The International Code for Ships Operating in Polar Waters: Step 2 addressing fishing vessels

submitted by ASOC
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ASOC

Abstract

This paper reports on progress at the International Maritime Organization (IMO) on the adoption of a Polar Code for shipping in polar waters, and sets out the initial steps for a second phase on work that will address fishing vessels and other vessels not currently covered by the Code. The paper identifies the relevance for fishing vessels of various safety matters addressed in the Polar Code, on the basis of recent incidents in the Southern Ocean. Finally, it proposes measures on ice strengthening of fishing vessels and training of fishing vessel crews, which should be introduced by CCAMLR in the interim.

1. Update on the Polar Code

In February 2010, the International Maritime Organization (IMO) started a major new initiative – the development of a legally binding Code to cover shipping in both Arctic and Antarctic waters. The work was complex covering many aspects of international shipping in polar waters. Late in 2014, the IMO adopted Part I of the new International Code for Ships Operating in Polar Waters or “Polar Code” which focuses on the safety of shipping in Polar Waters. Adoption of Part II of the Code, which focuses on pollution prevention, followed in May 2015, and now both Part I and Part II will take effect from January 2017.

Polar waters are, for Antarctica, defined according to the existing IMO definition of the Antarctic Area\(^1\), i.e. the sea area south of latitude 60°S.

In addressing the safety of passenger ships and cargo vessels in polar regions, Part I of the Polar Code includes a comprehensive range of provisions covering:

- requirements for a polar certificate
- preparation of a polar water operational manual
- ship structure
- subdivision and stability
- watertight and weathertight integrity
- machinery installations
- fire safety / protection
- life-saving appliances and arrangements
- safety of navigation
- communication
- voyage planning
- crewing and training.

Part II of the Code includes provisions for prevention of pollution by ships focused on oil, noxious liquid substances, sewage and garbage discharges.

The provisions of Part I (safety) of the Code apply only to passenger vessels and cargo vessels over 500 gross tonnes (GT). Some states\(^2\) felt that there was a need, if not an

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\(^2\) DE 54/13/5 Fishing vessels operating in polar waters. Submitted by New Zealand. DE 56/10/4 Safety and environmental requirements for fishing vessels when operating in polar waters. Submitted by Iceland.
urgency, to consider provisions for other vessels not addressed through the Safety of Life at Sea (SOLAS) Convention, including fishing vessels. During an IMO Working Group meeting in 2010, it was proposed, and subsequently approved by the relevant sub-committee and Maritime Safety Committee, that the work on the Polar Code be split into two steps – the first step would address passenger vessels and the larger cargo ships covered by the SOLAS Convention, and the second step would consider the requirements for so-called non-SOLAS ships which include fishing vessels, private yachts and smaller cargo vessels.

Part II of the Code, addressing pollution prevention, is implemented through amendment of Annexes I, II, IV and V of the International Convention for the Prevention of Pollution from Ships (MARPOL) and as a result the provisions will apply also to non-SOLAS vessels, including fishing boats. Part II introduces few new pollution prevention measures for application in the Antarctic Area, though it does clarify discharge provisions for sewage and garbage in relation to the vicinity of ice including ice shelves, fast ice and ice exceeding 1/10 (10%) ice cover.

2. Next steps for the Polar Code

At the current time, the work on Step 2 of the Polar Code, as agreed in 2010, has yet to be timetabled, however following a proposal to the IMO’s Maritime Safety Committee 95th session from Iceland, South Africa and New Zealand in June 2015, IMO Members have agreed that information on incidents involving non-SOLAS ships in polar waters should be submitted to the next meeting of the Maritime Safety Committee (MSC). The MSC 95th Session Report records that the Committee encouraged governments and international organizations to provide information on incidents in polar waters to the next session of the Committee, to assist in assessing the potential scope of the Polar Code to non-Convention vessels operating in polar waters. It is proposed that the information provided should include the numbers of non-SOLAS ships, including fishing vessels, operating in polar waters (types, sizes, etc), reports of accidents and incidents, including those requiring search and rescue interventions, and any other relevant information.

The 96th session of MSC is to be held from 11th – 20th May 2016, and the deadline for submitting information is 9th February 2016.

3. Safety of fishing vessels for consideration during Step 2

In the past ASOC has highlighted the importance of full reporting on all incidents, including thorough investigation into the causes of incidents, monitoring of any associated pollution and environmental response and restoration actions. ASOC believes that it is vital that lessons are learnt from previous incidents and accidents in polar waters and that implementation of recommendations that arise from each investigation is monitored to ensure that maritime activities become safer for everyone. To this end, ASOC strongly supports the proposal that IMO Members and international organisations provide information on incidents in polar waters, and proposes that the CCAMLR Secretariat provides information on incidents in polar waters involving fishing vessels. Furthermore, ASOC encourages Commission Members to make available to the MSC any national reports into incidents and accidents involving fishing vessels.

On reviewing reports involving fishing vessels in the Antarctic area, ASOC believes that all the chapters of Part I of the Polar Code should be considered to be potentially relevant for fishing vessels, although it is recognised that the specific provisions may not always be

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4 CCAMLR XXXIII/BG/22 Proposals on improving the governance and control of fishing vessels operating in the Southern Ocean.
directly transferable. Table 1 summarises a range of fishing vessel incidents in the Antarctic area and identifies a lack of attention to safety in the design and operation of fishing vessels in the Antarctic as well as a need for improvement in vessel safety and operation. In particular ice strengthening, watertight and weathertight integrity, machinery installations, fire safety and protection, safety of navigation, communication, voyage planning, and crew training are readily identifiable as areas in need of consideration. ASOC also believes that a requirement for fishing vessels to be issued with a polar certificate and to prepare a polar water operational manual would be valuable to ensure that appropriate structural and operational standards are met. The purpose of a polar certificate would be to ensure that the ship complied with the relevant requirements, while a polar water operational manual would provide information regarding the ship’s operational capabilities and limitations in order to support the on-board decision-making process.

Table 1: Summary table showing fishing vessel incidents in the Antarctic area

<table>
<thead>
<tr>
<th>Date / Location</th>
<th>Ship name</th>
<th>Flag</th>
<th>Incident</th>
<th>Casualties</th>
<th>Spill status</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2015, Ross Sea</td>
<td><em>Antarctic Chieftain</em> (fishing vessel)</td>
<td>Australia</td>
<td>Vessel trapped in pack ice (thick multi-year ice) with 26 people on board. Damage to 3 of 4 blades of propeller. No ice movement for 5 days.</td>
<td>0</td>
<td>No spill</td>
<td>Two-fold rescue required – ice breaker to release vessel and escort vessel to back to port. Total rescue 2.5 weeks. (2.5 days for ice breaker to reach ship and once clear 2 weeks to return to port)</td>
</tr>
<tr>
<td>March 2014, East Antarctica</td>
<td>Tiantai (IUU fishing vessel)</td>
<td>Tanzania</td>
<td>Ship lost – cause unknown, poor weather conditions at time of incident</td>
<td>Unknown</td>
<td>Fuel on board would have been lost</td>
<td>The Tiantai was an illegal fishing vessel presumed lost in the Southern Ocean</td>
</tr>
<tr>
<td>February 2014,</td>
<td><em>Kwang Ja Ho</em> (fishing vessel)</td>
<td>Korea</td>
<td>Grounding 450m off the Antarctic coast</td>
<td>0</td>
<td>No spill</td>
<td>Damage to a freshwater tank</td>
</tr>
<tr>
<td>Scotia Sea</td>
<td><em>Kai Xin</em> (fishing vessel)</td>
<td>China</td>
<td>Fire on board, loss of vessel</td>
<td>0</td>
<td>Fuel lost but possibly all consumed by fire</td>
<td>Carrying heavy fuel oil</td>
</tr>
<tr>
<td>January 2012,</td>
<td><em>Jeong Woo</em> 2</td>
<td>Korea</td>
<td>Fire on board, loss</td>
<td>3</td>
<td>Fuel oil lost –</td>
<td></td>
</tr>
</tbody>
</table>
Table 1 summarises a number of incidents in Antarctic waters involving fishing vessels. It should be noted, however, that more detailed information should be made available by the CCAMLR Secretariat and CCAMLR/IMO Members to the IMO’s Maritime Safety Committee. From this list of incidents it is possible to identify the relevance of the various chapters of the Polar Code Part I that should be considered in more detail during Step 2 in relation to fishing vessels. For example, a chapter of the Polar Code addresses fire safety and protection. Three of the nine incidents listed involve a ship-board fire and in two cases, the Jeong Woo II and the Kai Xin, the fire resulted in the loss of the vessel. A number of incidents, including the loss of the Insung No 1 and the Tiantai, suggest that further investigation of the watertight and weathertight integrity of fishing vessels would be of relevance in developing a Polar Code for fishing vessels. Reports of the sinking of the Insung No 1 indicate that better provision of and training in the use of life-saving appliances and arrangements is required, while the incidents involving the Argos Georgia, Sparta and Antarctic Chieftain indicate that requirements relating to the vessel structure and/or machinery are also likely to be of importance to improving the safety of operation on fishing vessels in polar waters. Finally, voyage planning and safety of navigation are important for all vessels, but particularly in Antarctica where some fishing vessels are frequently operating close to the ice.

4. CCAMLR action needed ahead of development of a Polar Code for fishing vessels

As the timescale for the development of a Polar Code for fishing vessels has yet to be proposed and agreed, ASOC believes that there are important priority measures that CCAMLR could introduce sooner to improve the safety of vessels operating in the Antarctic Area, including requirements for ice strengthening, training and environmental response.

At CCAMLR XXXIV, ASOC proposes that Members address ice strengthening of fishing vessels, and urges Members to adopt a conservation measure (CM) which would reaffirm and strengthen CCAMLR Resolution 20/XXII requiring Members only license vessels with a minimum ice classification standard of ICE-1C or more. A CM should address the overall minimum requirement for ice class for all vessels as well as a requirement for Members to

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5 CCAMLR XXXIII/BG/22 Proposals on improving the governance and control of fishing vessels operating in the Southern Ocean.

6 CCAMLR XXXIII/BG/22 Proposals on improving the governance and control of fishing vessels operating in the Southern Ocean.
notify the CCAMLR Secretariat of each registered fishing vessels’ ice class and for the information to be included in CCAMLR’s list of licensed vessels.

A further area in need of attention is the ratification and implementation of the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) that entered into force in September 2012. The Convention, which has only been ratified by six CCAMLR Members, establishes basic requirements and minimum standards on training, certification and watchkeeping for fishing vessel personal on an international level, but it doesn’t address additional training for personnel operating in polar waters. As a result, ASOC proposes that Commission Members ratify the STCW-F and also adopt a conservation measure which would introduce a two-tier level of training for the Masters and crews of fishing vessel operating in waters south of 60°S. This would be similar to measures introduced in the Polar Code for Masters and crews of other vessels, and would require training for all personnel on vessels operating in polar waters and would strengthen standards for training of Masters and officers in charge of the navigational watch.

**Recommendations**

In brief, ASOC submits that CCAMLR Members should agree to:

- provide information on incidents in Antarctic waters involving fishing vessels to the IMO’s Maritime Safety Committee’s 96th session;
- upgrade CCAMLR Resolution 20/XXII on ice strengthening standards to a binding conservation measure that sets a minimum standard of ICE-1C for all fishing vessels;
- ratify the IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessels and introduce a two-tier level of training for fishing vessel crews in the CCAMLR area via a new conservation measure.