

Maritime Maisie brings sharp focus to shipowners', salvors' and insurers' campaign to urge governments to adopt IMO places of refuge guidelines



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Shipowners, Salvors and Insurers - through their respective trade associations - have jointly called for the prompt and proper implementation of international measures to provide a Place of Refuge for stricken vessels, following a series of incidents where casualty vessels have been delayed in accessing a safe harbour.



The International Chamber of Shipping (ICS) says that it has noted "with dismay" the refusal by some coastal States to make places of refuge available, thereby risking lives and the environment even after the high profile cases of the Stolt Valor and the MSC Flaminia in 2012. And the plight of the Maritime Maisie presently off the coast of Japan has brought this subject back into sharp focus. The 44,000 dwt chemical tanker is being held at sea by six tugs after a collision and fire on 29 December 2013. The cargo fire has now been extinguished through the efforts of the salvors in the face of difficult conditions at sea.

The vessel has been seeking a place of refuge in either the Republic of Korea or Japan for more than a month. The salvors have indicated that it is a priority to take the vessel to calm waters to manage the remaining cargo in a safe manner and so to minimize potential damage to the environment.

The International Union of Marine Insurance (IUMI); the International Salvage Union, (ISU) and ICS all recognise that the issue of Places of Refuge for casualty vessels is sensitive and that the risk of pollution from casualties cannot be completely removed. They also recognise that decisions with regard to handling casualty vessels carry political implications and may impact coastal communities.

At the same time, failure to offer a suitable Place of Refuge may prevent successful salvage intervention and therefore allow a casualty's condition to worsen and ultimately

lead to pollution that might otherwise have been prevented, and that pollution may affect a wider

area than need have been the case.

Peter Hinchliffe, ICS Secretary General, said: "Guidance on the handling of requests for places of refuge was agreed at IMO but often when a case arises the coastal states concerned take a 'not in my backyard' attitude. This is in marked contrast to attitudes to aircraft in need of assistance. This current case shows that recent lessons have simply not been learned."

Commenting on the matter, President of the ISU, Leendert Muller said: "Our members are right on the front line of this issue. Too often they are unable to follow the best course of action which is to take the casualty into shelter, which does not necessarily have to be a port. We have seen infamous cases like Castor and Prestige and more recently the MSC Flaminia and Stolt Valor and now the Maritime Masie where our members, attending damaged vessels, experienced great difficulty in finding an authority willing to accept the casualty."

Ole Wikborg, President of the IUMI, points out: "The potential impact of environmental damage has to be reduced as much as possible and the safety of crews is paramount and we have to minimize material damage to ships and equipment. Coastal states must be able to make the best possible decision to prevent further damage following a maritime accident. Some countries have a system that seems to be functioning. IUMI is of the strong opinion that the prevailing regulations as set out, for example, by IMO and the EU are sufficient but that the necessary steps have to be taken to make the rules work."

ISU, ICS and IUMI all note the international legal context for the issue and the significant relevant legislation that is in place internationally and regionally, in particular, IMO Resolution A.949, "Guidelines on Places of Refuge for ships in need of assistance"; Resolution A.950 (23) (recommending all coastal States to establish a Maritime Assistance Service) and the 1989 Salvage Convention as well as the European Union vessel traffic monitoring and information system (Directive 2002/59/EC as amended by Directive 2009/17/EC) which prevents member States from issuing an outright refusal to provide a place of refuge and states that safety of human life and the environment are of over-riding concern.

The industry bodies do not see merit in pursuing additional international legislation which will be a lengthy process and will consume resources. Instead they will campaign for better application of, compliance with and enforcement of existing rules and guidance. ISU has already formally presented views on Places of Refuge to EU member states through the EU Commission; the issue will be raised in IMO fora this year and there will be direct engagement with the governments of individual coastal states.

In short, coastal states should be encouraged to recognise that granting a Place of Refuge to a casualty vessel may be the most appropriate course. States should establish an authority to assess each case on its merits without political interference. Such an assessment must include a visual inspection and conclude with recommendations for managing and mitigating the risk of any impact on local coastlines and communities. The assumption should be that a Place of Refuge will be granted if needed and that there should be "no rejection without inspection".

IUMI, ICS and ISU would like to see wider adoption by coastal states of simple, robust, "single point" command and control models akin to that of the United Kingdom's SOSREP system.

About the International Union of Marine Insurance (IUMI) (www.iumi.com): IUMI is an international association based in Hamburg representing the worldwide national marine insurance associations. IUMI currently has 51 national associations as members, protecting and advancing their interests. It also provides an essential annual forum to discuss and exchange ideas, information and statistics of common interest, attended by marine underwriters and other marine professionals. IUMI's roots date back to 1874.

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