Chapter 20
Places of Refuge: Considerations for Determining a Canadian Approach

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INTRODUCTION

Transport Canada’s policy planning document of February 2003, Straight Ahead: A Vision for Transportation in Canada,1 outlines the federal government’s strategic direction for transportation decision-making. This vision includes international maritime shipping off Canada’s extensive coastline and notes the potential political, economic, environmental and social consequences of persistent oil spills from tankers such as the ‘Prestige’, which sank off the Galician coast of Spain.2 The issue of places of refuge for ships in need of assistance became a hotly debated international subject after this casualty, which followed on the heels of the ‘Erika’ in December 1999 and the ‘Castor’ in January 2001.

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2 Ibid., 39.
With 243,792 kilometres of coastline (including islands) bordering three oceans, and another 9,500 kilometres along the Great Lakes, Canada has the longest coastline in the world. Its exclusive economic zone (EEZ) covers 3.7 million km²; combined with the second largest national continental shelf, Canada’s total offshore area totals 6.5 million km². Despite the spread of its coastlines, Canada has not designated places of refuge for ships in need of assistance and has not yet adopted a national policy to deal with requests for places of refuge, although there is a process currently under way to develop a Canadian approach.\(^3\) Canada’s extensive seaborne trade and the stringent legislative and regulatory framework of shipping in North America render imperative the formulation of a Canadian national policy on places of refuge for ships in need of assistance.

The Straight Ahead report suggests participation in international shipping forums as a way to encourage the development of Canadian public policy that will protect and preserve Canada’s economy and marine environment.\(^4\) The International Maritime Organization (IMO) Guidelines for Places of Refuge for Ships in Need of Assistance (IMO Guidelines) and the Maritime Assistance Service (MAS) Resolution provide a framework for decision-making by coastal authorities in relation to requests by the shipowner or salvor to enter a place of refuge.\(^5\) The Straight Ahead report recognises the vital necessity of such a framework and the need to tailor responses to Canada’s unique geography, environment, and social and political institutions.\(^6\) Implementing the IMO Guidelines in Canada would mean that the impact of the potentially damaging and expensive accident scenarios, while inevitable, could be contained and mitigated by effective preparation and response.

This chapter examines issues to be considered in the development of a Canadian national policy on places of refuge for ships in need of assistance and evaluates the operational, legal and regulatory viability of such a policy in the Canadian context. It concludes with suggestions for a federal policy framework. The integration of a Canadian national policy on places of refuge with the ongoing measures to improve the efficiency, competitiveness, security and sustainability of Canadian ports is recommended.

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\(^3\) The Department of Fisheries and Oceans and Transport Canada are studying various submissions.


\(^6\) Straight Ahead Report, *supra* note 1, 39.