Concept Paper on the Feasibility Study on Identification and Designation for the Places of Refuge from Ships in the Straits of Malacca

Submitted by Malaysia

Introduction

1. During the 6th Cooperation Forum held in Bali, Indonesia on 7 and 8 October 2013, it was recognised that there was an urgent need to develop the criteria to determine place of refuge for ships in need of urgent assistance in the Straits of Malacca. As recognition to the proposal, several speakers and maritime experts highlighted the need on establishing the places of refuge for ships in the Straits of Malacca at the International Chemical and Oil Pollution Conference and Exhibition (ICOPCE) 2015, 21 to 24 April 2015 organised by the Maritime and Port Authority of Singapore. Further to the communication between IMO and Malaysia, it was agreed that Malaysia would present initial information at the 7th Cooperation Forum, Langkawi in 2014 and discussed it at the 40th Tripartite Technical Experts Group (TTEG) Meeting in Singapore.

Propose Feasibility Study on the Identification and Designation for the Places of Refuge for Ships in the Straits of Malacca.

2. The Straits of Malacca and Singapore (Straits) continue to be subjected to various pressures from shipping activities in the areas. Principal among this is the operational and accidental discharges from ships as well as the possibility of accidents that may result in catastrophic spills of oil and chemicals into the marine environment. Given that shipping in the Straits is expected to continue to increase and vessel continue to grow in size, particularly the tanker fleet carrying oil, oil products, chemicals and gas apart from the bulk and container vessels, it is important that steps are taken to enhance safety of navigation and marine environment protection in the Straits notwithstanding the many efforts already in place such as the traffic separation scheme, mandatory reporting system, automated identification system and the various aids to navigation already in place.

3. In this light, Straits of Malacca is facing an increasing threat of serious oil pollution not only from the ships but also includes oil and gas activities. This threat is a constant challenge facing by the littoral States in maintaining the marine environment as well as navigation of ships. For example, adverse environmental impacts caused by ships’ groundings and oil or chemical spillage could be very difficult to mitigate especially when it happens at areas rich with marine biodiversity. This issue is even more critical nowadays in the Straits which is among the busiest and most critical waterways in the world.
4. In line with the above and commitments by the littoral States in ensuring the Straits is safe, secure and open navigation, it is timely manner for the littoral States to continue an effort and measures, i.e determine the place of refuge for ships in the Straits, in enhancing the safety of navigation and marine environmental protection. The new measures due to long recognized by the littoral States that the Straits are among the most vital shipping lanes in the world and are crucial for international shipping.

Places of Refuge – References

5. Reference is made to the IMO Res 949 (23) on the Guidelines on Places of Refuge for ships in need of assistance which the “place of refuge” means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment.

6. Reference also made to the IMO Secretary General opening remarks during Legal Committee 101 Meeting held from 28 April to 2 May 2014 :-

   Focusing on the wider and more complete implementation of measures already in place is also of significance. A case in point is the IMO guidance on places of refuge for ships in distress at sea, an issue which you are invited to consider under agenda item 11 concerning “Any other business”.

   There is no shortage of reports on the recurrence of incidents in which ships were denied the immediate access they needed to a suitable place of refuge, such as a port or sheltered waters closer to shore, where salvage operations could be carried out more safely and with reduced risk of marine pollution.

   There has also been no shortage of discussion at IMO, usually following reported incidents. My principal concern is that the existing measures adopted by IMO are the best measures we could agree on but, in reality, those measures alone might not be effective to resolve actual cases where incidents require places of refuge urgently. In other words, the question appears to be not so much whether the IMO measures are adequate, but rather what more could be done at the operational level including communication and consultation between ship operator and shore authorities and the availability of adequate insurance for compensation for potential damage to the environment and local shore community.

   The IMO measures are, first, the Assembly resolutions A.949 and A.950. They both were adopted in 2003 and pertain to, respectively, guidelines on the provision of places of refuge for ships needing assistance and recommendations on the establishment of maritime assistance services by coastal States....
Action requested of the Meeting

7. Therefore, the littoral States is invited to discuss the propose concept paper on the feasibility study on identification and designation of the places of refuge for ships in the Straits of Malacca as in Annex 1.

8. Following to it, the meeting requested to consider and endorse the proposed concept paper as a new project under the Cooperative Mechanism.
FEASIBILITY STUDY ON THE IDENTIFICATION AND DESIGNATION FOR THE PLACES OF REFUGE FROM SHIPS IN THE STRAITS OF MALACCA

1.0 Introduction

1.1 During the sixth meeting of the Co-operative Forum (CF) held in Bali, Indonesia on 7 and 8 October 2013, it was recognised that there was an urgent need to develop the criteria to determine places of refuge for ships in need of urgent assistance in the Straits of Malacca area.

2.0 Cooperation

2.1 Cooperation between the IMO / IMO Straits Trust Fund and the littoral States will be coordinated by the Marine Department Malaysia.

3.0 Scope and Geographical Coverage

3.1 The feasibility study will apply within the Straits of Malacca area from Sector 1 up to Sector 6 of STRAITREP.

4.0 Objective

4.1 To assess the possibility of identifying places of refuge for ships in the Straits of Malacca.

5.0 Methodology

5.1 As per discussion with IMO, it is proposed to hire a consultant identified by IMO to visit the Littoral States in the region to provide them with advice, and assess the possibility of identifying places of refuge in the region.

6.0 Activities

6.1 The IMO consultant will carry out the following tasks:

6.1.1 First Phase

(i) Meet with Director-General, Malaysia Maritime Administration (as the lead country) to discuss and explain the scope of the mission;

(ii) Explain and discuss the objectives of the Places of Refuge and obligations of coastal states and how to respond to requests for places of refuge;

(iii) Collect and gather the related available data and information within Straits;
(iv) Explain the challenges with regard to identification of Places of Refuge and provide the information with regard to some Places of Refuge that identified so far around the world;

(v) Visit the Littoral States for a period of two days as appropriate, present and discuss with the relevant authorities the objective of the project, taking note of their views and visiting appropriate sites and provide the necessary advice and consultancy;

(vi) Present the draft outcomes of the mission to Marine Department Malaysia, together with an outline of the proposed recommendations;

(vii) Prepare a draft report to be submitted to Marine Department Malaysia one month after completion of the mission, including a description of the assessment and work undertaken, the outcomes and proposals for consideration by Littoral States and plans of action to be taken at national and regional levels.

6.1.2 Second Phase

(i) As the purpose of a Place of Refuge is to minimize the risks of widespread pollution and also to safeguard the possible risk to the navigable waterways, it is appropriate to develop Guidelines to assist the Member States in taking appropriate decisions when required.

(ii) To this end, and with a view to assisting Littoral States in designating places of refuge in line with IMO recommendations, it is proposed to prepare a set of procedures and guidelines along with proposed Places of Refuge in Straits Region in accordance with the site visit that could be followed by coastal States during the decision-making process, concerning the designation of places of refuge for ships in need of assistance.

(iii) When completed, it should be circulated to the littoral States for their consideration and comments and to be discussed and agreed upon at a regional workshop.

6.1.3 Third Phase

The objectives of the workshop are to:

(i) Familiarize participants with issues related to the designation and planning of places of refuge for ships in need of assistance;

(ii) Discuss the prepared report and methodologies and best practices that could be followed in identifying and planning refuge areas for ships in need of assistance;
(iii) Discuss the environmental and economical impacts for the identification of the Place/Places of Refuge;

(iv) Provide the necessary knowledge and information to facilitate decision making when planning and designating Places of Refuge; and

(v) Discuss appropriate procedures and prepared guidelines that can be used by the littoral States to facilitate their decision-making when designating places of refuge for ships in need of assistance;

(vi) Agree on the proposed guidelines in order to be submitted to the TTEG for their consideration and approval

The workshop should be aimed at senior government officials from national authorities responsible for pollution prevention and control and maritime safety, who are involved in national marine pollution contingency planning, as well as harbour masters and senior technical officers involved in vessel traffic monitoring.

7.0 Cost Projection

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<td>1st Phase – Data Gathering</td>
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<td>2nd Phase – Development of guidelines</td>
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8.0 Funding

8.1 IMO Straits Trust Fund