sea in December 2007. The **Nisshin Maru**, a Japanese whale processing ship, suffered an explosion and caught fire in February 2007, resulting in the loss of one life and loss of power for several days. In December 2008, the **MV Ushuaia** ran aground at the entrance to Wilhemina Bay, resulting in hull damage and the spillage of fuel. In February 2009 the **Ocean Nova** grounded on the Western Antarctic Peninsula.

**ANNEX**

**ANTARCTIC AND SOUTHERN OCEAN COALITION (ASOC)**



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**BRIEFING**

**Priority outcomes for mandatory code for Polar shipping**

ASOC considers that a mandatory code addressing Antarctic shipping should:

- .1 apply to the full extent of Antarctic polar waters south of the Antarctic Convergence;
- .2 be relevant to the full range of vessels operating south of the Antarctic Convergence, including dedicated provisions for fishing vessels;
- .3 require retrospective application to existing vessels where practicable, particularly where vessels are being converted for polar service;
- .4 include a full and unambiguous definition of polar ice-covered waters which provides clear guidance on which waters will be considered ice-covered and which waters will be considered polar but not ice-covered;
- .5 require that only polar class vessels with adequate ice-strengthening operate in polar ice-covered waters;
- .6 comprehensively address vessel safety, remote search and rescue and environmental response, and environmental protection, explicitly cross-referencing both existing instruments which are specific to Antarctic waters, and those which are relevant to Antarctic waters;
- .7 ensure that the highest possible standards for the stability of all vessels (both intact and damaged) are required for vessels operating in Antarctic waters, taking into account the possible extreme sea and storm conditions;
- .8 ensure that the threat of icing, both build-up on a vessels' structure and icing of equipment, is adequately addressed, through prevention and mitigation, and including reference to the environmental and vessel characteristics that can influence sea icing;

- .9 require that proper life-saving equipment and operational provisions are applied to all vessels operating in Antarctic waters;
- .10 require high standards of training for ice-navigators including both classroom/simulation training and “on the job” training alongside experienced ice-navigators;
- .11 require tailored procedures for the protection of the polar environment under normal operations be included in the ship’s operating manual and tailored procedures for operations under accident conditions, which recognise the remoteness and sensitivity of polar environments, be included in the shipboard oil pollution emergency plan;
- .12 include comprehensive provisions for environmental protection for all vessels operating in Antarctic waters, such as more stringent provisions for sewage and grey water discharge, garbage discharge, and air emissions in sensitive polar waters;
- .13 address the need for the identification and establishment of mandatory navigation routes and areas to be avoided to reduce the risk of accidents, minimise impact of routine vessel operations in environmentally sensitive areas and reduce vessel disturbance to marine mammals;
- .14 address inspections and controls over vessels operating in the Antarctic area in order to ensure strict compliance with the highest safety and environmental standards;
- .15 address vessel reporting on a regular basis to the relevant regional maritime rescue coordination centres while operating in Antarctic waters, and
- .16 address the need for the development of a vessel traffic monitoring and information system for Antarctic waters.

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