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## **RESOLUTION A.1184(33)**

**Adopted on 6 December 2023  
(Agenda items 11, 12 and 13)**

### **GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

CONSCIOUS OF THE POSSIBILITY that ships at sea may find themselves in need of assistance relating to the safety of life and the protection and preservation of the marine environment, and that an incident involving a ship in need of assistance seeking a place of refuge can happen anywhere at sea,

RECOGNIZING the need to balance both the prerogative of a ship in need of assistance to seek a place of refuge and the prerogative of a coastal State to protect its coastline,

RECALLING that coastal States are not, under international law, under any obligation to grant places of refuge, and that the provision of a common framework to assist coastal States to determine places of refuge for ships in need of assistance and assess and respond effectively to requests for such places of refuge is undertaken in a spirit of cooperation and coordination among relevant parties involved, aiming to enhance maritime safety and the protection of the marine environment,

RECALLING ALSO that the Assembly, at its twenty-third session in 2003, adopted *Guidelines on places of refuge for ships in need of assistance* by resolution A.949(23),

RECALLING FURTHER that resolution A.949(23) requested the Maritime Safety Committee, the Marine Environment Protection Committee and the Legal Committee to keep the Guidelines under review and amend them, as appropriate,

RECOGNIZING that various organizational, operational and technological developments have taken place in a rapidly changing global maritime domain,

RECOGNIZING ALSO that experiences in handling situations of ships in need of assistance have increased around the world and that the experience gained and the resulting operational practice serve to identify improvements and practices,

RECOGNIZING FURTHER the importance of and need for providing guidance for coastal States, the masters and/or salvors as well as others involved with handling ships in need of assistance seeking a place of refuge,

RECOGNIZING THEREFORE that the Guidelines require revision to ensure they continue to serve as an effective instrument, providing a clear framework to deal with ships in need of assistance seeking a place of refuge in a consistent and harmonized manner,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its 106th session, by the Legal Committee at its 110th session, and by the Marine Environment Protection Committee at its eightieth session, as developed by the Sub-Committee on Navigation, Communications and Search and Rescue at its ninth session,

1 ADOPTS the revised *Guidelines on places of refuge for ships in need of assistance*, the text of which is set out in the annex to the present resolution;

2 INVITES Governments to take the revised Guidelines into account, as a matter of priority, when determining and responding to requests for places of refuge from ships in need of assistance;

3 REQUESTS the Maritime Safety Committee, the Marine Environment Protection Committee and the Legal Committee to keep the annexed Guidelines under review and amend them, as appropriate;

4 REVOKES resolution A.949(23).

## ANNEX

### **GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE**

(Note: The structure of the Guidelines is such that each "party" involved has its own section. Hyperlinks are included for quick reference and to make the Guidelines more operational. It is therefore recommended to keep the Guidelines in an electronic format.)

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## SECTION 1 – GENERAL

### 1.1 Introduction

1.1.1 The issue of places of refuge cannot be subject to a purely theoretical or doctrinal debate. On the contrary, it should be addressed as a practical problem which requires operational decisions involving both relevant authorities and the industry. When a ship finds itself in serious difficulty or in need of assistance without presenting a risk to the safety of life of persons involved, there are two key questions: Should the ship be brought into shelter near the coast or into a port, or should it be taken out to sea?

1.1.2 It would be highly desirable if, taking the *Guidelines on places of refuge for ships in need of assistance* (hereafter referred as the Guidelines) into account, coastal States provided places of refuge for use when confronted with situations involving ships in need of assistance off their coasts and, accordingly, drew up relevant emergency plans, instead of being unprepared to face such situations and, because of that, risking the wrong decision being made by improvising or, in the heat of the moment, acting under pressure from groups representing various interests. The Guidelines seek to address and provide guidance on how to deal with a ship in need of assistance seeking a place of refuge.

### 1.2 Background

1.2.1 Situations leading to a request for a place of refuge often involve only one State and will be managed by that State, under the rules applicable in its jurisdiction. There may be cases where a situation may develop to involve neighbouring States or States in the vicinity of the incident, or a flag State. Therefore, the Guidelines may also apply, subject to relevant circumstances, to situations where it is possible that more than one State may be involved.

1.2.2 When a ship has suffered an incident, the best way of preventing the risk of further damage or pollution from its progressive deterioration would be to stabilize the situation, allowing for preventive actions such as lightening its cargo and bunkers, and to repair damage. Such operations are best carried out in a place of refuge due to the added protections this offers and the availability of resources. There are circumstances under which it may be desirable to carry out a cargo transfer operation or other operations to prevent or minimize damage or pollution.

1.2.3 In some circumstances, the longer a damaged ship is forced to remain at the mercy of the elements in the open sea, the greater the risk of the ship's condition deteriorating or the sea, weather or environmental situation changing and thereby becoming a greater potential hazard.

1.2.4 While coastal States may be reluctant to accept damaged or disabled ships into their area of responsibility due primarily to the potential for environmental damage, in fact it is rarely possible to deal effectively with a marine casualty in open sea conditions.

1.2.5 Taking a ship in need of assistance to a place of refuge has the advantage of limiting the extent of coastline at risk, but conversely the coastline at the place of refuge may be at greater risk. Consideration should also be given to the possibility of taking the affected ship to a port or terminal where the transfer of cargo or repair work could be done relatively easily. For this reason, the decision on the choice and use of a place of refuge will have to be carefully considered case by case and based on risk assessment.

1.2.6 The use of places of refuge may encounter local opposition and involve difficult decisions. The coastal States should recognize that an evidence-based comprehensive risk assessment is indispensable for safe and efficient handling and decision-making. Regional cooperation agreements could, depending on circumstances, support the accommodation of a ship in need of assistance seeking a place of refuge.

1.2.7 Coastal States and ports that accommodate a ship that has been granted a place of refuge should receive prompt compensation in respect of liabilities that arise from the accommodation of a damaged ship, as appropriate. To that end, it is important that the relevant international conventions, and, if available, risk-sharing mechanisms, be applied.

1.2.8 At the international level, the conventions listed in the appendix to section 1, as may be updated, constitute, inter alia, the legal context within which coastal States (as well as flag and port States) and ships act in the envisaged circumstances.

1.2.9 Against this background, it is necessary to lay down provisions for accommodating ships in need of assistance and seeking a place of refuge in order to ensure the harmonized and effective implementation of this measure and to make them more operational in supporting States, ships' masters and other parties involved in meeting the objectives.

### **1.3 Objective**

1.3.1 The objective is to provide a uniform, transparent process leading to well-informed, quicker decision-making. This will benefit States, ships' masters, operators and/or salvors or other parties where a ship in need of assistance requests a place of refuge in the interest of the protection of human life, maritime safety, security and the environment.

1.3.2 The process should promote cooperation and constructive engagement within and between State governing bodies, authorities and industry.

1.3.3 Based upon the services required by the master or any other person in charge of the ship (e.g. salvors), a State which may be asked to provide assistance should consider designating a place of refuge. This is particularly important if there is a risk that a ship will sink or ground resulting in environmental damage or a navigational hazard.

1.3.4 The objective is also that national plans for the accommodation of ships in need of assistance and seeking a place of refuge include procedures for international coordination and decision-making and, where possible or appropriate, cooperation in drawing up concerted plans to accommodate such. This may be desirable, or become necessary, for regional areas or sea basins shared with several littoral States.

1.3.5 Granting access to a place of refuge involves a decision which can only be taken on a case-by-case basis with due consideration given to the balance between the advantage for the affected ship, its crew and the environment resulting from bringing the ship into a place of refuge and the risk to the environment resulting from that ship, if it is not granted a place of refuge, being near the coast or if it is taken or ordered away from the coast.

### **1.4 Purpose of the Guidelines**

1.4.1 The purpose of the Guidelines is to provide the basis of an operational framework for coastal States, ships' masters, operators and/or salvors as well as other parties involved to handle and take a decision when a ship is in need of assistance and seeks a place of refuge.

1.4.2 Such a framework could involve establishing an authority in a State, depending on the internal structure of that State, which has relevant expertise and the necessary powers to take independent decisions as regards the accommodation of a ship in a place of refuge – hereinafter referred to as a competent authority (CA).

1.4.3 This also includes guidance for such a CA on how and what should be done to efficiently deal with a ship in need of assistance requesting a place of refuge. Guidance should also be provided for the masters to assist them in clearly identifying any services or facilities they require in a place of refuge situation. Therefore, the Guidelines should also include guidance for masters on what is expected of them, including suggested procedures and information flows to be used.

1.4.4 However, cases of a ship in need of assistance seeking a place of refuge also routinely involve other parties such as the flag State,<sup>1</sup> the salvor, the classification society and the insurer. The Guidelines also include guidance for such parties.

1.4.5 The Guidelines address situations where only one CA is involved, as well as when more than one jurisdiction is or may become involved. Hence, it is recommended throughout the Guidelines that coastal States, subject to relevant circumstances, consider establishing regional cooperation and coordination mechanisms in order to develop common frameworks for assessing ships that need assistance and are seeking a place of refuge, including, where appropriate, putting concerted actions and plans into practice.

1.4.6 In any given situation, Member Governments, shipmasters, companies,<sup>2</sup> salvors and any other parties involved, should respond effectively and in such a way that efforts are complementary, ensuring that if one CA is not in a position to manage the situation or grant a request for a place of refuge, another CA should be informed and prepared to take over the decision-making for that request.

1.4.7 Where a ship is in need of assistance and is requesting a place of refuge, but safety of life is not involved, the Guidelines should be followed. The Guidelines do not address the issue of operations for the rescue of persons at sea.

1.4.8 If, however, in an evolving situation, the persons on board find themselves in distress, the rules applicable to rescue operations under the International Convention on Maritime Search and Rescue, 1979 (SAR Convention), the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual and documents arising therefrom have priority over the Guidelines (and procedures arising therefrom).

1.4.9 Even where a situation does not entail a rescue operation, as defined in the SAR Convention, the safety of persons has to be constantly borne in mind in the application of the Guidelines.

1.4.10 In any case, the competent maritime assistance service (MAS) / maritime rescue coordination centre (MRCC) should be informed about any situation which may develop into an SAR incident. Resolution A.950(23) recommends that coastal States establish a MAS. This service could "be discharged by an existing organization, preferably an MRCC", but resolution A.950(23) also recognizes that "the establishment of a MAS should not necessarily entail the setting up of a new organization", thereby giving consideration to coastal States' internal arrangements.

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<sup>1</sup> Flag State duties are detailed in article 94 of UNCLOS.

<sup>2</sup> As defined in the ISM Code, part A, paragraph 1.1.2.



1.4.11 The Guidelines do not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge.

## 1.5 Definitions

1.5.1 *Ship in need of assistance* means a ship in a situation, apart from one requiring rescue of persons on board, that could give rise to loss of the ship or to an environmental or navigational hazard.

1.5.2 *Parties involved* means, for the purposes of the Guidelines, those mentioned in section 2, paragraphs 1 (master), 2 (salvor) and 5 (other – flag State, classification society, insurers, port, harbours and terminals, company/operator) and section 3 (coastal States) involved in resolving a situation when a ship in need of assistance seeks a place of refuge.

1.5.3 *Place of refuge* means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the risks to navigation, and to protect human life and the environment.

1.5.4 *MAS* means a maritime assistance service, as described in resolution A.950(23), responsible for receiving reports in the event of incidents and serving as the point of contact between the shipmaster and the authorities of the coastal State in the event of an incident.

1.5.5 *MRCC* means a maritime rescue coordination centre as described in the SAR Convention.<sup>3</sup>

1.5.6 *Competent authority (CA)* means an authority in a State, depending on the internal structure of that State, having the required expertise and the power to take independent decisions as regards the accommodation of a ship in a place of refuge.

1.5.7 *Emergency response service (ERS)* means the service provided by an entity, including many classification societies, able to perform technical assessments on damage stability and residual strength, etc. and provide the results of their assessment to the ship's crew, salvors or the CA.

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<sup>3</sup> The SAR Convention uses the term "rescue coordination centre" (RCC). Not all States may have established a maritime rescue coordination centre (MRCC) or a maritime assistance service (MAS), and it is important that the master address either depending on the internal arrangements in the coastal State in question. They may therefore be used interchangeably throughout this document.

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## Appendix to section 1

### APPLICABLE INTERNATIONAL CONVENTIONS

At the international level, the following conventions and protocols are in force and constitute, inter alia, the legal context within which coastal States, flag States and ships act in the envisaged circumstances:<sup>4</sup>

- United Nations Convention on the Law of the Sea (UNCLOS), in particular, part V, and article 221<sup>5</sup> thereof
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention Convention 1969)
- Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil, 1973 (1973 Intervention Protocol)
- International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention) in particular chapter V thereof
- International Convention on Salvage, 1989<sup>6</sup>
- International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC Convention)
- Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol)
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)
- Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (1997 MARPOL Protocol)
- International Convention on Maritime Search and Rescue, 1979 (SAR Convention)

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<sup>4</sup> It is noted that there is at present no international requirement for a State to provide a place of refuge for ships in need of assistance.

<sup>5</sup> "1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences. 2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo".

<sup>6</sup> Parties to the International Convention on Salvage, 1989 (Salvage 1989) are obliged under article 11 of the Convention when considering a request for a place of refuge to take into account the need for cooperation between salvors, other interested parties and public authorities to ensure the efficient and successful performance of salvage operations. Article 11 of the Salvage Convention states, "A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general".

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- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention 1972)
- 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol)
- Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971 (Maritime Carriage of Nuclear Substances)
- Convention on Limitation of Liability for Maritime Claims, 1976 (1976 LLMC Convention)
- Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (1996 LLMC Protocol)
- International Convention on Civil Liability for Oil Pollution Damage, 1969 (1969 Civil Liability Convention)
- Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (1992 Civil Liability Protocol)
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention)
- Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (Supplementary Fund Protocol)
- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (2001 Bunkers Convention)
- Nairobi International Convention on the Removal of Wrecks, 2007 (2007 Nairobi Wreck Removal Convention).

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## SECTION 2 – ACTION REQUIRED OF MASTERS AND/OR SALVORS AND OTHERS INVOLVED WITH SHIPS IN NEED OF ASSISTANCE SEEKING A PLACE OF REFUGE

### 2.1 The master

2.1.1 In the event of any maritime incident, the ship's master and/or the salvor are responsible for contacting the appropriate MAS, as designated in each State, to report the incident and initiate the necessary follow-up actions. Lists of MAS and MRCCs can be found in the Global Integrated Shipping Information System (GISIS), under the [MAS](#) section of the Contact Points module and the [RCC](#) section of the Global SAR Plan module, respectively.

2.1.2 The master of a ship to which the provisions of the International Safety Management (ISM) Code are applicable should, in accordance with that Code, inform the company of any incident or accident which occurs at sea. As soon as it has been informed of such a situation, the company should contact the competent coastal station and place itself at its disposal as necessary.

2.1.3 The master has the command of the ship and remains in command of the ship even when a salvage operation is under way. The master may decide to relinquish command, after which command is assumed by the salvor.

2.1.4 The master is responsible for:

- .1 informing the CAs (of the nearest coastal State(s)) as well as the flag State,<sup>7</sup> as soon as possible, issuing an incident report with at least the following details:
  - .1 ship's identity;
  - .2 ship's position;
  - .3 port of departure;
  - .4 port of destination;
  - .5 information about the onboard cargo;
  - .6 address from which additional information may be obtained on any oil (fuel, cargo or otherwise) and dangerous cargo on board (i.e. copy of cargo manifest) to the extent known;
  - .7 quantity, location and type of bunkers on board;
  - .8 number of persons on board; and
  - .9 details of the incident;
- .2 cooperating fully with the CAs; and
- .3 communicating all requested or pertinent information to CAs.

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<sup>7</sup> UNCLOS articles 94, 194 and 198 prompt notification procedures to the flag State. UNCLOS articles 92 and 94 further detail that the master is acting on behalf of the flag State to which the ship is registered.

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2.1.5 The master is further responsible for (with the assistance of the company and/or the salvor where necessary):

- .1 assessing the situation and identifying the reasons why the ship needs assistance;
- .2 carrying out an analysis of the risks, threats, and hazards identified (to the best of the master's ability or knowledge at the time of the situation) considering, inter alia, the following:
  - .1 fire;
  - .2 explosion;
  - .3 damage to the ship, including mechanical and/or structural failure;
  - .4 collision;
  - .5 pollution;
  - .6 impaired ship stability; and
  - .7 grounding;

The risk analysis factors as presented in appendix 2 to section 3, where applicable, are to be considered during this process;

- .3 estimating the consequences of the incident, if the ship were to:
  - .1 remain in the same position;
  - .2 continue on its voyage;
  - .3 reach a place of refuge; or
  - .4 be taken out to sea;
- .4 identifying the assistance required from the coastal State in order to overcome the inherent danger of the situation (refer to appendix to section 2, part 3 and appendix 2 to section 3, paragraph 3);
- .5 informing the CA if the ship has access to ERS and make relevant contact details, activation status and details of the contracting party available to the CA; and
- .6 undertaking any relevant response actions to minimize the consequences of the casualty.

## **2.2 The salvor<sup>8</sup>**

2.2.1 In a situation where the master has relinquished command, the salvor, in addition to those in paragraph 2.1, is responsible for:

- .1 keeping the CA fully informed about the condition of the ship and the progress of the salvage operation;
- .2 cooperating fully with the CA in ensuring the safety of the ship and of persons, and ensuring the protection of the marine environment, by taking all appropriate measures;
- .3 submitting an outline salvage plan showing immediate intentions, and following up with a detailed plan at the appropriate juncture, to the CA for approval before operations commence; and
- .4 initiating direct contact with the ERS (if there is an ERS in place and active for the incident) to provide them with updates on the condition of the ship.

## **2.3 Requesting a place of refuge – process**

2.3.1 When a decision has been taken by the party in charge of the ship to make a formal place of refuge request, without prejudice to the CA's right to take the decision, the following process should be followed.

2.3.2 The formal request should be made in writing via electronic transmission and should include Form A (appendix to section 2). Any other information that the CA might require, for example to ensure compliance with local legislation, such as cargo manifests, stowage plans and the salvor's outline salvage plan, should also be forwarded with Form A.

2.3.3 The formal request for a place of refuge should be transmitted by the master, using the fastest means available, to the CA or MAS, as applicable (see paragraph 2.1.1).

2.3.4 A formal request for a place of refuge may also be made by:

- .1 a ship operator / company designated person ashore / contracted salvor; and
- .2 any other person who is in charge of the ship at the time and is recognized by national law.

2.3.5 Unless in extremis, formal requests should be made to one CA only, through the national point of contact (MAS), and should not be forwarded directly to ports or harbours, unless agreed with the MAS and CA. The CA should always be informed if a third party was involved.

2.3.6 Simultaneous requests to other CAs or MAS should be avoided.

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<sup>8</sup> The duties of the salvor are set out in article 8 of the International Convention on Salvage, 1989, which is incorporated into Lloyd's Open Form, and will apply when no contract is in place. If a contract other than Lloyd's Open Form is in place, responsibilities will be different and will be specific to each casualty.

## **2.4 Response actions**

2.4.1 Subject, where necessary, to the coastal State's prior consent, the ship's master and the shipping company concerned should take any necessary response actions, such as signing a salvage or towage agreement or the provision of any other service for the purpose of dealing with the ship's situation. When granting access, the coastal State may establish additional or different measures to be complied with by the master and/or salvor.

2.4.2 The master, the company and, where applicable, the salvor of the ship should comply with the practical requirements resulting from the coastal State's decision-making process referred to in paragraph 3.5.

## **2.5 Other parties involved**

### **2.5.1 *Flag State***

The flag State, apart from complying with its obligation under international law, should be asked to cooperate with the CA if there is a need for specific information on the ship's certificates and any other relevant documentation (i.e. safety and pollution prevention). The flag State itself or, if requested, the recognized organization or organizations that issue the ship's certificates on its behalf, should provide all relevant information, certification and documentation regarding the ship to the CA. The flag State should also facilitate for any ERS information to be made available. The CA should keep the flag State aware of developments.

### **2.5.2 *Classification society***

When a ship is in need of assistance and seeking a place of refuge, the ship's classification society can contribute to a safe course of action to protect the ship, crew, cargo and the marine environment. A ship's crew and management need rapid precise technical information on the behaviour of the ship after the incident as well as information on the consequences of any proposed remedial actions.

It is strongly recommended that the classification society be involved in the information gathering and risk assessment with respect to preserving the hull strength and stability of the ship and mitigating environmental pollution, and in particular when a formal request for a place of refuge has been made, and to provide any relevant information.

### **2.5.3 *Emergency response service***

- .1 Many shipowners and/or classification societies have set up ERSs. The aim of an ERS is to provide rapid technical assistance<sup>9</sup> to masters/the contracting party and their representatives or other authorities in a casualty situation by, for example, assessing the damage stability and residual longitudinal strength of the ship.
- .2 Where the ship has been enrolled in a shore-based ERS service, the service should be activated as soon as possible to assess the vessel damage condition. The availability of ERS as a resource should be communicated without delay to the CA by the master or operator.

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<sup>9</sup> The International Association of Classification Societies (IACS) recommends that ERSs provide rapid technical assistance to the master and to other authorities. IACS Recommendation N.145 (May 2016): <https://iacs.org.uk/resolutions/recommendations/141-160>

- .3 The CA should have access to all information that it deems necessary, i.e. ERS reports and/or support information, where provided, cargo manifests, etc. Such information should be made available to the CA by the shipowner, the contracting party or, where authorized by it, the ERS without delay.

#### 2.5.4 **Insurers**

- .1 Protection and Indemnity ("P & I") Insurance covers a wide range of liabilities including personal injury to crew, passengers and others on board, cargo loss and damage, oil pollution, wreck removal and dock damage. Generally, P & I Clubs also provide a wide range of services to their members on claims, legal issues and loss prevention, and often play a leading role in the management of casualties. Hence, establishing communication with the P & I Club as early as possible during an incident is important as they can be instrumental in obtaining relevant information from the ship operator.
- .2 In an incident, they may be asked to provide financial guarantees, which may include guarantees for damages or losses to ports during the accommodation of a ship in need of assistance seeking a place of refuge.
- .3 Hull and machinery ("H & M") insurance covers damage to the ship's hull, machinery and equipment. This is often covered by two or more underwriters. It is sufficient to obtain the contact details of the lead hull insurer, who is authorized to act on behalf of all followers and often plays a leading role during a salvage situation.
- .4 Cargo insurance covers damages to the cargo on board the ship, including cargo contributions to the general average.

#### 2.5.5 **Ports, harbours and terminals**

- .1 Depending on circumstances and following the risk assessment, a port or harbour or a specific terminal may be identified as a potential place of refuge.
- .2 If a port or harbour is identified as a potential place of refuge for a ship in need of assistance, the following issues, inter alia, will need to be considered:
- .1 the availability of a suitable berth, designated emergency reception berth or otherwise, to accommodate the ship;
  - .2 the risk to safety and/or human health, particularly if the port or harbour is in close proximity to populated areas; and
  - .3 technical considerations of the port's operations (e.g. assessment of the potential risk of lengthy disruption, the ship blocking or restricting access through navigation channels, damage to infrastructure).

#### 2.5.6 **The company/operator**

The company/operator should:

- .1 provide a point of contact for any information required by the CA/MAS if the master is unable to do so (for whatever reason) or to reduce the requests for information to the master, allowing the master to manage the situation on board;



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- .2 support the CA/MAS if requested during and post the situation; and
- .3 coordinate the provision of ERS information between the CA and the ERS provider.

**Appendix to section 2**

**FORM A – FORMAL PLACE OF REFUGE REQUEST FORM**

**Note:** For Places of Refuge requests following SAR action, it is likely that much of the ship/cargo/bunker information will already be held by the MRCC or MAS.

<b>Request for Place of Refuge</b>	
Date:	.....
From	Master: MV/ ..... ..... Salvage PLC
To	Competent authority (or via MAS/MRCC) .....
	For the attention of: Competent authority
Part 1	<b>Appraisal of the situation (refer to paragraph 2.1.5.1)</b> The master should, where necessary with the assistance of the company and/or the salvor, identify the reasons for their ship's need of assistance.
Part 2	<b>Identification of hazards and assessment of associated risks (refer to paragraphs 2.1.5.2 and 2.1.5.3)</b> Having made the appraisal above, the master, where necessary with the assistance of the company and/or the salvor, should estimate the consequences of the potential casualty, in the following hypothetical situations, taking into account both the casualty assessment factors in their possession and also the cargo and bunkers on board: - if the ship remains in the same position; - if the ship continues on its voyage; - if the ship reaches a place of refuge; or - if the ship is taken out to sea.
Part 3	<b>Identification of the required actions (refer to paragraph 2.1.5.4)</b> The master and/or the salvor should identify the assistance they require from the coastal State in order to overcome the inherent danger of the situation. (appendix 2 to section 3, paragraph 3 refers).
Part 4	<b>Supporting documentation</b>
Part 5	<b>Any other coastal States/ports contacted to date</b>
Part 6	<b>Information from the MAS/port contacted</b> (At the end of its assessment process) The recipient CA should inform the requestor of its action.

## **SECTION 3 – ACTIONS EXPECTED OF COASTAL STATES**

When a ship in need of assistance is seeking a place of refuge, a decision has to be taken as regards the accommodation of that ship in a place of refuge. Each coastal State should therefore examine its ability to provide a place of refuge.

This is particularly important in the event of an incident that could give rise to an environmental or navigational hazard or the loss of a ship.

### **3.1 Competent authority**

3.1.1 When a ship in need of assistance is seeking a place of refuge, it is necessary to be able to call on an authority in that coastal State, depending on the internal structure of that State, with the required expertise and power to take independent decisions as regards the accommodation of a ship in a place of refuge.

3.1.2 Therefore, coastal States should designate a CA. The CA should have the required expertise and authority to take independent decisions on their own initiative concerning the accommodation of ships in need of assistance seeking a place of refuge. It is desirable that the CA be permanent in nature.

3.1.3 Coastal States are advised to establish and maintain a MAS and/or, as appropriate, make the necessary arrangements for a joint service with neighbouring States.

3.1.4 Coastal States should make the name and contact details of the competent authorities for MAS and MRCC available to the public in the [Contact Points](#) and the [Global SAR Plan](#) modules of GISIS, respectively.

### **3.2 Plans for accommodating ship(s) in need of assistance seeking a place of refuge**

3.2.1 Under international law, a coastal State has the right to require the ship's master or company to take appropriate action within a prescribed time limit with a view to mitigating a risk or danger. In cases of failure or urgency, the coastal State can exercise its authority in taking responsive action appropriate to the threat.

3.2.2 It is therefore important that coastal States establish plans with clear procedures to address these issues, even if no established damage and/or pollution has occurred.

3.2.3 It is recommended that coastal States establish plans and procedures consistent with the Guidelines for the accommodation of ship(s) in order to respond to risks presented by ships in need of assistance seeking a place of refuge in the waters under their jurisdiction. The CA should participate in drawing up and carrying out those plans.

3.2.4 The plans should describe precisely the decision-making chain with regard to alerting and dealing with the situation in question. The authorities concerned and their specific role/competence should be clearly described, as should the means of communication between the parties involved. The applicable procedures should ensure that an appropriate decision can be taken quickly on the basis of specific maritime expertise and best possible information available to the CA.

3.2.5 When drawing up the plans, coastal States should gather the information on potential places of refuge to allow the CA to identify clearly and quickly the most suitable place for accommodating a ship in need of assistance seeking a place of refuge. It can be a sheltered area, a port or any other suitable place; it may be any appropriate place, depending on the situation, along the entire coast of a State.

3.2.6 Information about potential places should include a description of certain characteristics of the sites as well as any equipment and installations available to accommodate a ship in need of assistance.

3.2.7 The coastal State should also include procedures or agreements for international/regional coordination and decision-making, in line with the Guidelines for the handling of requests for assistance and authorizing, where appropriate, the use of a suitable place of refuge. They may therefore include availability of information on plans for other neighbouring States and all parties involved in a response operation.

3.2.8 Appendix 1 to section 3 contains a non-exclusive list of what such plans may include.

### **3.3 Assessment of places of refuge**

The CA, and where necessary, in consultation with the port authorities and, as appropriate, terminal operators, should, for each request for a place of refuge, make an objective analysis of the advantages and disadvantages of allowing a ship in need of assistance to proceed to a place of refuge under their jurisdiction or via the waters for which they are responsible, taking into consideration the risk analysis factors listed in appendix 2 to section 3.

### **3.4 Event-specific assessment**

#### ***Expert analysis/inspection***

3.4.1 The analysis or inspection should include a comparison between the risks involved if the ship remains at sea and the risks that it would pose to the place of refuge and its environment. Such comparison should cover each of the following points:

- .1 safeguarding of human life at sea;
- .2 safety of persons at the place of refuge and its industrial and urban environment (risk of fire or explosion, toxic risk, etc.);
- .3 risk of pollution (particularly in designated areas of environmental sensitivity);
- .4 if the place of refuge is a port, risk of disruption to the port's operation (channels, docks, equipment, terminals, other installations);
- .5 if the place of refuge is an anchorage, accessibility for lightering operation should be considered and the tidal situation must be monitored at all times;
- .6 evaluation of the consequences if a request for place of refuge is refused, including the possible effect on neighbouring States; and
- .7 due regard should be given, when drawing the analysis, to the preservation of the hull, machinery and cargo of the ship in need of assistance, as well as possible risks to navigation.

### ***Analysis factors***

3.4.2 The event-specific analysis should include the following analysis factors:

- .1 seaworthiness of the ship concerned, in particular buoyancy, stability, availability of means of propulsion and power generation, and docking ability;
- .2 nature and condition of cargo, stores, bunkers, in particular hazardous goods;
- .3 distance and estimated transit time to a place of refuge;
- .4 whether the master (or representative of the master, e.g. chief mate) is still on board;
- .5 the number of other crew and/or salvors and other persons on board and an assessment of human factors, including fatigue;
- .6 the legal authority of the country concerned to require action of the ship in need of assistance;
- .7 agreement by the master and company of the ship to the proposals of the coastal State/salvor to proceed or be brought to a place of refuge;
- .8 provision on financial security, if required;
- .9 commercial salvage contracts already concluded by the master or company of the ship;
- .10 information on the intention of the master and/or salvor;
- .11 designation of a representative of the company at the coastal State concerned;
- .12 risk analysis factors identified in the formal place of refuge request form (appendix to section 2); and
- .13 any measures already taken.

### ***Expert inspection***

3.4.3 Where it is deemed safe to do so and where time permits, an assessment team designated by the CA should board the ship requesting a place of refuge, for the purpose of gathering evaluation data to support the decision-making process (cf. risk analysis factors).

3.4.4 A team composed of persons with expertise appropriate to the situation should be established. Where one or more coastal States may be involved with the incident, and where other parties may be potentially involved, then the formation of a multinational or "regional" inspection team should be considered. The coastal State CA receiving the request for a place of refuge will retain responsibility for selecting the appropriate team members and inviting participation from other States/competent authorities. Due care should be exercised to ensure that the formation of a multinational/regional team does not delay the deployment of the inspection team.

### **3.5 Decision-making process for granting a place of refuge**

3.5.1 The CA should decide on the acceptance of a ship in a place of refuge following a prior assessment of the situation carried out on the basis of the plans referred to in 3.2 and any expert assessment as per paragraphs 3.3 and 3.4. The CA should grant a place of refuge to a ship if they consider such an accommodation the best course of action for the purpose of the protection of human life, the environment or the ship or its cargo. When permission to access a place of refuge is requested, there is no obligation for the CA to grant it, but before taking any decision, the necessary risk assessments and/or expert onboard assessments should always be completed, unless deemed unsafe. The CA should weigh all the factors and risks in a balanced manner and give shelter whenever reasonably possible.

3.5.2 The CA may verify whether the ship is covered by insurance or some other effective form of financial security permitting appropriate compensation for costs and damages associated with its accommodation in a place of refuge. Operational response to the incident should not be delayed while verification of insurance cover takes place. The absence of insurance or financial security should not in itself be a reason to refuse to assess the request for a place of refuge as there might be a risk to the marine environment and to decide on the acceptance of the ship in a place of refuge.

3.5.3 The decision by the CA as a representative of a State to grant a place of refuge on their territory should be immediately communicated to all parties involved and should include any practical requirements set as a condition of entry.

3.5.4 While each State should remain independent in making their decision, if a CA is unable to accept a request for a place of refuge it should immediately communicate to the shipowner/operator the information on the basis of which its decision has been made and including any assessment relating to:

- .1 the safety of persons on board and risks to public safety onshore;
- .2 environmental sensitivities;
- .3 lack of availability of suitable resources at desired place of refuge and concern over structural stability and ability for ship to make successful safe transit to the same;
- .4 prevailing and forecast weather conditions, i.e. lack of sheltered area for proposed works;
- .5 physical limitations and constraints including bathymetry, navigational characteristics;
- .6 escalation of foreseeable consequences, i.e. pollution, fire, toxic and explosion risk; and
- .7 any other applicable reason.

3.5.5 In situations where regional agreements are in place, the same information should be communicated to the other parties involved. Copies of the risk assessment and/or inspection report(s) should also be made available, as appropriate, through such regional agreements.

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3.5.6 The action of the coastal State, via its CA, does not prevent the company or its representative from being called upon to take steps, within the framework of international law, that are necessary to avert, lessen or remove a serious and imminent risk to its coastline or related interests, the safety of other ships and their crews and passengers or of persons onshore or to protect the marine environment. That CA may, inter alia:

- .1 restrict the movement of the ship or direct it to follow a specific course. This requirement does not affect the master's responsibility for the safe handling of his or her ship;
- .2 give official notice to the master of the ship to put an end to the threat to the environment or maritime safety; and
- .3 instruct the master to put in at a place of refuge in the event of imminent peril or cause the ship to be piloted or towed.

In the case of a ship that is towed under a towage or salvage agreement, the measures taken by the CA of a State under paragraphs 3.5.6.1 and 3.5.6.3 may also be addressed to the assistance, salvage and towage companies involved.

### **Appendix 1 to section 3**

#### **PLACES OF REFUGE PLANS**

The plans referred to in paragraph 3.2 should be prepared after consultation of the parties concerned, where necessary, and contain at least the following items:

- .1 the identity of the authority or authorities responsible for receiving and handling alerts;
- .2 the identity of the CA for assessing the situation and taking a decision on acceptance or refusal of a ship in need of assistance seeking a place of refuge;
- .3 information on the coastline of the State and all elements facilitating a prior assessment and rapid decision regarding the place of refuge for a ship, including a description of environmental, economic and social factors and natural conditions;
- .4 the assessment procedures for acceptance or refusal of a ship in need of assistance in a place of refuge;
- .5 the resources and installations suitable for assistance, rescue and combating pollution;
- .6 procedures for international coordination and decision-making, taking into account characteristic regional features (see section 4); and
- .7 the financial guarantee and liability procedures in place for ships accommodated in a place of refuge.



## Appendix 2 to section 3

### RISK ANALYSIS FACTORS

When conducting the risk analysis as described in paragraphs 2.1.5 and 3.3, the following should be considered:

- 1 Environmental and social factors, such as:
  - Safety of those on board
  - Risk to public safety  
What is the nearest distance to populated areas?
  - Pollution caused by the ship
  - Designated environmental areas  
Are the place of refuge and its approaches located in sensitive areas such as areas of high ecological value which might be affected by possible pollution?  
Is there, on environmental grounds, a better choice of place of refuge close by?
  - Sensitive habitats and species
  - Fisheries  
Are there any offshore and fishing or shellfishing activities in the transit area or in the approaches to the place of refuge or vicinity which can be endangered by the incoming ship in need of assistance?
  - Economic/industrial facilities  
What is the distance to the nearest industrial areas?
  - Amenity resources and tourism areas
  - Facilities available  
Are there any specialist ships and aircraft and other necessary means for carrying out the required operations or for providing necessary assistance?  
Are there transfer facilities, such as pumps, hoses, barges, pontoons?  
Are there reception facilities for harmful and dangerous cargoes?  
Are there repair facilities, such as dockyards, workshops, cranes?
- 2 Natural conditions, such as:
  - Prevailing winds in the area  
Is the place of refuge safely guarded against heavy winds and rough seas?
  - Tides and tidal currents
  - Weather and sea conditions
  - Local meteorological statistics and number of days of inoperability or inaccessibility of the place of refuge

- Bathymetry  
Minimum and maximum water depths in the place of refuge and its approaches?  
The maximum draught of the ship to be admitted?  
Information on the condition of the bottom, i.e. hard, soft, sandy, regarding the possibility to ground a problem ship in the haven or its approaches?
- Seasonal effects including ice
- Navigational characteristics  
In the case of a non-sheltered place of refuge, can salvage and lightering operations be safely conducted?  
Is there sufficient space to manoeuvre the ship, even without propulsion?  
What are the dimensional restrictions of the ship, such as length, width and draught?
- Risk of stranding the ship, which may obstruct channels, approaches or ship navigation
- Description of anchorage and mooring facilities, in the place of refuge?
- Operational conditions, particularly in the case of a port  
Is pilotage compulsory and are pilots available?  
Are tugs available? State their number and bollard pull.  
Are there any restrictions? If so, whether the ship will be allowed in the place of refuge, e.g. escape of poisonous gases, danger of explosion.  
Is a bank guarantee or other financial security needed and if so, acceptable to the coastal State before admission is granted into the place of refuge?

3 Contingency planning, such as:

- Competent MAS
- Roles and responsibilities of authorities and responders  
Fire-fighting capability
- Response equipment needs and availability
- Response techniques  
Is there a possibility of containing any pollution within a compact area?
- International/regional cooperation and coordination (reference to section 4)
- Evacuation facilities

4 Foreseeable consequences of the different scenarios envisaged with regard to safety of persons and pollution, fire, toxic and explosion risks.

## **SECTION 4 – INTERNATIONAL/REGIONAL COOPERATION AND COORDINATION FOR PLACES OF REFUGE**

4.1 Many times, situations leading to a request for a place of refuge involve only one State and will be handled by the same State, under its jurisdiction. There may however be cases where a purely national situation may turn into a situation involving neighbouring Member States or Member States in the vicinity of the incident. As a complement in national place of refuge plans (see section 3.2.7 and appendix 1 to section 3, point 6), procedures for international/regional coordination and decision-making should be included and apply to situations where it is likely that more than one State may become involved.

4.2 The right of a coastal State to take action to protect its coastline from marine pollution is well established in international law.<sup>10</sup> UNCLOS establishes obligations<sup>11</sup> on coastal States to prevent, reduce and control pollution of the marine environment caused by – among other factors – shipping, as well as not to transfer environmental hazards on to other sea areas. In addition, there are provisions<sup>12</sup> for coordination rules for neighbouring States dealing with pollution incidents, including a duty to notify each other and to draw up joint contingency plans for responding to threats to the marine environment, i.e. pollution incidents. A ship in need of assistance seeking a place of refuge may well constitute such a threat leading to or causing pollution.

4.3 A right of a foreign ship to enter a port or internal waters of another State in situations of force majeure or distress is not provided for in UNCLOS. This, however, does not preclude the adoption of rules or guidelines as long as they are consistent with UNCLOS.

4.4 Therefore, where appropriate, States sharing a common area or sea should cooperate with a view to consulting each other regarding necessary action to be taken and pooling their capacities for joint action. Establishing regional cooperation arrangements to this end may lead to quicker response.

4.5 The appendix to section 4 provides an outline for what such international/regional cooperation and coordination may include.

4.6 In any case, any State where the CA of which has been informed, pursuant to the Guidelines or in any other way, of facts which involve or increase the risk to human life or to marine pollution in shipping areas or coastal zones of another State or other States, should take appropriate measures to inform such State(s) thereof, as soon as possible, before a situation requiring a place of refuge arises.

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<sup>10</sup> Relevant provisions include: UNCLOS, articles 194, 195, 198, 199, 211, 221, 225; Salvage Convention, article 9; and Facilitation Convention, article V(2).

<sup>11</sup> Articles 194 and 195 of UNCLOS part XII establish obligations of coastal States to prevent, reduce and control pollution of the marine environment caused by – among other factors – shipping, as well as not to transfer environmental hazards on to other sea areas.

<sup>12</sup> Articles 198 and 199 of UNCLOS part XII, section 2 – Global and Regional Cooperation lay down coordination rules for neighbouring States dealing with pollution incidents, including a duty to notify each other and to draw up joint contingency plans.

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## Appendix to section 4

### INTERNATIONAL/REGIONAL COOPERATION AND COORDINATION FOR PLACES OF REFUGE

In circumstances where there are coastal States sharing a common area or sea wanting to jointly address situations requiring provision of places of refuge, the guidance below is given for use and consideration by coastal States which may jointly deal with a request for a place of refuge.

When there is a regional arrangement in place, the principle is that each State involved starts to examine their ability to provide a place of refuge and that, in the interest of resolving the situation, there is direct contact between those CAs involved to decide who is best placed to take the coordinating role. Regional arrangements may cover additional specifics related to granting a place of refuge, such as:

#### **1 Deciding which coastal State's competent authority to be in the lead**

If a place of refuge is requested when no SAR operation has taken place, the deciding factor should be the maritime assistance service (MAS) declared by the State in whose area of jurisdiction the ship is located. If there is no MAS declared, in the first instance the State with jurisdiction over the waters in which the ship is located (e.g. through a declared exclusive economic zone (EEZ)) should coordinate the place of refuge request unless and until an agreement has been reached to transfer coordination to another coastal State.

For place of refuge requests arising from an incident commencing outside the jurisdiction of any one coastal State, the search and rescue region (SRR) can be the deciding criterion for determining who should take on the coordination role in the first instance. The State in whose SRR the ship is located will be deemed in charge of the coordination of the event in the first instance,<sup>13</sup> even though there may not be a SAR component to the operation.

The coastal State in whose SRR the vessel is located at the time of the place of refuge request should retain the coordination of the response to that request unless and until an agreement has been reached to transfer coordination to another coastal State in the region which might grant a place of refuge.

Coastal States which are involved by virtue of geography, or because they are home to some of the ship's interests, should endeavour to support the action by cooperating with the coordinating State to gather information, share expertise, provide logistical assets, participate in the risk assessment, and search for potential places of refuge in their territory.

#### **2 Coordinating authority and neighbouring coastal States**

When it has been decided that taking the ship to a place of refuge is the most appropriate course of action, the coordinating coastal State should work with neighbouring States to identify the nearest, most appropriate place of refuge, which may be in another State.

At all times, the principal focus should remain the protection of human life, the environment, the ship and cargo and the reduction of the risk to navigation.

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<sup>13</sup> A SAR coordination and the need to consider granting refuge might coexist, but the two institutions are not to be confused.

### **3 Coordinating and supporting coastal States**

The authority (or authorities) referred to in point 2 above which has assumed coordination will be known as the coordinating coastal State (CCS). Other States supporting the CCS will be known, for the purpose of the Guidelines, as supporting coastal States (SCS).

The CCS will be responsible for:

- .1 ensuring that the CA is in charge of overall coordination of the incident;
- .2 initiating their national place of refuge procedure, in order to identify a potential site on their territory;
- .3 being the main point of contact for liaison with representatives of the parties involved, including the flag State, the shipowner and/or operator, the master, the P & I club, salvors, the classification society and, if necessary, the operator of a port of refuge and, where applicable, the terminal operator;
- .4 where necessary, coordinating the response to the place of refuge request with potential SCS, in order to gain their assistance;
- .5 issuing SITREPs and alerting SCS on actions taken to date and proposed plans;
- .6 determining whether a coastal State cooperation group and a secretariat should be set up for the incident;
- .7 organizing evaluation teams: arrange for transportation, constitution of teams, in collaboration with the other States involved;
- .8 undertaking a thorough analysis of the factors listed in the Guidelines in order to decide whether to allow a ship in need of assistance to proceed to a place of refuge within their jurisdiction (see point above);
- .9 communicating the results of that analysis, once complete, to the other authorities concerned and to the master/salvor and company; and
- .10 ensuring that those authorities who may become responsible for the ship once in a place of refuge are:
  - .1 informed as early as possible of that possibility; and
  - .2 involved in the risk assessment process and are given all relevant information.

Following an assessment of all the factors (as in section 3, paragraphs 3.3 to 3.5), ensure that ships are admitted to a place of refuge if they consider such an accommodation the best course of action for the purpose of the protection of human life, the environment or the ship or its cargo; or, where appropriate, initiate a dialogue to formalize the transfer of coordination to another State.

The CCS considering a formal place of refuge request should not enter into direct contact with different port authorities or shore-based authorities in another State. Although the Guidelines do not have mandatory status, the reporting requirements should be similar to those in SOLAS and MARPOL and it is important that all information exchanges go through the competent maritime authorities in the State concerned. This approach is supported by the recommendations made under paragraph 1(d) of resolution A.950(23).

#### **4 Responsibilities of the supporting coastal States**

The States supporting the CCS in handling the place of refuge request procedures include:

- .1 those nearest to the vicinity of the ship in need of assistance; and
- .2 the flag State.

Each SCS should:

- .1 ensure that any relevant incident-related information is passed to the CCS without delay;
- .2 be prepared to examine any requests from the CCS for assistance (logistical, expertise or evaluation);
- .3 be prepared to examine a request for a place of refuge within their jurisdiction by the CCS; and
- .4 be prepared to plan in parallel and proactively assess any possible alternative options should the CCS be unable to grant a place of refuge.

In particular, neighbouring States, including the port of initial destination of the ship, should examine the possibility of granting a place of refuge in their territory – even though the incident, at the time, is taking place outside their area of jurisdiction.

#### **5 Transfer of coordination**

Responsibility for coordinating the incident may be transferred, depending on the evolution of the situation aboard the ship, or depending on agreements reached between the States involved, i.e. the State able to offer a place of refuge. However, for reasons of operational continuity, it may be appropriate for the initial CCS to assume coordination throughout the entire process, with the agreement of the other coastal State(s) concerned.

The transfer of coordination to another coastal State is accomplished with a formal notification, preferably in an electronic format, from the State taking over coordination to the State initially in charge of the event.

Such a formal notification should include, as appropriate, details on:

- the identity of the casualty ship;
- reason for refuge;
- coastal State transferring coordination;
- coastal State accepting coordination;

- dates and times;
- position of coordination transfer;
- place of refuge (if known);
- other coastal State(s);
- transfer completion – coastal State accepting coordination; and
- reason for not granting a place of refuge.

## **6 Decision-making and outcomes**

Decision-making and outcomes should be undertaken and communicated as described in section 3, paragraph 3.5.

## **7 Subsequent request to another coastal State to grant a place of refuge**

When the risk assessment carried out following an incident concludes that a place of refuge on another State's territory is the only solution in order to preserve the safety of the ship involved and the safety of navigation, and to protect or mitigate the risks to the environment, the CCS that is unable to accept the request for a place of refuge for objective reasons should forward all information relevant to the circumstances on which their decision is based to the State or States to whom the subsequent request is made. That coastal State then becomes the CCS (and the previous CCS becomes the SCS). Forwarding all relevant information should greatly facilitate the risk assessment and decision-making on the subsequent request if a handover has not been already agreed and a passage plan arranged between the CCS and the SCS.

## **8 Passage plan and monitoring**

When a suitable place of refuge has been determined and agreed, the CCS will assume responsibility for agreeing a passage plan with the requesting party and will engage with the SCSs as necessary, but in particular where the casualty may have to pass through or transit in close proximity to another coastal State's jurisdiction.

In order to be prepared to face potential difficulties during the transit to the designated place of refuge, coastal States should consider one or more backup places of refuge en route.

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## **SECTION 5 – MEDIA AND INFORMATION MANAGEMENT**

Conscious of the widespread use of social media for spreading information today, it is recommended that States include in their organization capacities (including training) the management of media and requests for information in connection with a ship in need of assistance seeking a place of refuge. The following is a non-exhaustive list of some key guidance points.

### **5.1 Media and information management**

The delivery of accurate, clear, timely and up-to-date information and advice to the public and other key stakeholders is an important aspect of the successful management of any shipping incident. It is recommended that media management be incorporated into national contingency planning and a media management procedure be developed.

### **5.2 Key principles**

- .1 Media activities should not interfere with the management of the incident in any way; in particular, it should not impede the operational activities of the emergency services. Media speculation should not be considered when making the decision to grant a place of refuge.
- .2 All steps should be taken to protect victims from press intrusion.
- .3 Only factual information should be provided. There should be no speculation about causes, future developments or actions.
- .4 Information and advice should not be released by one organization if it covers the area of responsibility of another, unless the information (and its release) has been agreed by the responsible organization.

### **5.3 Key interest groups**

- .1 Press and media.
- .2 General public, including NGOs and civil society.
- .3 Ministers, national and local authorities, international organizations.
- .4 Shipping and insurance industries, ports, harbours, terminal operators.

### **5.4 Key actions for persons managing the incident**

- .1 **KNOW** who is responsible for activating the media management process / establishment of the media team for the incident (on the understanding that the media team may be required for a longer duration);
- .2 **ARRANGE** regular briefings between different response cells (e.g. Salvage Control, MRCC, onshore clean-up team);



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- .3 IDENTIFY the designated responsible person(s), who will:
  - .1 liaise between the CA and the press;
  - .2 take the lead in providing strategic SITREPs; and
  - .3 communicate with key interest group contacts when there are significant developments to report; and
- .4 FOLLOW key principles at all times.

## **SECTION 6 – LESSONS LEARNED**

### **6.1 National and regional debriefs**

States may consider holding debrief sessions after each significant incident:

- .1 Debriefs could consider the incident background, response factors, e.g. coordination, communications, risk assessment, decision-making and any other aspects considered relevant. Depending on the nature of the incident, the debrief could either be for all the authorities and stakeholders involved, or smaller subgroups could be convened to focus on particular aspects of the incident.
  - .2 Where appropriate, neighbouring or other regional coastal States should be invited to participate. If the debrief identifies issues that might be of wider interest, the outcomes from the debrief process could be shared with the organization for information.
  - .3 If it is thought appropriate, lessons learned from an incident could be the subject of a regional or national exercise, or a smaller exercise at a more local level.
  - .4 For regional cooperation in relation to section 4, exercises to test national and regional arrangements, either as "live" or as tabletop exercises, should be considered and planned at regular intervals, as appropriate.
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