

B-9: RESOLUTION A 949 (23), GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE

Name of the convention: Resolution A 949 (23), Guidelines on places of refuge for ships in need of assistance

Acronym or short name: Place of refuge

International organisation in charge of it: International Maritime Organization (IMO)

Summary description (in plain language): This resolution applies where a ship is in need of assistance but safety of life is not involved. Where safety of life is involved, the provisions of the SAR convention should be followed.

The guidelines recognise that when a ship has suffered an incident, the best way of preventing damage or pollution from its progressive deterioration is to transfer its cargo and bunkers, and to repair the casualty. Such an operation is best carried out in a place of refuge.

However, to bring such a ship into a place of refuge near the coast may endanger the coastal state, both economically and from the environmental point of view, and local authorities and populations may strongly object the operation. Therefore, granting access to a place of refuge could involve a political decision which can only be taken on a case-by-case basis with consideration of the balance between the advantage for the affected ship and the environment resulting from bringing the ship into a place of refuge and the risk to the environment resulting from that ship being near the coast.

The purpose of the guidelines is to provide shipmasters, shipowners (particularly in connection with the International Safety Management Code), salvors and Member Governments with a framework enabling them to respond effectively and in such a way that, in any given situation, the efforts of the master and owner of the ship and the efforts of the government authorities are complementary. In particular, an attempt has been made to arrive at a common framework for assessing the situation of ships in need of assistance.

Date of first approval: 23rd assembly of IMO, 24 november- 5 december 2003

Dates of revision: Ø

Reasons of revisions: Ø

Applicability (situation of ratification): A resolution of an international body as the IMO, has not, in principle, a compulsory binding legal force for member states. It constitutes a formal expression of an official body's opinion, non-binding acts of international bodies

Stakes for ports: Ports are involved in assessment of place of refuge: the maritime authorities (and where necessary: the Port Authorities) should for each place of refuge make an objective analysis of the advantages and disadvantages of allowing a ship in need of assistance to proceed a place of refuge ([art.3.5](#)).

Also, port authorities should ensure that an appropriate system for information-sharing exists and should establish communications and alert procedure in order to assess place of refuge ([art.3.7](#)).

Under article 3.14 stated that if the place of refuge is a port, as a general rule, a security in favour of the port will be required to guarantee payment of all expenses which may be incurred in connection with its operations, such as: measures to safeguard the operation, port dues, pilotage, towage, mooring operations.

Links with other conventions: [UNCLOS](#) (art.221), [INTERVENTION 69](#), [INTERVENTION Protocol](#), [SOLAS 74](#), [SALVAGE 89](#), [OPRC 90](#), [OPRC-HNS Protocol](#), [MARPOL 73/78](#), [SAR 79](#)

Key-words: Place of refuge, assistance, ship in need of assistance, Maritime Assistance Service (MAS)

Internet hyperlink with other website:

<http://www.imo.org/>

http://www.imo.org/InfoResource/mainframe.asp?topic_id=72

(full text) http://www.imo.org/includes/blastDataOnly.asp/data_id%3D9042/949.pdf