

REPORT OF CMI IWG (POLAR SHIPPING) ACTIVITIES

(1 October 2022-30 June 2023)

IWG Membership: Aldo CHIRCOP, *Chair*; David BAKER; Ilker BASARAN; Phillip BUHLER; Kim CROSBIE; Peter CULLEN; Gen GOTO; Tore HENRIKSEN; Stefanie JOHNSTON; Kiran KHOSLA; Didem LIGHT; Esther MALLACH; Young-Kil PARK; Bert RAY; Nicolò REGGIO; Henrik RINGBOM; Lars ROSENBERG OVERBY; Donald ROTHWELL; Alexander SKARIDOV; David (Duke) SNIDER, *Technical Advisor*

1. INTRODUCTION

This report covers the reporting period from 1 June October 2022 to 30 June 2023.

2. IWG ACTIVITIES SINCE THE LAST REPORT

The IWG continues to operate through subgroups. The Cruise Passengers' Rights subgroup completed its work following submission two working papers. Currently, the Antarctic Shipping continues to work on a working paper. The COLREGS in Polar Environments subgroup has not reported updates. Following the Antwerp meeting, the IWG subgroups continued work through email communications.

3.1 Antarctic shipping

D. Baker chairs this subgroup composed of P. Buhler, K. Crosbie, G. Goto, K. Khosla, D. Rothwell and Haco van der Houven van Oordt (AKD Benelux Lawyers). The subgroup continued work on the IMO liability regimes and the Liability Annex of the Environment Protocol of the Antarctic Treaty. Work on the initial report, as reworked by D. Baker and Stacey Fraser, continued in view of additional extensive feedback received. D. Baker will provide an update at CMI Montreal on 14 June 2023.

3.2 COLREGS in polar environments

The IWG Chair has not received updates on the subgroup's work in a long period. At CMI Montreal the IWG will discuss whether the subgroup should be relaunched or discontinued.

3.3 Cruise passengers' rights

This subgroup successfully submitted the two working papers assigned to it. The subgroup completed the second working paper on Antarctic passenger rights following revisions undertaken by E. Mallach on the basis of comments received during CMI Antwerp. The paper has been submitted to the CMI Secretariat for uploading to the CMI website and eventual publication in the CMI Yearbook. The Chair thanks the subgroup members for the informative,

thorough and timely work (L. Rosenberg Overby (chair; lead author on Arctic passengers), P. Buhler, K. Crosbie, E. Mallach (lead author on Antarctic passengers) and D. Rothwell).

4. CMI MONTREAL

The IWG will be meeting at 09.00-13.00. The meeting will be in hybrid mode at CMI Montreal to discuss work in progress and explore proposals for new tasks. The plan is to gather as many IWG members to meet in person and provide a zoom link for virtual participants.

The provisional meeting agenda is as follows:

- Draft meeting agenda (for adoption)
- Annual report to ExCo (for information)
- Review of progress of work in subgroups:
 - Passengers' rights in Arctic and Antarctic shipping: work completed and subgroup discontinued (for information)
 - Antarctic shipping: Discussion of draft working paper - "The New Alsatia for Liability and Compensation for Ship-Sourced Pollution Damage?" (D. Baker)
 - COLREGS: discussion on relaunching or discontinuing this work item (Chair)
- Consideration of and decision on new work items:
 - The interface between the implementation of Indigenous rights (UNDRIP) and governance of Arctic shipping (Chair)
 - Coastal states' responsibility for the establishment and maintenance of navigation aids and services in Arctic waters (I. Basaran)
 - Other topics proposed during meeting
- Any other business
- Next steps

The IWG Chair also notes that the organizers of the CMI Montreal Symposium have included a Young CMI session focused on polar shipping to be chaired by the IWG Chair.

Respectfully submitted,

Aldo Chircop
Chair, IWG (Polar Shipping)
23 May 2023