

PLACES OF REFUGE FOR SHIPS IN NEED FOR ASSISTANCE



Places of refuge: definition

- Long maritime tradition/ history around the concept of “places of refuge”.
- Definition: place where a ship in need of assistance can take action to stabilize its condition, reduce the hazard to navigation, protect human life and the environment.
IMO Resolution A.949(23)

Applicable international law

- UN Law of the Sea – adopted by Canada in November 2003: balance between rights of navigation and protection of sovereign rights of coastal states
 - Rights of navigation & fishing vs. hot pursuit;
 - Rights of innocent passage vs. protection of marine environment
- International Convention on Salvage, art. 11: admittance to ports of vessels in distress

Applicable international law ctn'd

- International Convention relating to intervention on the High Seas in Cases of Pollution by Oil (1969);
- SOLAS 1974 – Chapter V;
- Oil Pollution Response Convention (OPRC);
- MARPOL 1973/ 78;
- Maritime Search and Rescue Convention (SAR);
- Civil Liability for Oil Pollution Damage (CLC); e

Recent IMO developments

- 2001 – “Castor” incident off Gibraltar :
IMO Secretary Bill O’Neil *“issue of places of refuge to be given global consideration”*.
- 2003 – Following “Prestige” incident off the coast of Spain, IMO adopted Resolution A.949(23):
Guidelines on Places of Refuge for ships in need for assistance.

IMO A.949(23) provisions

- Guidelines do not address rescue operations;
- Two parallel scenarios:
 - Ship needs assistance but not considered in distress;
 - People on board rescued and vessel adrift;
- Guidelines for action required of master/ salvors of ships in need of assistance

IMO A.949(23) provisions ctn'd

- Guidelines for action required of master/ salvors of ships in need of assistance:
 - *Hazards identification and assessment of risks;*
 - *Identification of the required action: action plan;*
 - *Contacting coastal state authorities;*
 - *Establish responsibilities and communications;*
 - *Initiate response action in consultation with coastal state;*
 - *Establish reporting procedures*

IMO A.949(23) provisions ctn'd

- Guidelines for action expected from coastal states:
 - *Require the master/ owner to take appropriate action;*
 - *Coastal States should establish procedures to address issues related to places of refuge;*
 - *Coastal States should establish a maritime Assistance Service (MAS)*
 - *Conduct Assessment of places of refuge – establish procedures based on present guidelines: **generic and event-specific.***
 - *Establish “decision-making” process for the use of places of refuge.*

Transport Canada perspective

- Conduct a comprehensive review a specific places of refuge issues in Canada - study
- Long term: adopt policy to implement IMO provisions, as applicable to specific Canadian conditions;

TC Atlantic Perspective

- Places of refuge: real concern in Atlantic Canada;
- Atlantic Canada: 56,000 Km of coastline with jurisdiction off-shore up to 200 NM;
- Risks for fishery and tourism: \$2 billion annually (combined Atlantic Provinces and Quebec);
- Sensitive East Coast ecosystems: various species of marine mammals, birds, fish/ some endangered;
- In a typical year, approx 5,500 – 6,000 ships would arrive on the East Coast from foreign ports, with many thousands more in transit to USA (year 2000 data).

Early warning on potential problems

- As a result of the ARROW incident Canada initiated the ECAREG ship reporting system;
- TCMS established a 24/ 7 duty roster to deal with technical and other ship related issues in a timely fashion;
- MCTS/ CCG maintain continuous line of communications with ships requesting clearance;
- Ships must provide information on certification, defects, ballast water, security: 96 hours prior to arrival.
- All questionable/ doubtful situations are addressed in consultation with TC senior management.

Case Studies: M/T Dodsland

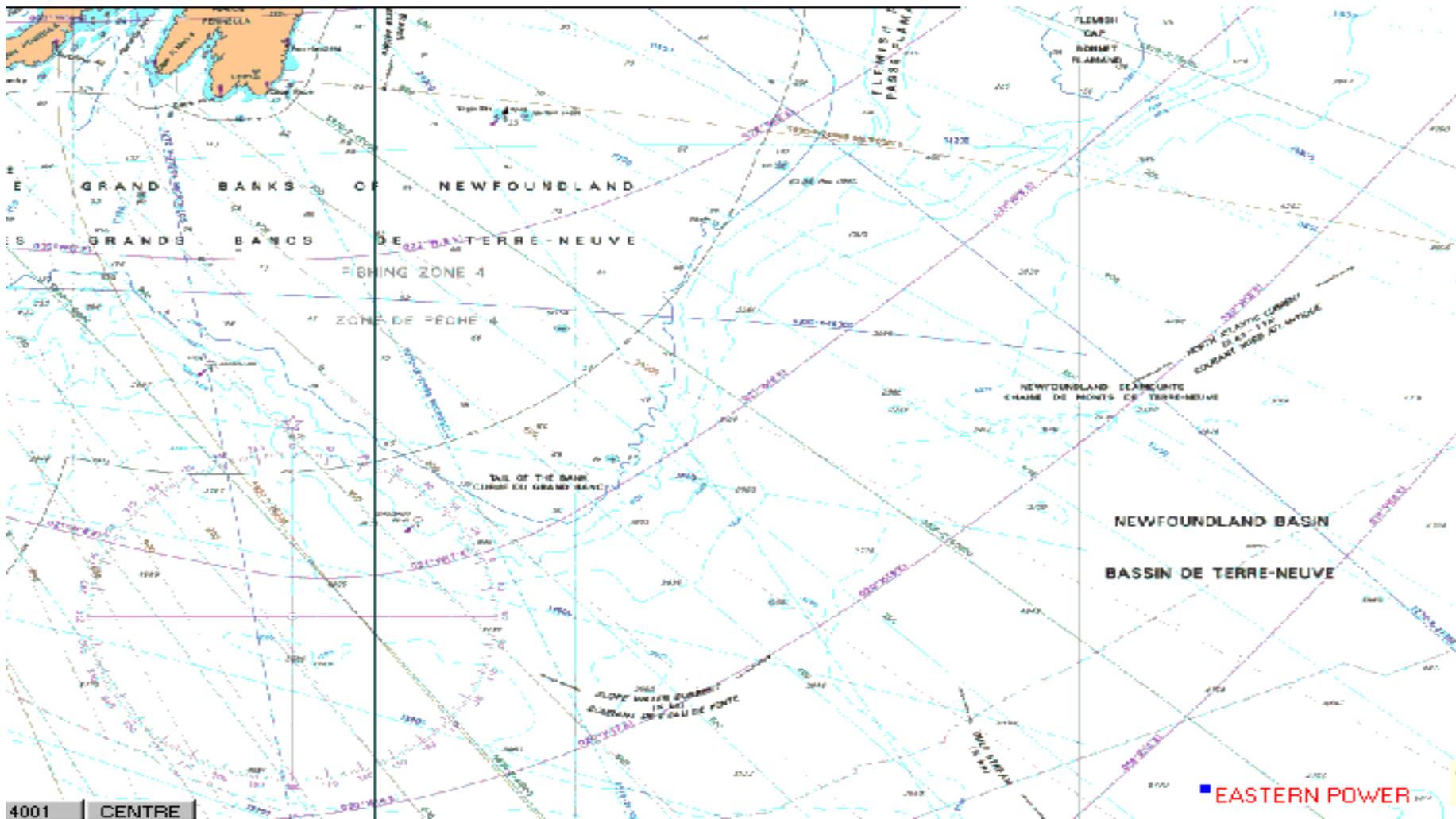
- 1987: M/T DODSLAND *en route* Quebec – master of the one year old tanker reported ingress of sea water in DB tanks;
- TCMS requested further reports to assess the situation;
- In consultation with senior management TC directed the vessel to Halifax – heavy ice conditions in the Gulf of St. Lawrence.
- At Halifax: diver survey found large cracks in bilge area.
- 95,000 MT of crude transferred in shuttle tankers.
- Vessels dry-docked and efficient repairs completed.
- “Disaster averted”.

Doddsland Video

Case Studies: Eastern Power

- December 2000: S/ S Eastern Power *en route* to Come By Chance with 2 million barrels of crude oil.
- Reported to TCMS inspectors: leak in No.1 cargo tank and oil leaking into the ocean.
- TCMS inspector denied clearance and requested continuous reports regarding remedial action plan.
- V/L conducted internal cargo transfer: leakage stopped using hydrostatic balance loading.
- No distress declared by master.
- Overflight by aerial surveillance: no signs of oil leaks.
- TCMS worked closely with the master, owner, consultants and class surveyor to ensure mitigation.

Case Studies: Eastern Power *ctn'd*



Case Studies: Eastern Power ctn'd



Case Studies: Eastern Power ctn'd

- TCMS held consultation with EC and DFO: v/l instructed to keep out of sensitive waters;
- Canadian authorities establish plan to escort, boom and monitor situation while the vessel will transit to destination
- On Dec. 12, 2001, due to inclement weather concerns, the owners decided to divert the v/l to a Caribbean port where the cargo was transferred and damage repaired.

Case Studies: M/V KITANO

- March 2001: Japanese containership KITANO *en route* from New York to Malta and Singapore.
- V/L reported fire among containers on deck.
- Concerns on fire spreading to other containers containing chemical/ dangerous goods.
- V/L requested entry/ place of refuge in Halifax.
- TCMS inspector, in consultation with senior management, denied entry, until proper assessment conducted.
- Consultation with other federal, provincial and municipal authorities.
- CCG and DND platforms dispatched to assist and monitor situation.

Case Studies: M/V KITANO ctn'd

- Vessel off Halifax: crew assisted by a private tug fought the fire for the next 24 hrs.
- No distress was declared by master/ crew not in danger.
- On March 23, approx 24 hrs. after the first radio call the vessel was cleared to enter Halifax Harbor.
- Next day:damaged containers were unloaded: magazines and books.
- All adjacent containers were inspected;
- TCMS inspected the vessel to ensure structural integrity and compliance with all operational requirements.
- V/L cleared to leave on March 26, 2001.

Case Studies: M/V CAMILLA

- January 2003 – SE of NL, M/V Camilla *en route* from Dalhousie to Europe developed a 25⁰ list in inclement weather.
- Master declared distress and decided to abandon V/L. All crew rescued safely.
- The owner decided to salvage the vessel and awarded the contract to a private company.

Case Studies: M/V CAMILLA ctn'd



Case Studies: M/V CAMILLA ctn'd

- The Salvor dispatched a tug with experienced resources to assess the situation.
- The vessel appeared to be stabilized with a list of 25° and the vessel is partially flooded with approx. 1,400 MT of water (naval architect's calculations).
- The Salvor submitted a “action plan” to tow the vessel to an anchorage in Conception Bay and to pump all accumulated sea water into a support vessel.
- No contaminated water to be released into environment.
- Extensive consultation between TCMS and DFO/ CCG

Case Studies: M/V CAMILLA ctn'd

- Other options were under review.
- The Salvor continued to inspect the vessel and pump water off the vessel's cargo hold.
- Clearance was issued for the salvage convoy to proceed to Conception Bay under very strict conditions:
 - Avoid Cape St. Francis by keeping a clearance of minimum 5 NM
 - TCMS and CCG reps. to meet on scene with the salvage team.
 - Only clean ballast may be discharged directly into the sea.
 - All contaminated water to be transferred to a support vessel inside a boom.
 - Establish strict reporting procedures
 - The Salvor to provide de-briefing at the end of operations.

Case Studies: M/V CAMILLA ctn'd

TCMS Inspectors
on board the Camilla



Points to consider

- The majority of “place of refuge” situations declared when vessels were relatively stable;
- Most situations did not involve significant leakage of pollutants;
- Stress forces/ bending moments in ship’s hull occur in inclement weather, resulting in increased probability of catastrophic accidents in open sea;
- Decisions on granting access to places of refuge should balance safety and environmental protection based on risk assessment and involving adequate expertise