

MARITIME SAFETY COMMITTEE
94th session
Agenda item 20

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ANY OTHER BUSINESS

**Guidelines on Places of refuge for ships in need
of assistance – resolution A.949(23)**

**Submitted by Liberia, the Marshall Islands, IMPA, IFSMA,
INTERTANKO, INTERCARGO and INTERMANAGER**

SUMMARY

Executive summary: The provision of places of refuge is a critical element in the safety of a ship and its crew in distress and reducing the risk to the marine environment. However, there is limited information related to place of refuge created from the application of resolution A.949(23). This document proposes additional text to insert an information feedback loop to the Organization on the experiences of Governments in implementing resolution A.949(23) and reporting where potential places of refuge exist. This action will assist in analysing the effectiveness of resolution A.949(23) when determining and responding to requests for places of refuge and reducing the reaction time following an incident and reduce the risk to the ship, its crew and the marine environment.

Strategic direction: 7.2

High-level action: 7.2.1

Planned output: No current output

Action to be taken: Paragraph 7

Related document: Resolutions A.1061(28) and A.949(23)

Introduction

1 At MSC 93 INTERTANKO made a statement under "Any Other Business" regarding a ship in distress that had difficulty finding a place of refuge and of its intention to submit a document to the next session of the Committee on this issue (MSC 93/22, paragraph 21.25). The provision of places of refuge is a critical element in ensuring maritime safety and the protection of the marine environment. However, there is limited information related to the effectiveness of resolution A.949(23) in enhancing maritime safety and the protection of the marine environment. This document proposes additional text to be inserted in resolution A.949(23) to provide an information feedback loop to the Organization to assist in

analysing the effectiveness of resolution A.949(23) when determining and responding to requests for places of refuge and where places of refuge exist. Through this process, the time taken to respond and resolve a casualty should be reduced, thus assisting in the safety of the ship and its crew and protection of the marine environment.

Background

2 At the time of the adoption of resolution A.949(23), it was recognized that the provision of a common framework to assist coastal States to determine places of refuge for ships in need of assistance and respond effectively to requests, would materially enhance maritime safety and the protection of the marine environment. However, there has been little information made available to the Organization on the effectiveness of resolution A.949(23) in ensuring the balance of coastal States to protect their coastlines and a ship in need of assistance in seeking a place of refuge. Such information would be helpful in addressing factors that influence the decision of coastal States to grant or not grant access to a place of refuge. It is an unfortunate reality that some ships may suffer casualties and be in need of a place of refuge. By knowing where places of refuge exist around the world, the salvors of a vessel in distress would be able to identify the most appropriate place of refuge and with the coastal State's permission take the vessel to that place of refuge. This would ensure a more timely response to the incident thereby reducing the risk to the ship, its crew and the environment.

Proposal

3 In compliance with the High Level Action Plan required under 7.2.1 the Organization is instructed to: "Keep under review the Guidelines on the identification of places of refuge". In compliance with this, it is proposed that in order to improve the response time to a casualty, the details of the outcome of the assessment process for determining places of refuge should be communicated to the Organization. The Organization could then keep these details and circulate them to the international community.

4 Additionally, in the event that such places of refuge are not found to be adequate, a feedback loop has been created whereby the Flag State of the affected vessel can provide details to the Organization for onward transmission to the coastal State. This is in line with the manner in which many other instruments operate, for example reception facilities. By informing the coastal State of any inadequacies, the coastal State is then more readily able to look at the current places of refuge and, if necessary, amend them so that they better reflect the risk reducing effects necessary to protect the environment.

5 It should be noted that nothing in this document is intended to suggest that the coastal State's right to refuse a place of refuge is changed or removed. Further, the co-sponsors acknowledge that the outcome of the assessment process to determine places of refuge should not result in a fixed list of places and that any place of refuge will be determined at the time of the incident, dependent upon vessel size, characteristics and the weather conditions experienced.

6 It is recognized the places of refuge and resolution A.949(23) come under the purview of both the MSC and the MEPC and, depending upon the outcome of the MSC's discussion on this document, an appropriate document will be submitted to MEPC 68.

Action requested of the Committee

7 The Committee is requested to consider the proposal and whether to include text requesting the reporting of the outcome of the assessment for places of refuge as contained in the annex.

ANNEX

New text to be inserted in resolution A.949(23) as below:

New paragraph 1.17*bis* in section **Purpose of the Guidelines**:

1.17*bis* Member States should provide the Organization with information and experiences gained on the implementation of these Guidelines.

New section inserted after section 3.14 with the following heading:

Reporting of places of refuge

3.15 Member States should provide the Organization with the outcome of the assessment of places of refuge, once it has been completed.

3.16 In the event of the refusal of a place of refuge, the affected Member States should bring this to the attention of the Organization.
