

# REPORT OF CMI IWG (POLAR SHIPPING) ACTIVITIES

(1 January-30 June 2024)

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; Daisy ROACH; Lars ROSENBERG OVERBY; Donald ROTHWELL; Alexander SKARIDOV; David (Duke) SNIDER, *Technical Advisor*

## 1. INTRODUCTION

This report covers the reporting period from 1 January to 30 June 2024.

## 2. MEMBERSHIP MATTERS

The IWG warmly welcomes Daisy Roche, recently appointed by ExCo, to succeed David Baker as the WG member representing the International Group of P&I Clubs (IG). She is a Senior Secretariat Executive at the International Group of P&I Clubs (IG), assisting the Group's Pollution and Claims Co-operation Committees, including liaising with the IMO and IOPC Funds. David Baker remains a member of the IWG in his personal capacity.

## 3. IWG ACTIVITIES SINCE THE LAST REPORT

### 3.1 Antarctic shipping

David Baker finalized the Antarctic shipping subgroup's report "Antarctica: The new Alsatia for Liability and Compensation for Ship-Sourced Pollution Damage?" for communication by CMI President Ann Fenech to the secretariats of the Antarctic Treaty, International Maritime Organization, and International Association of Antarctic Tour Operators in November 2023. President Fenech drew attention to the report's conclusion "that there continues to be serious issues and uncertainty concerning the applicable legal regime for compensation for environmental damage from vessel-source pollution and particularly whilst the Liability Annex is yet to enter into force."

### 3.2 Arctic shipping/Indigenous rights

The subgroup on Arctic Shipping and Indigenous rights includes David Baker, Ilker Basaran, Luce Bourbeau (by invitation and acting as subgroup rapporteur), Phillip Buhler, Aldo Chircop (Chair), Peter Cullen, Didem Light, and Lars Rosenberg Overby. Work commenced in February 2024 with a virtual meeting to consider (a) purpose of the working paper, (b) scope of the topics to be addressed, and (c) work methodology, distribution of tasks and schedule. It was agreed that the scope of the issues to be addressed should relate to the Polar Code's substantive content. The Code will serve as a framework within which Indigenous rights as set out in the United Nations

Declaration on the Rights of Indigenous Peoples (UNDRIP) will be studied to determine how they interface with shipping, whether directly or indirectly. The working paper should adopt a comparative approach to enable comparisons across the Arctic region. Potential issues in the Arctic shipping context were provisionally identified and members were tasked with identifying UNDRIP provisions that potentially interface with the governance of Arctic shipping and to communicate these to the rapporteur by 1 May 2024. A provisional outline of the working paper will be prepared based on the inputs received and for discussion at CMI Gothenburg.

### **3.3 Navigational aids and services**

The Subgroup on Navigational Aids and Services in Arctic Waters includes Ilker Basaran (Chair), Aldo Chircop, Peter Cullen, Leyla Pearson (representing ICS), Duke Snider, and Lawson Brigham (by invitation). The subgroup convened its first meeting virtually in February 2024 to consider (a) defining the purpose of the working paper, (b) outlining the scope of topics to be addressed, and (c) establishing the work methodology, task distribution, and work schedule. Following the meeting, Lawson Brigham (Woodrow Wilson Centre and US Coast Guard College), Phillip Buhler and Lars R. Overby were also invited by the chair to contribute to the working paper. The paper will consider the international legal framework for navigational aids and services as it applies to Arctic waters to help develop an understanding of the obligations and undertakings for coastal states in the Polar Code area. The paper will include discussion of the navigational context of Arctic shipping, comparative studies of the jurisdictions concerned and an assessment section. The next event will be a webinar on navigational matters in Arctic waters led by Duke Snider, following which a provisional outline of the working paper will be developed for further discussion in the subgroup.

## **4. NEXT STEPS**

The IWG's next steps are as follows:

- Webinar on navigation in Arctic waters convened by the navigational aids subgroup, scheduled for 17 May.
- Convening of the IWG's meeting, hosted by Vinge Law Firm, in association with CMI Gothenburg on 22 May.
- Subgroups will continue work on working papers.
- Updates to the IWG page on the CMI website.

Respectfully submitted,

Aldo Chircop  
Chair, IWG (Polar Shipping)  
1 May 2024