The Polar Code: Implementation & Compliance Assurance (Sub-Theme 1)

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Sub-Theme 1 – Main Topics

The Polar Code: Implementation & Compliance Assurance

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<th>Implementation and Education</th>
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<td>• Implementing the Polar Code, in particular flag/port State actions, the need to educate on best practices for operational safety and gaps in the Polar Code related to safety</td>
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<td>• Legal challenges regarding the Northwest Passage and liability for harm to natural resources</td>
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<td>• Environmental issues, in particular issues regarding ship generated waste and gaps in the Polar Code for protecting the Arctic marine environment</td>
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The Polar Code should be viewed as only one part of a larger regime to govern activities in the Arctic.

Additional standards are still needed to fully implement the new Code, including those from States, class societies, the industry, Arctic Council.

In order for best practice to prevail, it is important that all concerned are educated about the Code, the POLARIS methodology, and that a collaborative approach is adopted by the various stakeholders in the Arctic.

There is also a need to close the knowledge gap in hydrographic data, ice monitoring for pre-planning and live operations, communications, and to extend this knowledge to those areas not covered by the new Polar Code.

Risk management is fundamental part of the Code and ships must show how they have accounted for the risks expected when operating in Arctic waters.
Legal and Liability

Highlights and Conclusions

- Canada’s claim that the Northwest passage is part of its historic internal waters has been disputed by the international community for many years.

- Although the larger question regard jurisdictional authority of the Passage may be difficult to resolve, there is still an urgent need to have a consistent governance framework for shipping in Arctic waters.

- Liability is a major motivator for following laws and, therefore, liability issues must be dealt with as soon as possible.

- There is an urgent need for a comprehensive legal framework to govern liability for environmental harm. The Polar Code is a significant step forward to protect the Arctic environment, but it does not supplement the existing compensation regimes.

- Any new legal framework should take into account existing compensation regimes under the EU and other national/international laws that apply to Arctic shipping.
The Polar Code still has a number of vague provisions that need to be clarified before consistent implementation can be achieved.

The Ballast Water Management and Anti-fouling conventions should be made compulsory on ships operating in polar waters.

Environmental protection measures should be taken for the entire Arctic Circle and not just the Arctic Routes - it’s not just about the Polar Code.

Port reception facilities play a critical role in protecting the marine environment and special consideration must be given to ship’s waste management and port infrastructure to support Arctic shipping.

Plastic marine debris is already accumulating in the Arctic marine environment and there is a need for immediate action to prevent further degradation of the Arctic marine environment.

PAME is currently working on strategies for waste management with a view to developing a holistic framework for the future.
Making the Code mandatory

Final Thoughts

- Clearly there is lot more work to be done to address the many compelling issues raised in Sub-Theme 1, including those issues that go well beyond the Polar Code
- This is just the beginning of a great focus and protecting the Arctic and I am optimistic that the majority of these issues will be resolved in the decades ahead
- Again, a warm thank you to the presenters and the panel moderator for a very interesting and thought provoking session
Thank you for listening.