Developments to enhance the safety of pleasure yachts and fishing boats operating in the Antarctic Treaty area

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Information Paper submitted by ASOC

Summary

This paper provides information on the latest developments at the International Maritime Organization (IMO) pertinent to the safety and operation of vessels, particularly pleasure yachts and fishing boats, in the Antarctic Treaty area. It calls on the ATCM to:

* make the “Guidelines for Safety Measures for Pleasure Yachts of 300 Gross Tonnage and above not engaged in trade Operating in Polar Waters” a requirement of any permits issued for pleasure yachts planning to operate in the Antarctic Treaty area,
* bring forward experience of challenges with implementation of the Polar Code and support review of the Polar Code by the IMO, and
* support the mandatory marking and reporting of lost fishing gear through MARPOL Annex V.

Introduction

When the International Maritime Organization’s (IMO) International Code for Ships Operating in Polar Waters (Polar Code) was developed, it was recognised that a major gap in the Code was the omission of a range of vessels including pleasure yachts, small cargo ships under 500 gross tonnes (GT), and fishing vessels. A small number of IMO Member States were keen from the beginning of the negotiations to develop the Polar Code to include these vessels, also known as non-SOLAS vessels[[1]](#footnote-1); however, it was considered expedient to focus initially on larger cargo vessels and passenger ships and address non-SOLAS vessels during a second phase of development.

Vessels in the Southern Ocean

ATCM42\_ip107 rev.1[[2]](#footnote-2) submitted by the United Kingdom, Argentina and Chile, in conjunction with the International Association of Antarctica Tour Operators (IAATO) shows that in the 2018-19 season, the last full season before the coronavirus pandemic, 50 yachts were either sighted in or reported an intention to sail to Antarctica. This included 43 authorised vessels (19 IAATO members and 24 non-IAATO members), and 7 vessels which appeared to be unauthorised. CCAMLR records[[3]](#footnote-3) show that in the same season 45 fishing vessels were authorised to fish in the waters of the Southern Ocean. IAATO’s 2018-19 figures for seaborne tourism in ATCM42\_ip107 rev.1[[4]](#footnote-4) indicate that 56 ships and yachts operated in the region, including presumably the 19 yachts identified in ATCM42\_ip107 rev.1. Even allowing for research, resupply ships and other occasional vessels in the Southern Ocean, it is likely that more than half of the vessels operating in the Southern Ocean are non-SOLAS vessels and are therefore not covered by the IMO’s Polar Code. These figures, while not a complete assessment of all vessels operating in the Antarctic Treaty area, indicate the importance of developing safety regulation for non-SOLAS vessels.

Guidance for pleasure yachts and fishing vessels (non-SOLAS vessels) in polar waters

Since the Polar Code came into effect in January 2017, work to develop provisions for non-SOLAS vessels has focused on fishing vessels and pleasure yachts. While some IMO Members felt that measures for non-SOLAS vessels should be mandatory and identified the 2012 Cape Town Agreement[[5]](#footnote-5) – which seeks to enhance safety onboard fishing vessels - as a potential mechanism for introducing mandatory provisions for fishing vessels operating in polar regions, most of the provisions have been developed as non-binding guidelines.

In May 2021, two sets of Guidelines[[6]](#footnote-6) were adopted that addressed fishing vessels of 24m and over in length, and therefore are applicable to all fishing vessels operating in the Southern Ocean, and pleasure yachts of 300 GT and above. Work continues to develop guidelines for cargo vessels between 300 – 500 GT and for yachts engaged in commercial operations.

The Guidelines are similar, addressing a broad range of safety areas including construction and watertight integrity; machinery and electrical installations; fire protection, detection, extinction and fighting; life-saving appliances and arrangements; radiocommunications; and voyage planning. See Annex 1 for a comprehensive list of safety areas included in each set of Guidelines.

It is already nearly one year since the two sets of Guidelines were adopted, and the 2021/22 season should have seen the first application and experience of using the Guidelines. ASOC proposes that over the coming years it will be important to monitor the use and application of the Guidelines to ensure rigorous application, confirm the guidance is “fit for purpose” for the environments in which they are to be applied, and to learn from the experience. Identification of challenges and gaps will be a priority and further consideration of the need to make any aspects of the Guidelines mandatory.

Navigation and voyage planning

Despite the majority of the safety measures for non-SOLAS vessels being developed as guidance, some measures are being considered for mandatory application. Chapter 9 of the Polar Code on navigation and Chapter 11 on voyage planning will be applied in a mandatory manner. The discussion of navigation and voyage planning measures is anticipated to be completed in June 2022; however, it will be 2028 before these provisions enter into force.

Reviewing the Implementation of the Polar Code

In April 2022, five years after the Polar Code came into effect, ASOC member WWF has launched a report identifying challenges and gaps in implementing the Polar Code[[7]](#footnote-7). The report is a study of commentary from a variety of sources on the implementation of the Polar Code and makes substantive recommendations with respect to the implementation and potential review of the Polar Code. Much of the report is based on experience of the implementation of the Polar Code in the Arctic, although there is some reference to challenges experienced in the Antarctic. In a document submitted to the XLIII ATCM[[8]](#footnote-8), a range of challenges were identified, including difficulty with the use of goal-based standards, problems with identifying polar service temperature, difficulties in carrying out risk assessments, and the provision of life-saving equipment.

There is no requirement for a formal review of the Polar Code. However, the accompanying guidance on methodologies for assessing operational capabilities and limitations in ice (POLARIS Guidance) was due to be reviewed only four years after the Polar Code took effect in 2021.

ASOC believes that although there is still work underway to extend the provisions of the Polar Code to non-SOLAS vessels, it is also important to consider the implementation of the Polar Code to date and to identify whether in practice it has delivered expectations. It would be valuable for ATCPs to submit further information on the experience and challenges experienced with the implementation of the Polar Code.

Marine plastic litter from ships

In 2018, the IMO adopted an action plan on marine plastic litter from ships. However, the coronavirus pandemic has slowed progress on the identified measures, which include consideration of making marking of fishing gear mandatory, promoting the reporting of the loss of fishing gear, and facilitating the delivery of retrieved fishing gear to shore facilities. Work has been undertaken considering how to facilitate and enhance reporting the accidental loss or discharge of fishing gear and the information that needs to be reported to Administrations and the IMO, as well as reporting mechanisms and modalities. However, a correspondence group considered that there remained much work to still be done. At the IMO’s Pollution Prevention and Response sub-committee in April 2022, the terms of reference for a further correspondence group were agreed. The work to be undertaken will include consideration of and drafting of amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V to provide for the reporting mechanisms, the modalities and the information to be reported. With respect to the mandatory marking of fishing gear, opinion on the appropriate route is divided and it was decided to seek further advice from the IMO’s Marine Environment Protection Committee on the possible regulatory options.

ASOC believes that both the marking of fishing gear and recording of lost gear is essential to combat the problem of ghost fishing gear in the Southern Ocean.

Recommendations

Key actions for the ATCM:

* Require demonstrated compliance with the “Guidelines for Safety Measures for Pleasure Yachts of 300 Gross Tonnage and above not engaged in trade Operating in Polar Waters” before issuing any permits for pleasure yachts planning to operate in the Antarctic Treaty area.
* Bring forward experience of challenges with implementation of the Polar Code and support review of the Polar Code by the IMO.
* Support the mandatory marking and reporting of lost fishing gear through MARPOL Annex V.

Annex 1: Chapters of the non-SOLAS vessel Guidelines

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| **Guidelines For Safety Measures For Fishing Vessels Of 24m In Length And Over Operating In Polar Waters** | **Guidelines For Safety Measures For Pleasure Yachts Of 300 Gross Tonnage And Above Not Engaged In Trade Operating In Polar Waters** |
| Construction and watertight integrity | Construction and watertight integrity |
| Stability | Machinery and electrical installations |
| Machinery and electrical installations | Life-saving appliances and arrangements |
| Fire protection, fire detection, fire extinction and fire fighting | Fire protection, fire detection, fire extinction and fire fighting |
| Protection of persons on board | Radiocommunications |
| Life-saving appliances and arrangements | Navigational equipment |
| Emergency procedures, musters and drills | Drills and emergency instructions |
| Radiocommunications | Other safety measures, including medical equipment, reserve supplies, voyage planning |
| Shipborne navigational equipment and arrangements |  |
| Other safety measures, including anchoring and towing arrangements, fuel and other flammable fluid tanks and systems, emergency equipment, crewing, training, voyage planning |  |

1. Non-SOLAS vessels is a term used generally to describe a wide range of vessels not certified under the International Safety of Life at Sea (SOLAS) Convention, it includes fishing vessels, pleasure yachts not engaged in trade, and cargo ships of less than 500 gross tonnage. It should be noted however that Chapter 5 of the SOLAS Convention addressing safety of navigation is applied to all ships on all voyages and so does include these “non-SOLAS” vessels. [↑](#footnote-ref-1)
2. ATCM42\_ip107 rev.1 Data Collection and Reporting on Yachting Activity in Antarctica in 2018-19. Presented by United Kingdom, Argentina and Chile in conjunction with IAATO. [↑](#footnote-ref-2)
3. [List of authorised vessels | CCAMLR](https://www.ccamlr.org/en/compliance/licensed-vessels) [↑](#footnote-ref-3)
4. ATCM42\_ip140 rev.1 IAATO Overview of Antarctic Tourism: 2018-19 Season and Preliminary Estimates for 2019-20 Season. [↑](#footnote-ref-4)
5. The Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (2012 Cape Town Agreement). [↑](#footnote-ref-5)
6. Guidelines for Safety Measures for Fishing Vessels of 24m in length and over Operating in Polar Waters. MSC.1/Circ.1641. Issued 24 June 2021.

   Guidelines for Safety Measures for Pleasure Yachts of 300 Gross Tonnage and above not engaged in trade Operating in Polar Waters. MSC.1/Circ. 1642. Issued 14 May 2021. [↑](#footnote-ref-6)
7. Review of Perceived Gaps and Challenges in the Implementation of the Polar Code. WWF Arctic Programme. March 2022. [Review of Perceived Gaps and Challenges in the Implementation of the Polar Code | WWF Arctic (arcticwwf.org)](https://arcticwwf.org/newsroom/publications/review-of-perceived-gaps-and-challenges-in-the-implementation-of-the-polar-code/) [↑](#footnote-ref-7)
8. ATCM43\_IP057 Implementation of the IMO Polar Code in Spain: Certification of the Research Vessel (RV) *Sarmiento de Gamboa*. Presented by Spain. [↑](#footnote-ref-8)