

PORT OF REFUGE:

A Continuing Problem for Industry

Connecticut Maritime Association
March 18, 2014

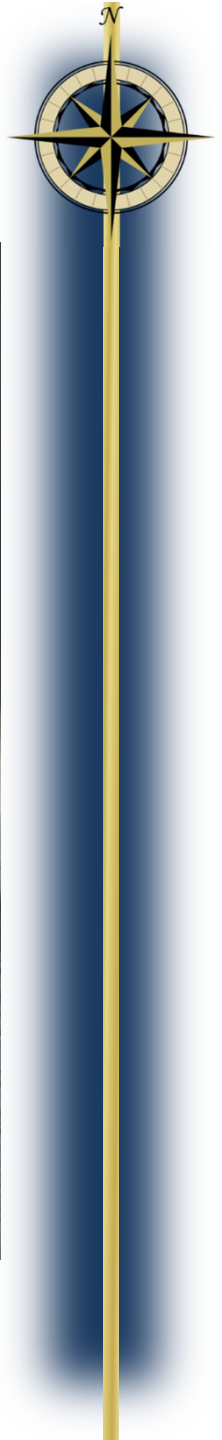
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New York / Philadelphia



MV Stolt Valor

March 15, 2012

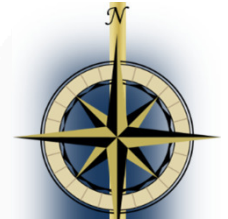


MV Stolt Valor Takes Refuge in Bahrain's Waters

June 27, 2012



MSC Flaminia



Salvage tug Fairmount Expedition



MSC Flaminia 13.07.2012 17:48
MSC Flaminia abandoned by crew 14.07.12
MSC Flaminia 16.07.12 20:00



Containership Hanjin Ottawa

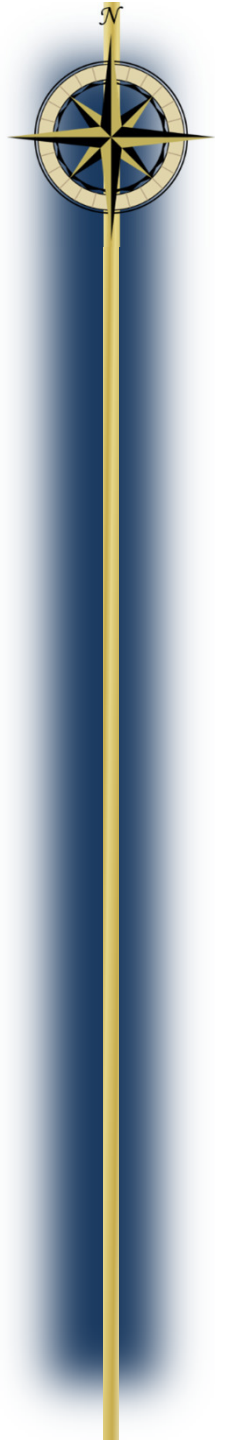


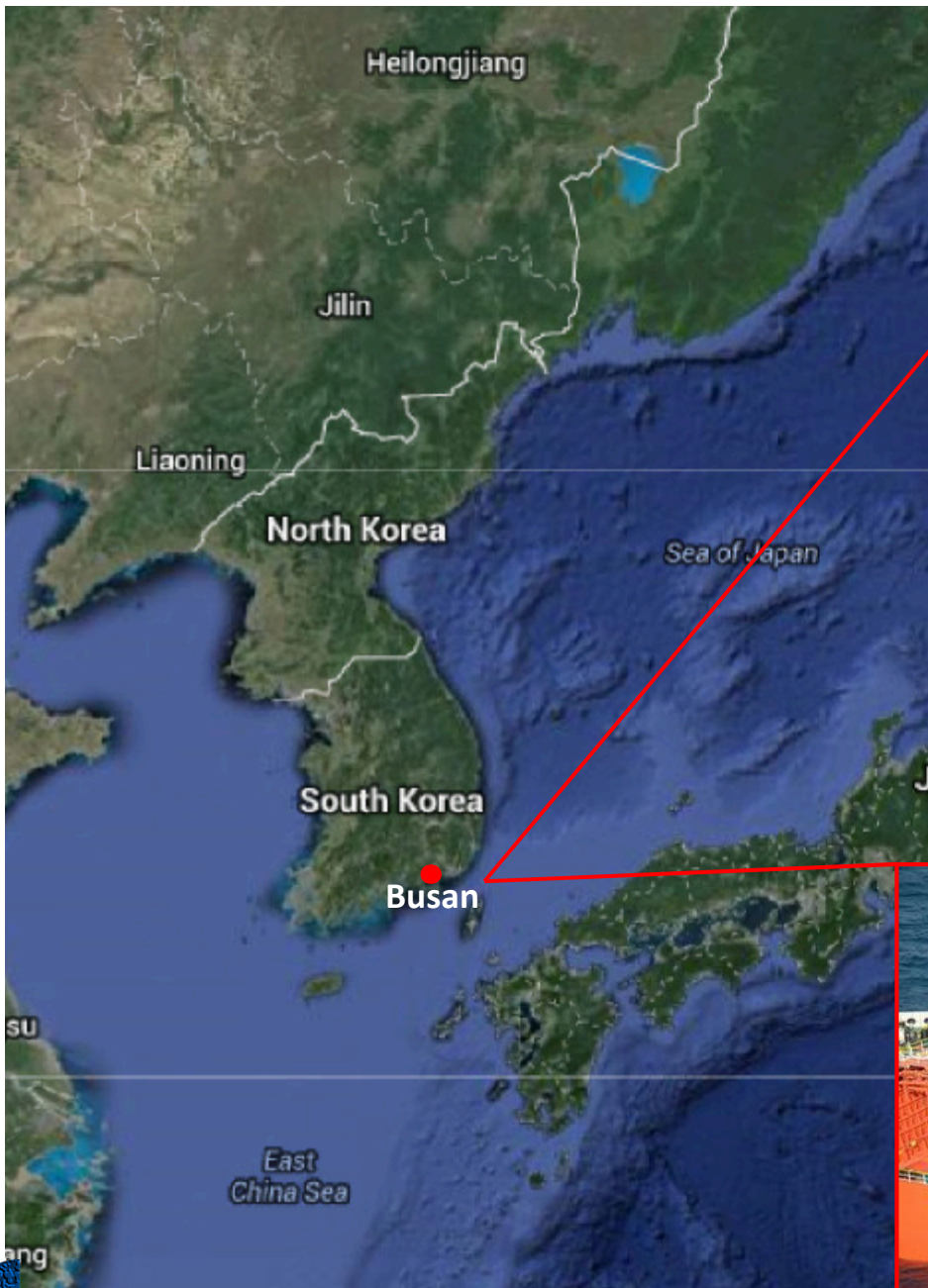
Salvage tug Fairmount Expedition and containership Hanjin Ottawa arrived to the scene on July 17





Maritime Maisie

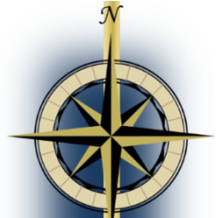




Nearly two and a half months after the Maritime Maisie became stranded after a collision, some 9 nautical miles off Busan, the vessel is still seeking a port of refuge



IMO Resolution A.949(23)



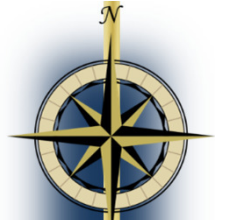
“Guidelines on Places of Refuge for Ships in Need of Assistance.”

Guideline 1.7

Granting access

- a) “Could involve a political decision.”**
- b) Case by case analysis.**
- c) Balance between “the advantage for the ship” and “risk to the environment.”**

IMO Resolution A.949(23)

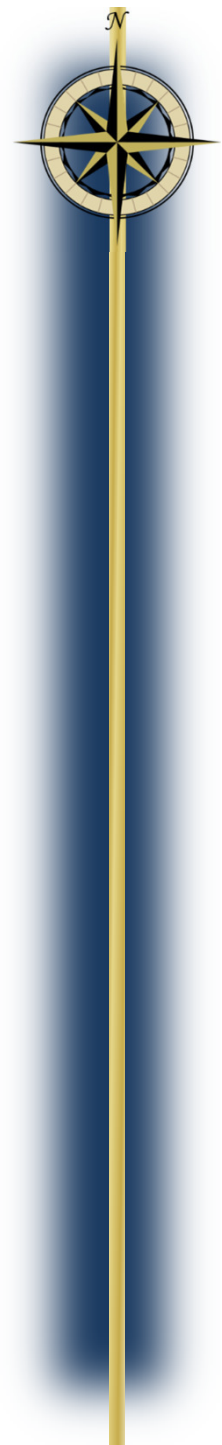


“Guidelines on Places of Refuge for Ships in Need of Assistance.”

Guideline 3.12

- a) No obligation on the coastal state to take the ship, but**

- b) “Give shelter whenever reasonably possible.”**



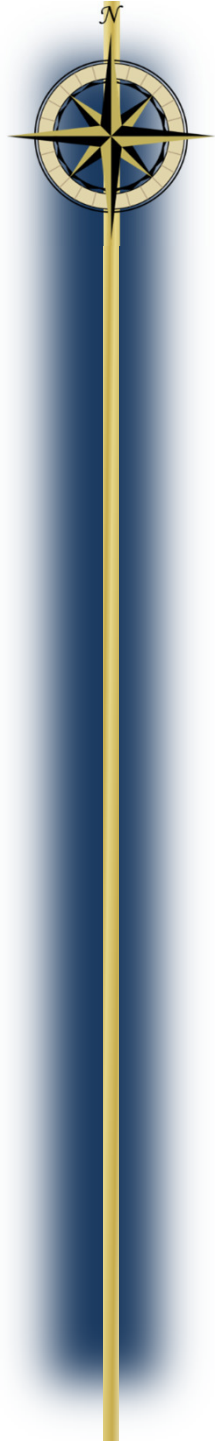
MSC FLAMINIA

CHRONOLOGY OF EVENTS

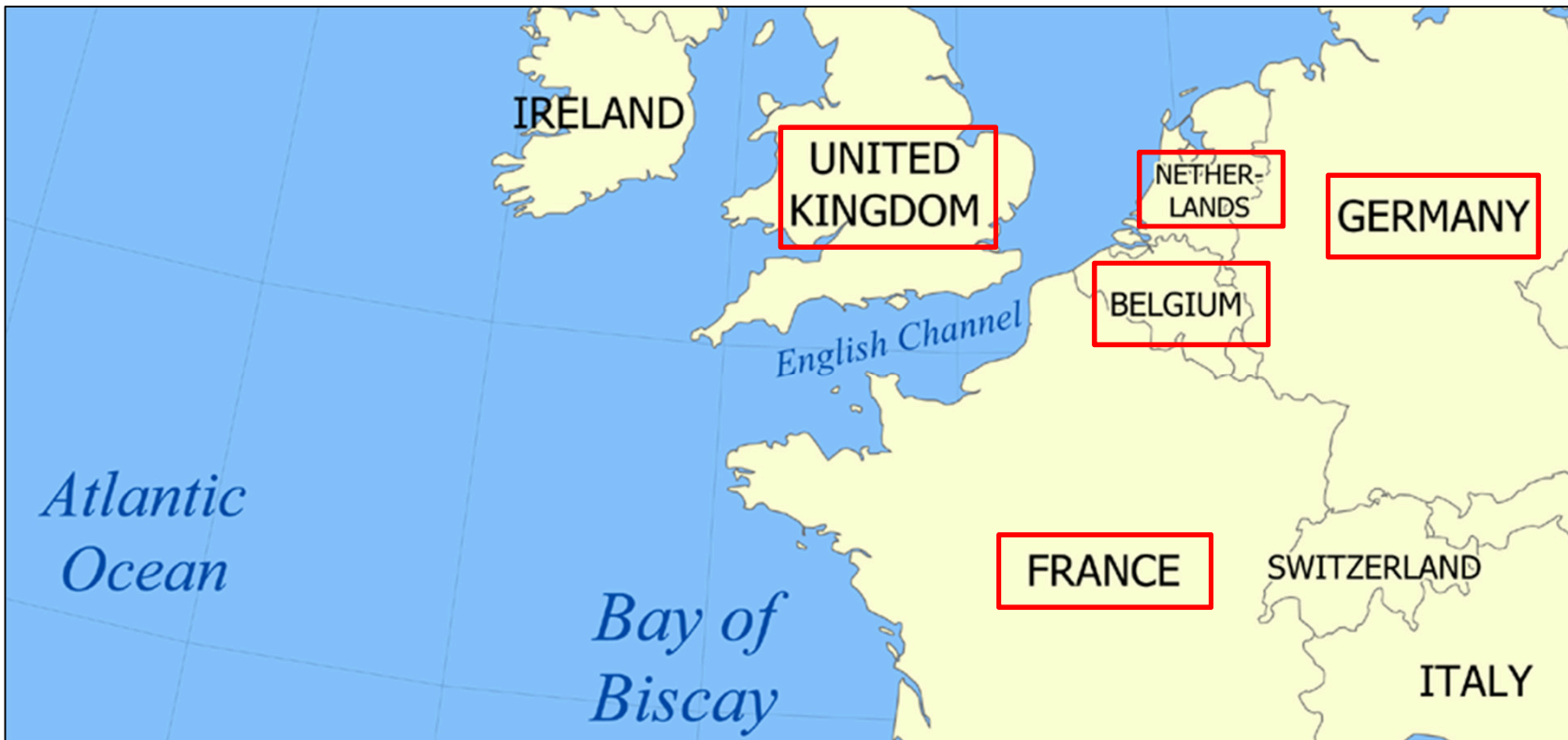
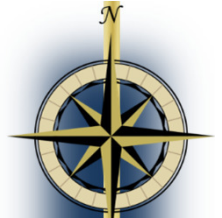
- July 14:** Explosion and fire.
- July 27:** Arrival – 200 miles off Lands End.
- August 28:** Shipboard inspection by representatives of affected governments.
- August 31:** All necessary approvals granted.
- September 9:** Arrival Wilhelmshaven

Major Issues / Operational Lessons Learned

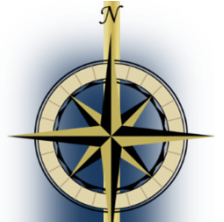
- 1. Multiple jurisdictions.**
- 2. Interim and final places of refuge.**
- 3. Investigation and preparation of proposals to satisfy concerns of the Coastal States.**



Multiple Jurisdictions



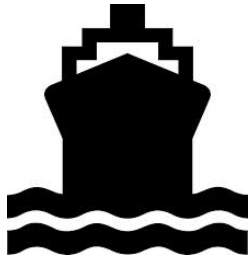
Interim and Final Place of Refuge



Initial request for interim place of refuge for cargo discharge and ship stabilization.

Temporary refuge granted, but not until a final place of refuge secured.

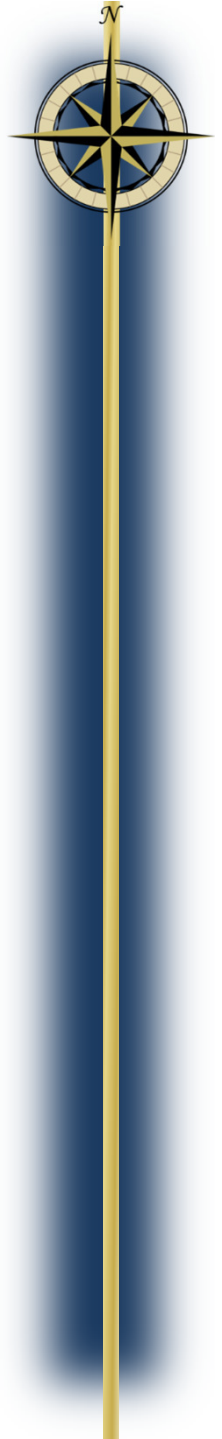
- Requires investigation and preparation of proposals



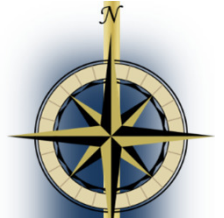
IMO Resolution A.949(23)

The Vessel's Role

- a) Identify reasons for assistance;**
- b) Estimate consequences of**
 - i. remaining in place**
 - ii. continuing the voyage**
 - iii. reaching a place of refuge**
 - iv. remaining at sea**
- c) Identify nature of assistance required from coastal state in order to overcome “inherent danger of situation”**
- d) Contact authorities in coastal state with above information**
- e) Comply with coastal state's requirements.**



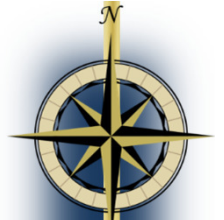
Guidelines Affecting Coastal States



- a) Establish response procedures.
- b) Establish a “Maritime Assistance” service.
- c) Analyze for each place of refuge its advantages and disadvantages and propose contingency plans.
- d) Event specific analyses –
Laundry list taking into account:
 - 1. Data from ship
 - 2. Liability expenses incidental to refuge, financial responsibility
 - 3. Risk evaluation from ship
 - 4. Coastal state inspection team
 - 5. Independent risk evaluator covering the various options



Coastal State Contingency Planning



Databank containing relevant environmental information, such as:

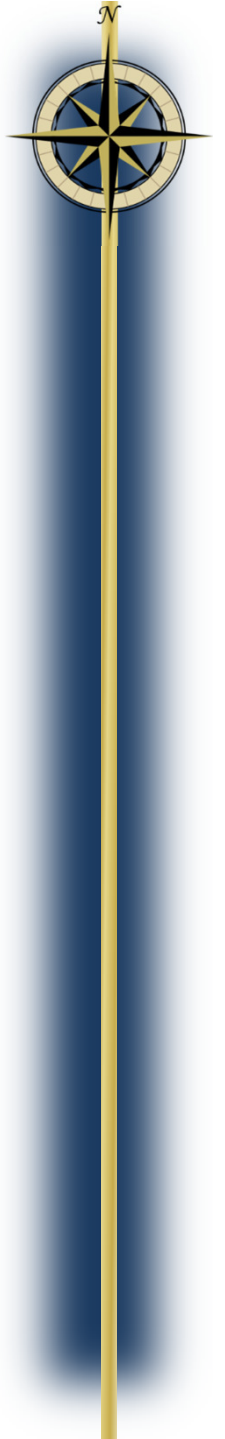
- **Data relevant to ship navigation.**
- **Safe anchorages.**
- **Availability of resources.**
- **Plans for various types of vessels, cargoes and events.**

Financial Responsibility

(a). Liabilities.

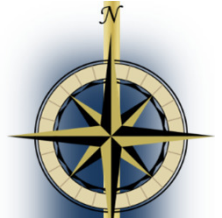
(b). Port Expenses.

➤ Pollution certificates - not sufficient.



Work To Be Done

1. **Pre planning -- identification of facilities, services, and suitability of the most likely places of refuge, including risks to human and environmental resources;**
2. **Funding for services and potential liabilities;**
3. **Authority to require provision of necessary services and facilities;**
4. **Responder immunity because the risks and potential liabilities can quickly reach a point where responders will not be willing to “bet the company.”**





MONTGOMERY McCracken