PLACES OF REFUGE

Submitted by the Comité Maritime International (CMI)

SUMMARY

Executive summary: In its paper LEG 85/10/3, submitted to the eighty-fifth session of the Legal Committee, the CMI reported on the responses received from sixteen of its member National Maritime Law Associations to the questionnaire on this subject circulated to them. Since then another questionnaire has been circulated on the subject of national law and international instruments dealing with liability and compensation and their application to Places of Refuge. Responses, which are being collated, have so far been received from seven National Maritime Law Associations. It is hoped that further replies will be received in the coming months to enable a detailed report to be presented to the eighty-sixth session of the Legal Committee.

Action to be taken: Paragraph 6

Related documents: LEG 85/10/3

1 Following the debate at the eighty-fifth session of the Legal Committee on the Report submitted by CMI on Places of Refuge (document LEG 85/10/3), it was noted that the issues of possible liability arising from the admission and/or refusal of admission of a potentially polluting vessel to a place of refuge had not been fully investigated or evaluated.

2 The Secretariat was requested to review, in co-operation with the CMI, the provisions of existing international instruments and of national law dealing with the liability and compensation and their application to places of refuge. This would assist the Committee in identifying gaps in the existing system. Members of the Legal Committee are encouraged to submit information on their national law and practice.

3 Following this, another questionnaire was developed by the Secretariat in conjunction with the CMI dealing with the possible liability of the owners of ships and of coastal States consequent upon the admission or refusal by a State of entry to a Place of Refuge in its waters.

4 At the time of writing this Interim Report (24 March 2003), the CMI Working Group has received only seven replies to its questionnaire, namely from Australia, Canada, Denmark, Japan, Korea, the Netherlands and Spain. The issues raised by the current debate on Places of Refuge will be discussed at the forthcoming CMI Colloquium, to be held in Bordeaux from 11 to 13 June 2003, and the outcome of these discussions, together with further responses...
received from member National Maritime Law Associations, will be presented in a further report by CMI to the eighty-seventh session of the Legal Committee.

5 Close liaison between member National Maritime Law Associations and their Governments will no doubt contribute to the value of this work, and distinguished delegates are requested to inform their Governments accordingly, and to encourage such contacts.

**Action to be taken by the Legal Committee**

6 The Legal Committee is invited to note the present position of the further research by the CMI on liability issues with respect to Places of Refuge, and to urge member States to collaborate with their respective National Maritime Law Associations in this work, to enable a detailed report to be presented to the eighty-seventh session of the Legal Committee.