



Straits Project 11: Development of Guidelines on the Place of Refuge for Ships in need of Assistance in the SOMS

**Mohd Fairoz Rozali
Marine Department Malaysia
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**If we always do what we have
always done, we will always be who
we're always been**



Content

1. Background;
2. Why we need Place of Refuge (PoR)
3. International Instrument;
4. Current Effort on PoR;



Background



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- IMO Secretary General opening remarks during Legal Committee 101 Meeting held from 28 April to 2 May 2014
 - Major cases, i.e Erika (1999) & Prestige (2002) which highlight the issue;
 - Various responses arouse at different level:
 - Unilateral measures taken by some countries;
 - The adoption of EU directive;
 - The adoption of IMO Guidelines on Places of Refuge for ships in need of assistance;
 - To facilitate ships in needs of distress transiting SOMS – i.e International Chemical and Oil Pollution Conference & Exhibition (ICOPCE) 2015, 21 to 24 April 2015
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□ Concepts for Places of Refuge :-

- When a ship is in need of assistance but the safety of life is not involved;
 - A location where a ship in need of assistance is able to find a favourable environment, enabling it to take action to stabilise its condition, protect human life and reduce the hazards to navigation and to the environment
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Why We Need Place of Refuge?



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- ❑ To protect marine and coastal resources;
 - ❑ To protect marine and coastal environment;
 - ❑ To minimize risk on coastal community;
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Risk Assessment & Decision Making

- Risk of adverse consequences for the ship, if it is not granted place of refuge;
 - Risk of the ship breaking up in a place or close to the coast, if places of refuge is provided;
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Risk Assessment & Decision Making

Consideration :-

1. Marine pollution threat;
 2. Crew, public and response personnel safety;
 3. Geography, oceanography;
 4. Weather and traffic;
 5. Sensitive and Protected areas;
 6. Economic activity;
 7. Response Emergency capacity
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International Instrument



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- ❑ No International Convention dealing directly with the Place of Refuge !!
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Provisions for a ship in distress to enter a Place of Refuge

UNCLOS 82

- ❑ Article 21 - Right of Innocent passage through territorial sea, in respect of preservation of the environment of coastal state.
 - ❑ Article 18(2) - Right of a foreign ship in force majeure or distress to stop and anchor.
 - *No right for a distressed ship to enter a port or internal water of another country.*
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UNCLOS 82

- ❑ Article 195 - Legal duty for coastal state not to transfer damage or hazard from one place to another
 - ❑ Article 194(2) - Duty to ensure that activities under coastal states jurisdiction are conducted not to cause damage by pollution to other states.
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UNCLOS 82 (cont.)

- ❑ Article 98 - Duty to render assistance to vessel or persons in distress.
 - ❑ SOLAS Reg. V/7

 - *Focus on human life & safety rather than what to be done with a Ship in force majeure.*
 - *Do not give right to enter a Place of Refuge*
 - *Do not refer to a coastal state obligation to establish a Place of Refuge;*
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OPRC 90

- ☐ Require States to have oil pollution response plans.
 - *Possibility of allowing admission to ports or safe haven of ships in distress.*
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Provisions against a ship in distress to enter a Place of Refuge

UNCLOS 82

- Article 2 - Right of States to regulate entry into ports, sovereignty over its land, internal waters, archipelagos, territorial sea;
- Articles 194, 195, 198,199,211,221,225 indicates States Right of “self protection” against marine pollution;

IMO Guidelines.....

IMO Res 949 (23) on the Guidelines on Places of Refuge for ships in need of assistance

- ❑ Recognizes the importance of minimizing the pollution damage;
 - ❑ Recognizes also, the best way to do this by taking the ship in a safe place, which is **Places of Refuge**;
 - ❑ Provide a **framework** for complementary **effective responses** by the parties;
 - ❑ Put collectively the **best practices** to assess the situation by developing the guideline;
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IMO Guidelines..... (cont')

Duties and Responsibilities of Coastal States :-

- ☐ Assessment of Places of Refuge;
 - ☐ Event-specific assessment;
 - ☐ Expert analysis;
 - ☐ Decision-making;
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Current Effort on Place of Refuge



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- ❑ The littoral States endorsed to the proposal at the 40th Tripartite Technical Experts Group (TTEG) Meeting in Singapore, 7 – 8 October 2015 :-
 - ❑ Straits Project 11: Development of Guidelines on the Places of Refuge for Ships in need of Assistance in the SOMS
 - ❑ Cooperation received from IMO Straits of Malacca and Singapore Trust Fund of USD 45K;
 - ❑ Identification of IMO Consultant (Expert):-
Hugh Shaw,
The Secretary of State's Representative
Maritime Salvage & Intervention
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Activities in 2016 - 2017

1st Workshop

- November / December 2016 (3 days)
- Collect and gather the related available data and information within SOM
- 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;

2nd workshop

- February / March 2017 (3 days)
- To discuss on the draft report which includes 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.

Simulation

- Oil Spill Trajectory and simulation database for the establishment of Places of Refuge in the SOMS

A candle loses none of it's light by lighting another candle



Thank you
Dankes xie
Khawp khun
Jum
Salawat
Juspaññ
Spacibo
Arigato
Mahalo
Grigada
Terima kasih