

REPORT OF CMI IWG (POLAR SHIPPING) ACTIVITIES

(1 July 2016-30 June 2017)

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1. INTRODUCTION

This report is a further update on the semi-annual report of the IWG submitted to the Executive Council (8 November 2016). The IWG continued its work on the basis of its last annual report to Assembly and the Executive Council (5 April 2016) and its meeting in New York (3 May 2016).

2. MEMBERSHIP MATTERS

In December 2016 the Executive Council approved the IWG Chair's nominations of Kim Crosbie and Stephanie Johnston for membership. Membership of the IWG remained under review.

The IWG further benefitted from contributions from P. (US Maritime Law Association), P. Pamel (Canadian Maritime Law Association), E. Røsæg (Scandinavian Institute of Maritime Law, University of Oslo) and O. Gayazova (Scandinavian Institute of Maritime Law, University of Oslo).

3. IWG ACTIVITIES SINCE CMI NEW YORK

3.1 Review of private maritime law conventions

The review of the private maritime law conventions undertaken by N. Frawley (subgroup chair), G. Goto, T. Henriksen, B. Ray, H. Ringbom and A. Skaridov has been completed following revisions, including incorporation of changes recommended at the New York meeting. The revised report has been uploaded to the IWG page on the CMI website.¹ The IWG Chair takes the opportunity of this report to thank N. Frawley and subgroup contributors for the work on this informative report.

¹ CMI, IWG Polar Shipping, Online:

[http://www.comitemaritime.org/Uploads/Work%20In%20Progress/Polar%20\(previously\)%20Arctic%20and%20Antarctic/Conventions%20Report%20\(20%20December%202016\).pdf](http://www.comitemaritime.org/Uploads/Work%20In%20Progress/Polar%20(previously)%20Arctic%20and%20Antarctic/Conventions%20Report%20(20%20December%202016).pdf)

3.2 Load lines in polar shipping

In New York the IWG was of the view that the working paper on polar load lines would benefit from additional work to take into consideration scientific updates, any class requirements for load lines in polar environments, and comparative national load line requirements of Arctic States and practices in Antarctic waters. The subgroup was requested to produce a revised working paper for further consideration by the IWG at CMI Genoa. The composition of the subgroup was revised to broaden participation and consists of: K. Crosbie, D. Baker, T. Henriksen, P. Pamel, L. Rosenberg Overby, B. Ray and A. Skaridov. Progress on the paper will be reviewed at the IWG's forthcoming meeting in Genoa on 7 September 2017.

3.3 The pollution liability regime in polar regions

At the New York Meeting the IWG requested the subgroup (L. Rosenberg Overby as chair, D. Baker, A. Chircop, P. Cullen, K. Khosla, B. Ray, S. Skaridov; by invitation, E. Røsæg and O. Gayazova) to examine expected new IOPC guidelines on environmental damage assessment and adapt the content of the working paper to any changes as necessary. Following further discussions on the report after New York, the IWG Chair undertook consultations concerning possible revisions and was requested by the subgroup chair to take over the task of undertaking revisions to the report. The working paper has been revised for final consideration in the subgroup and discussion in Genoa.

3.4 COLREGs in polar environments

The membership of the COLREGS subgroup was recomposed as follows: S. Johnston (as chair), A. Chircop, P. Cullen, N. Frawley, Stefanie Johnston, Y-K Park, L. Rosenberg Overby, A. Skaridov, and D. (Duke) Snider (technical expert). The goal of the subgroup is to produce a working paper exploring the application of the COLREGs in polar environments. The IWG meeting in Genoa will provide an opportunity for discussion of the subgroup's work.

3.5 Antarctic shipping

Much of the IWG's work to date has focused on Arctic shipping. Following the New York meeting, the IWG consulted with members to explore interest in convening a subgroup on Antarctic shipping. At the invitation of the IWG Chair, D. Baker agreed to lead a new subgroup composed of P. Buhler, K. Crosbie, K. Khosla, and D. Rothwell. Additional members will be included in due course. The subgroup's proposed work will be discussed in Genoa.

4. FUTURE INTENTIONS

The next steps of the IWG are:

- Finalize revisions to the civil liability working paper and upload paper to the website.

- Continue work on gaps and updates on polar load lines to produce a revised working paper.
- Continue work on the COLREGS working paper.
- Identify work items on Antarctic shipping.
- Convene at CMI Genoa on 7 September 2017.

Respectfully submitted,

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Chair, CMI IWG (Polar Shipping)
30 June 2017