

INTERNATIONAL SAILING FEDERATION

Summary report of the meeting of the 56th IMO sub-committee on the Safety of Navigation (NAV 56) 26th – 30th July 2010.

Windfarms.

The ISAF paper NAV 56/4/2 was one of three dealing with Safety Zones larger than 500m. NAV 56 was in effect invited to prepare standing criteria by which IMO would under UNCLOS judge proposals for new, very large Safety Zones. Our concern was that administrations would authorize very large Safety Zones (greater than 500m already available) around offshore installations and structures (especially wind farms) and willy-nilly exclude small craft for no good reason.

We sought an assumption of access for craft <24m the exclusion of which could cause safety issues if they were forced into nearby shipping routes, or were caused to undertake long and possibly hazardous journeys to go around a large Safety Zone, noting that such small craft were demonstrably unlikely to cause any damage to windfarms. We also drew attention to the possibly unwarranted removal of freedom of navigation.

The opening session of Plenary received my intervention well enough and reported : *“ISAF was of the view that in the wider interests of all ships including small vessels the needs of such classes of ships must be fully considered in each application, their representatives consulted, and exclusion recommended only when there is a compelling safety case.”*

In the event the sub-committee was not in a mood to support the correspondence group's comprehensive proposed Guidelines paper to which the ISAF proposals referred (although we did not contribute to the CG itself) and also did not accommodate what they regarded as special treatment for certain classes of vessel.

The outcome of NAV 56 was a much toned-down “SN circular” which however includes that *“Governments are requested to...if circumstances permit, consider holding consultation with all stakeholders with respect to safety of navigation”*. The *“if circumstances permit”* was pressed for by the US who wanted to preserve a right for fast action in emergency (having in mind the recent Gulf oil spill). The *“with respect to safety of navigation”* was another US addition as their delegation was uncomfortable with the implication that issues other than safety (eg freedom to navigate) could be properly addressed by the Safety of Navigation sub-committee.

The UK co-ordinator of the Correspondence Group Capt Paul Townsend was disappointed that the group was not invited to continue its work when NAV decided that *“there was no demonstrated need, at present, to establish safety zones larger than 500 metres or to develop guidelines to do so and that the continuation of the work beyond 2010 for a Correspondence Group on Safety Zones was at present no longer necessary.*

The UK reserved its position: *“in the absence of any guidelines or reference to “multiple installations” in UNCLOS Art 60(5), there remained the possibility that coastal States, by establishing safety zones of 500 metres around individual turbine generators within a wind farm or wave or tidal array, could introduce very large safety zones. The delegation also considered that it might be appropriate in the future to consider the inclusion of very large Offshore Renewable Energy Installations as an Annex to the General Provisions on Ships’ Routeing, in order to increase mariners’ awareness of these developments in addition to the charted and nautical publication information.”*

At the closing plenary session I repeated our concerns in an intervention: *“The establishment of a Safety Zone by a coastal state does not necessarily imply the exclusion of all classes of vessel. There are cases where certain classes of vessel pose no safety risk and indeed their very exclusion could pose a safety risk. That is why we believe the request to governments in 4.1.7 (of the proposed SN Circular) to consult stakeholders, is so important. We remain concerned that the same considerations apply, perhaps even more importantly, to any extensive installation which may be built in the future where a number of contiguous Safety Zones could be involved. Again, effective stakeholder consultation is the key.”*

We were supported both at plenary and in the WG by ICOMIA (International Council of Marine Industry Federations) though only in general terms. There was good support from Australia and ICS (International Chamber of Shipping) (both of whom spoke favourably in plenary of the ISAF position) and informally from the Netherlands, IHO (International Hydrographic Organization, regarding the inclusion of permitted craft in, eg ECDIS data associated with charted information), IHMA (International Harbour Masters’ Association) and others. Because of the close relationship established in the UK by the RYA with the maritime administration MCA (Marine and Coastguard Agency) I believe the UK would form a valuable ally in further promoting our aims. There was a good reaction also off the record from Brazil, whose concerns with their very large FPSO (Floating Point Storage and Offloading) installation led to this subject being put on the agenda of NAV. Brazil said they had no problem with the consideration that, according to the circumstances, small craft may cross very large Safety Zones without endangering the protected installation.

Conclusions – wind farms:

1 I recommend ISAF continues to monitor the subject closely and develops a rapport with at least UK, Australia, ICS, IHMA, IHO, Denmark, the Netherlands, Belgium and also EMSA (the European Maritime Safety Agency, so far silent on this matter) with a view to either submitting a paper to MSC 88, or keeping close to the likely preparation of an Annex to the GPSR (see above) which will deal not only with wind farms but also other and perhaps more invasive, energy generation devices such as wave power installations.

- 2 The right of freedom to navigate (we compared this to the “right to roam” in our paper) is an important aspect with which IMO may be reluctant to grapple. *“Safe, secure and efficient shipping on clean oceans”* being IMO’s banner mission statement so we may need to look elsewhere to bolster our claim to a right to free navigation.

The best advice we can give MNAs is, as always, to keep closely in touch with their national maritime administrations and to work with them as far as possible. ISAF will always assist if it is in a position to do so.

Other Business

A number of **TSSs (Traffic Separation Schemes)** were approved.

E-navigation took up much time (and will continue to do so for some while yet). *The aim is to develop a strategic vision for e-navigation, to integrate existing and new navigational tools, in particular electronic tools, in an all-embracing system that will contribute to enhanced navigational safety (with all the positive repercussions this will have on maritime safety overall and environmental protection) while simultaneously reducing the burden on the navigator.*

The recommendations of NAV 56 go to MSC 88 (24th November-3rd December) for approval.

Alan Green

Chairman, International Regulations Commission ISAF
3rd August 2010