**DEVELOPMENT OF A MANDATORY CODE FOR SHIPS OPERATING IN POLAR WATERS**

Polar Code boundaries for the Atlantic side of the Arctic

Submitted by FOEI / IFAW / WWF / Pacific Environment

<table>
<thead>
<tr>
<th><strong>SUMMARY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Executive summary:</strong> In this submission, FOEI, IFAW, WWF, and Pacific Environment propose further consideration of the definitions to be used for waters on the Atlantic side of the Arctic in the development of a mandatory Polar Code.</td>
</tr>
<tr>
<td><strong>Strategic direction:</strong> 5.2</td>
</tr>
<tr>
<td><strong>High-level action:</strong> 5.2.1</td>
</tr>
<tr>
<td><strong>Planned output:</strong> 5.2.1.19</td>
</tr>
<tr>
<td><strong>Action to be taken:</strong> Paragraph 9</td>
</tr>
<tr>
<td><strong>Related documents:</strong> DE 53/18/3; DE 54/WP.3, DE 54/13/3, DE 54/23; and DE 55/12</td>
</tr>
</tbody>
</table>

**Introduction**

1. This submission is a reply to DE 55/12, which is the Correspondence Group report for the Polar Code, and is submitted in accordance with the provisions of paragraph 4.10.5 of the IMO guidelines (MSC-MEPC.1/Circ.2).

2. In this submission, FOEI, IFAW, WWF, and Pacific Environment propose further consideration of the definitions to be used for waters on the Atlantic side of the Arctic in the development of a mandatory Polar Code.

3. At the 54th meeting of the IMO Sub-Committee on Ship Design and Equipment (DE 54), a Working Group on Development of a Mandatory Polar Code was established. In its report, the Working Group concluded that the definitions of Arctic and Antarctic waters as defined in the present Guidelines, as set out in resolution A.1024(26), serve the purpose for the present discussion in defining the general geographical scope of application of the Code ... while noting that such definitions might have to be revisited once the Code is further developed, recognized that any intent to change such definitions would have certain repercussions, in particular as these might already be defined in existing IMO mandatory instruments, e.g., Antarctic in MARPOL, and any deviation might in fact not be possible. In

---

1 The preparation of this paper for the IMO’s DE Sub-Committee was assisted by the Antarctic and Southern Ocean Coalition (ASOC), an umbrella NGO with expect observer status at the Antarctic Treaty Consultative meetings (ATCM) and meetings of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The Whale and Dolphin Conservation Society (WDCS) and Earthjustice also support this paper.
this context, the group agreed that any change to such definitions will most likely need to be supported by submissions to the appropriate IMO body." This paper proposes definitions of Arctic waters based on the physical and biological characteristics of the environment and strongly supports the adoption of an ecosystem-based approach to the management of shipping in polar waters.

**Altering the Polar Code’s Arctic boundary on the Atlantic side**

Resolution A.1024(26) includes the following map identifying the Arctic boundary of the Polar Guidelines:

![Map of Arctic boundary](image1)

In document DE 55/12/8, several eNGOs assert that sea ice extent should be the primary determiner of the Code boundary in the Arctic. In order to provide sufficient environmental protection, the boundary should extend beyond the median sea ice extent (see figure 2 below) and instead encompass the region’s maximum sea ice extent, or its ‘ice-prone’ waters (based on, for example, a twenty-year timeframe, with updated revisions as needed). Thus, the Code’s northwest Atlantic Arctic boundary should be modified to extend below 60 degrees north to encompass the Newfoundland Sea, for reasons of iceberg and sea ice presence during periods of the year. Any boundary line drawn in this zone should include waters that are potentially ice-infested.

![Maps of sea ice extent](image2)

*Figure 2 - Sea ice extent in March 2010 (left) and Sept. 2010 (right). The magenta line indicates the median maximum and minimum extent of ice cover in the month provided for the period 1979–2000. Perovich, D., et al., Sea Ice Cover, in Arctic Report Card: Update for 2010, (2010), at http://www.arctic.noaa.gov/reportcard/seaice.html*
In addition, in accord with the reasons put forth by several eNGOs in document DE 55/12/8 and below, ecosystem considerations should also be taken into account as supplemental factors, after sea ice extent, thus providing an outer border in establishing the Arctic Polar Code boundary. LMEs are scientifically well accepted ecological units of relatively large proportion – 200,000 km² or more – which are defined by criteria like productivity and bathymetry². The LME approach has been used in the context of oil and gas exploitation (see AMAP), as well as in the Arctic Marine Shipping Assessment, where the report identified Arctic LMEs as environmental units in which to assess impacts from ships³. LMEs have also been used by the World Bank, UNEP, the Arctic Council (see figure 3), and UNDP⁴. Anthropogenic activity (e.g., shipping, oil & gas drilling, fishing) occurring in a particular marine area should have its environmental impacts evaluated by equivalent or at least comparable frames of reference. Foregoing LMEs is inconsistent with modern scientific environmental management, impairs regional efforts to meet marine resource goals (e.g., the Arctic Council's Arctic Marine Strategic Plan), and diverges from the practices of other U.N. bodies, intergovernmental organizations, and national governments.

With regard to the high latitudes of the central and northeast Atlantic, the ecological health of the marine ecosystems off Iceland and in the Norwegian Sea may be degraded if higher levels of shipping pollution are permitted or risks are not adequately reduced in these waters. Therefore we suggest that, in order to ground the boundary delimitation in sound science and align it with prevailing ecosystem-based management principles, the Polar Code boundary in the central and northeast Atlantic be equivalent to the southern border of the Iceland Shelf and Norwegian Sea LMEs until it reaches the Faroe Islands.

We also believe that the far northeast Atlantic boundary of the Polar Code should be altered to encompass the Barents Sea LME, as well as account for remoteness with respect to search and rescue and spill response. With those reasons in mind, we recommend that for the far northeast Atlantic a new Code boundary line be drawn from the Faroe Islands northeast to the Lofoten Islands where it would terminate. The new boundary would thus place waters off of northern Norway and the White Sea under the coverage of the Polar Code.

² Siron et al., 2008.
³ Id.
⁴ de Roo et al., 2008.
Action requested of the Sub-Committee

9 The Sub-Committee is invited to note the information provided and consider further the definitions of Arctic waters based on the physical and ecological characteristics of the environment during its deliberations on the development of a mandatory Polar Code and to support the adoption of an ecosystem-based approach to the management of shipping in polar waters.

---