

# SKIP NOVAK

COULD TECHNICAL RULES BEING SET BY NON-SAILORS SIGNAL  
THE END OF FREE ROAMING IN HIGH LATITUDES?

In November 2018, I wrote about the looming Polar Code Phase II for non-SOLAS vessels which is intended to regulate fishing vessels, small cargo vessels less than 500 gross tonnage and recreational craft in polar waters. It was a heads-up, nay warning, that if you were thinking of building a new yacht with the idea of venturing into high latitudes, best build to the highest spec available, the UK's MGN280 Code for Small Commercial Vessels that governs boats of 24m and 12 passengers or less, which has evolved pretty much as an international standard.

If you can achieve this, or close, you might be well covered when Phase II kicks in sometime in the near future. I also recommended back in 2018 this was a *carpe diem* moment for existing vessels to go high north and low south before new rules take effect.

Reading through various International Maritime Organisation (IMO) notifications which indicated they were starting to address this issue through a lengthy multistage process, I see that they seem to be veering for a sensible approach of using a lower limit of 300gt for recreational vessels. Consequently, as my two boats and those of my colleagues down south are well below this cut-off, I rather ignored the whole process – until now.

Although the International Association for Antarctic Tour Operators (IAATO) is a correspondent group within the IMO representing the yachts that charter in the Antarctic, World Sailing has recently entered the fray. This was prompted mainly by northern voyaging yachtsmen, who were very concerned about where the IMO was heading with the Phase II Polar Code. Rumours of mandatory regulations for 'all ships' regardless of size was being strongly advocated among some member states, in spite of the 300gt lower limit advocated by others.

Another point of complexity is the idea of differentiating between Arctic and Antarctic waters.

Under Antarctic Treaty, IAATO has developed a set of guidelines for yachts wishing to visit and this is a template for

what could be applicable to small craft in the Phase II Polar Code regime. The Association of Arctic Expedition Cruise Operators has something similar but less detailed with regards to technical issues; it is more about conduct ashore and the environment.

The worry is that either of those might not weather what the IMO has in store, and this was recently brought home to me by the World Sailing correspondent group led by well-known yachtsman and former Royal Ocean Racing Club race director Alan Green. And here the distinction between north and south needs to be made.

In the Antarctic we have had very few search and rescue (SAR) call outs involving yachts (unlike fishing boats). The yachtsmen who venture across that great leveller, the Drake Passage, are generally well prepared. Additionally, we get less traffic as the Antarctic is so far away from population centres and traditional cruising grounds.

Northern destinations like Alaska, the Canadian Arctic, Greenland, Svalbard and Russia are at America's and Europe's doorstep. Consequently, there is more traffic and what I wasn't aware of is the frequency of SAR call outs due to yachts ill-prepared and/or yachtsmen out of their depth. The afterguard of well-seasoned sailors, under the auspices of World Sailing, is extremely concerned that if the Polar Code doesn't implement severe restrictions on the privilege to sail far north, those sovereign nations will.

Any set of enforceable rules with technical demands that are out of proportion and unachievable for small craft could signal the end of free roaming in high latitude sailing as we know it.

Therefore, World Sailing's experts have drafted a set of lightly prescriptive guidelines for small craft, and they hope these will be taken on board by not only the Polar Code, but by the Arctic community of nations as well.

It's worth noting that although experienced yachtsmen are contributing the expertise to what is a long-winded intragovernmental process, the decisions of how it will play out will ultimately be made by the IMO delegates who have little or no experience of sailing in high latitudes, or indeed sailing at all. ■

## 'Yachtsmen who venture to Antarctica are generally well prepared'

