

Antarctic Treaty
XXII Consultative Meeting

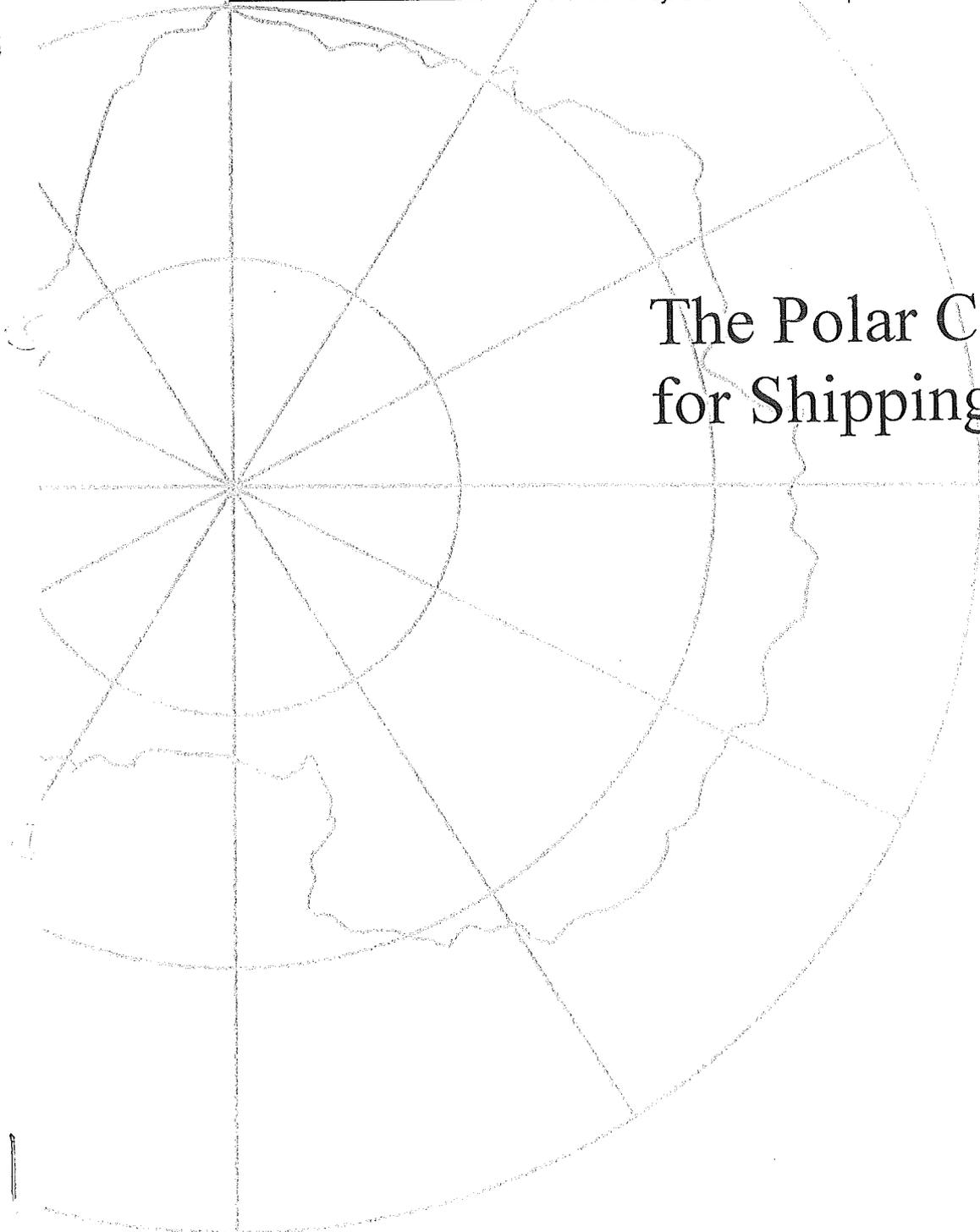
Traité sur L'Antarctique
XXIIème Réunion Consultative

Tratado Antartico
XXII Reunión Consultiva

Договор об Антарктике
XXII-ое Консультативное Собрание

XXII ATCM/WP13
April, 1998
Original: English

Agenda item 10

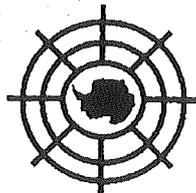
A large, faint map of Antarctica is centered on the page. It features a grid of latitude and longitude lines, similar to the logo in the top left. The map shows the outline of the continent and the surrounding oceanic regions. The grid lines are thin and light gray.

The Polar Code for Shipping

Submitted by
COMNAP

**WORKING PAPER
ON
THE POLAR CODE FOR SHIPPING**

**ATCM XXII
Tromsø Norway
May 25- June 5 1998**



**Council of Managers of
National Antarctic Programs**

**COMNAP
Working Paper on the
POLAR CODE**

BACKGROUND

1. At ATCM XXII it was noted that a draft Polar Code for shipping is to be considered by the International Maritime Organisation (IMO) during 1998. The meeting considered that the technical issues raised in this Code should be discussed at ATCM XXII (Final Report of ATCM XXI, para 19 & 98). COMNAP subsequently considered the technical aspects of the Code and has identified a number of issues relevant to national Antarctic operators.

APPLICATION OF THE POLAR CODE TO THE ANTARCTIC

2. The principal objective in developing the Polar Code is to harmonise and improve the structural and operating standards for ships operating in polar waters. The Code is not intended to be a stand-alone document, but rather to supplement other existing IMO conventions including SOLAS, MARPOL and STCW.

3. The draft Polar Code has been developed by a committee of experts drawn predominantly from Northern Hemisphere countries and countries with coastlines bordering the Arctic. As a consequence the Code has, to a large extent, been influenced by considerations of the ice navigation conditions that prevail in northern Polar waters.

4. Because there are no coastal states and safe ports in close proximity to the Antarctic, the lack of port infrastructure and the difficulty of dealing with emergency situations must be taken into consideration to a greater extent than in the Arctic. Nevertheless, the Polar Code's regulations for the construction and operation of ice-strengthened vessels and icebreakers could, following further development, be applied to vessels for Antarctic operations.

5. COMNAP believes that there are a number of special features of the Antarctic that need to be taken into account when reviewing the Polar Code, namely:

- The extended distances between established ports and "safe" anchorages, which can present a considerable challenge to shipping.
- Special regulations for the discharge of oil, garbage and noxious liquids and litter in the Antarctic are already applied under MARPOL 73/78 [including Annex I (Oil), Annex II (Noxious Liquids), Annex IV (Sewage), and Annex V (Garbage)]. By designating Antarctica a "special area" IMO has already given the Antarctic special consideration with regard to oil pollution, noxious liquids, sewage and garbage. Annex IV of the Protocol on Environmental Protection to the Antarctic Treaty also regulates these types of discharges.

- The regular ocean trading routes of the world avoid Antarctic waters therefore ship traffic in the area is, to a great extent, specialised. In general, (with the exception of one nation, the United States, who annually employ a fuel tanker and a cargo vessel for one voyage each) Antarctic operators do not use large cargo ships, oil tankers or chemical-carrying ships in Antarctic waters. There is, however, a considerable traffic of research vessels in the area (that also serve as re-supply vessels for land based stations) together with cruise ships and fishing vessels.
- Arctic and Antarctic ice are different. The Antarctic, a continent surrounded by oceans, develops very little multi-year sea ice. Each year a considerable area of the sea ice around the Antarctic melts. A major exception is in the Western Weddell Sea but this ice, which is subject to a significant gyre, is typically rotated out of the Antarctic within two years.

6. It is therefore important to consider the Polar Code in the light of the special conditions that apply to the Antarctic and consider the merits of either developing separate regulations in the code (or include an Annex) for Antarctic vessels, or limiting the scope of the Code to the Arctic.

DISCUSSION POINTS

7. The following points are presented for consideration by ATCM XXII:

- 7.1 In view of the vast differences between the Arctic and Antarctic with respect to distances, regimes, governance and commerce, should the Polar Code be applied to both Polar regions?
- 7.2 If the Code is adopted for the Antarctic, it is suggested that the Code should include a description of the Antarctic Treaty System, perhaps as an Annex to the Code. Furthermore, it is recommended that the development of any sections of the Code pertinent to the Antarctic be undertaken with the full cognizance and input of Antarctic ship operators as represented by COMNAP and IAATO.
- 7.3 No pollutants should be carried directly against the shell of ships operating in the Antarctic. If this requirement is applied to oil/fuel carried by non-tankers, then a proposal for alterations in Regulation I to MARPOL 73/78 is required. Such a proposal has already been supported by COMNAP for new ship construction. For existing ships, this would require major structural changes to vessels that are likely to prove impractical. If pollutants also include substances other than oil/bunkers, the proposal would have to include alterations to several Annexes of MARPOL (III, IV and V).
- 7.4 For Antarctic operations, shipboard emergency plans and emergency response should be based on the Protocol for Environmental Protection as well as IMO standards. The Oil Pollution, Preparedness, Response and Cooperation (OPRC) requires regional solutions to oil spill response be developed. MARPOL 73/78 Annex 1, Rule 26, requires that a response plan be available on board vessels.

In addition, Article 15 of the Protocol requires each Party to provide for prompt and effective response actions to such emergencies as might arise from activities in the Antarctic, and the establishment of contingency plans for responses to incidents. Annex IV of the Protocol also requires the development of contingency plans for marine pollution response.

- 7.5 Fuel transfers from ship to shore in the Antarctic should adhere to the 1992 COMNAP Guidelines. IMO issues a manual for the prevention of oil pollution (Oil Pollution Manual Part I) embodying advice on how to avoid oil spills during fuel transfer operations by ships. COMNAP has formulated its own guidelines for national Antarctic operators and a copy will be made available to IMO for consideration.
- 7.6 According to Record I in MARPOL 73/78, all ships are to report to the closest coast radio station when an oil spill or possible oil spill occurs ensued by incidents in connection with the operation of the ship. COMNAP has issued guidelines on the reporting of oil spills and these should be considered by IMO for inclusion in the Code, should it be adopted for the Antarctic.
- 7.7 The transport of bunker fuel for ship propulsion in the Antarctic treaty area should be limited to diesel only; with the introduction of heavier ship fuel or bulk oil products by special permits only. The proposal to prohibit the use of heavier ship fuel by the ships in the Antarctic area (south of 60°S) was recommended by COMNAP in 1992 as follows:
- "that members of COMNAP agree:
- i) to use light, non-persistent fuels in the Antarctic Treaty Area whenever practicable and possible; and
 - ii) specify engines using light diesel fuel for the construction of new vessels intended for service in Antarctica."
- [Note: A survey conducted by SCALOP for the 1992/93 Antarctic shipping season indicated that 34% of the vessels used by national Antarctic operators and 40% of the tourist vessels use medium or heavy fuels for ships bunkers (Proceedings of Sixth Symposium on Antarctic Logistics and Operations, Rome, August 1994)].*
- 7.8 There should be special training and qualification requirements for ship's officers and crew for operation in the Antarctic. It is assumed that the STCW convention (for training of ship's crew) is open for such a regional adjustment. However, it is very important that such a definition (which COMNAP supports) is handled through the proper channels in IMO with input from national Antarctic operators. It may be considered appropriate for COMNAP to develop guidelines on training requirements that could be presented to the ATCM.
- 7.9 Special navigation/communications equipment standards for the Antarctic should be considered if Antarctica is included within the scope of the Code. A further tightening of the requirements is needed. COMNAP believes that there are special conditions in the Antarctic, which necessitate other regulations being developed. Perhaps guidance on navigation/communication equipment should also be developed by COMNAP and presented to the ATCM.
- 7.10 The Code should take note of the potential liability related to Antarctic ship operations that stem from the Protocol on Environmental Protection. This matter is dependent on the resolution of the Liability Annex to the Protocol on Environmental Protection.

- 7.11 The Protocol contains several other special environmental requirements involving environmental impact assessment and monitoring, protected areas, waste management, etc. If the Antarctic were to be included in the Polar Code, it would need to be cognizant of, and consistent with, these additional environmental protection measures already established by the Protocol.
- 7.12 Aircraft operations in the Antarctic conducted from ships should comply with the requirements of the Antarctic Flight Information Manual (AFIM).
- 7.13 Reference to "coastal state" in the code should be amended to clarify the situation in the Antarctic if a common code for the Arctic and Antarctic is adopted. The Code also contains numerous references to "Antarctic authorities" which would need to be revised.
- 7.14 It is essential that all international shipping regulations be established by the IMO. Regulations for the Antarctic agreed by Antarctic Treaty nations are of limited value if ships of non-Treaty nations are not obliged to comply with them.

CONCLUSION

8. COMNAP wishes to emphasise that matters relating to ship design and ship safety should be handled by the IMO. It is important that the relevant expert committees of the IMO consider the Polar Code in detail taking into account the matters raised by ATCM XXII. Nevertheless, the ATCM may also wish to refer specific matters to COMNAP for the development of further input to the IMO (e.g. training, navigation/communication equipment, fuel transfer and contingency planning). It is also noted that Antarctic agencies can, when necessary, provide comments to their respective national maritime authorities and thereby continue to participate in the further development of the Code via these channels.

9. COMNAP wishes to emphasise that there are vast differences (e.g. distances, ice regimes, governance, commerce) between the Arctic and the Antarctic. Any regulations that pertain to the Antarctic need to be written with a full understanding of the conditions and the governance of operations in that very unique area of the world and cannot be readily extrapolated from regulations written for the Arctic.