SKIP NOVAK

THE INTRODUCTION OF NEW POLAR CODES FOR VESSELS VISITING HIGH LATITUDES COULD HAVE PROFOUND IMPLICATIONS FOR YACHTSMEN, SUGGESTS SKIP

It is a fact that what we old timers fondly call the golden era of sailing to high latitudes ended some time ago. I won't belabour that point for newcomers lest I discourage them. To venture to these regions will always have rich rewards for sailors.

The bureaucracy in order to get there is another matter that must be noted by the uninitiated. With the exponential increase in cruise ship traffic in recent decades to the Antarctic and Arctic regions, rigorous environmental and safety considerations have had to be imposed by authorities, which is understandable. For some years now, permits have been required by every vessel and aircraft that enters into the non-sovereign Antarctic Treaty area, which is defined by all areas below 60°S.

In the Arctic, namely the national governments of Greenland, Canada, the United States and Russia, and the local government of Svalbard, are inventing new due diligence requirements year on year, making things more complicated for ship operators. As these rules and regulations have been applied to all floating objects, yachts which are in small numbers and for the most part small in size have also been impacted, certainly in the Antarctic, though less so up north – for now.

'GOVERNMENTS ARE INVENTING NEW RULES YEAR ON YEAR'

It is no longer possible for a yacht crew to claim that they were unaware of the need for permits and, in effect, to do some serious preparation to complete a safe and environmentally friendly voyage to these particularly sensitive areas of our planet.

But things can go overboard in this respect, and the latest example to raise its head above the sheer is the Polar Code.

In brief, the Polar Code is an International Maritime Organization (IMO) invention in response to this increase in ship traffic in polar regions and was a direct result of the loss of the expedition cruise ship M/V *Explorer*, which sank in the Antarctic in 2008 after hitting heavy glacial ice, luckily without loss of life. After many years of deliberations, consultations and lobbying for and against certain aspects by flag states, the Polar Code, a 57-page document, took effect for SOLAS vessels in January 2017.

This Polar Code is an add-on to SOLAS requirements and in the main is all about safety: scantlings on ships; safety and life saving equipment; manning and where in ice-covered waters you can go with certain ice-classed vessels at certain times of the year. The environmental side is a mere six pages, which is an add-on to existing MARPOL regulations defining pollution issues near or in ice-covered areas.

That was Phase I – for SOLAS vessels – which is all about carrying passengers. Phase II has just started and the intention is to apply a Polar Code to non-SOLAS vessels, meaning fishing vessels (which statistically are very prone to accidents in polar regions) and recreational vessels – which is us.

The dilemma here, which is only beginning to be recognised by the IMO, is that whereas SOLAS vessels had a set of regulations to start from as they were all of a certain size greater than 500 gross tonnes, non-SOLAS vessels range from fishing boats to megayachts. It would apply to yachts such as my 74ft *Pelagic Australis*, built to the MCA MGN280 standard for commercial craft of less than 24m and 12 passengers or less, and to my smaller 54ft *Pelagic*, home-built 30 years ago, and proudly in the 'Mom and Pop' cruiser variety without a stitch of certification. Our having sailed *Pelagic* in polar waters for 30 years without incident will count for nothing if and when Phase II kicks in.

It's obvious that Phase II yachts (even without lumping them in with fishing vessels) are a dog's dinner of types and sizes that will be impossible to regulate under one set of rules. There is a rumour of guidelines rather than regulations by statute, but don't count on it.

The messages here are twofold: if you're contemplating a new build in the next one to three years and can't wait for what Polar Code Phase II might actually legally require, then build to the highest specification you can. For small yachts this is currently MCA MGN280 which has become a global standard to a great extent.

Secondly, if you are thinking of spending time in high latitudes with an existing vessel I'd not wait too long to make a plan. Go high north, go low south. *Carpe diem*! ■