

## The Rescue of Migrants and Refugees at Sea

Many migrants and refugees from North Africa have lost their lives while attempting to reach islands off the coast of Italy in small craft which are often overloaded, unseaworthy and in distress. A similar problem appears to be developing in South East Asia. This Safety Alert has been written to provide guidance to Members on this issue.



### Master's Obligations

Rescuing persons from ships or boats in distress is not only a humanitarian responsibility but is also a requirement under [SOLAS Chapter V, Reg 33](#) which states (in part) that:

*The master of a ship at sea which is in a position to be able to provide assistance on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so. This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found.*

*Masters of ships who have embarked persons in distress at sea shall treat them with humanity, within the capabilities and limitations of the ship.*

### International Conventions

Other provisions regarding the rescue and treatment of migrants and refugees can be found in the following Conventions:

- [United Nations Convention on the Law of the Sea \(UNCLOS\) 1982, Article 98](#)
- [International Convention for the Safety of Life at Sea, \(SOLAS\) 1974 as amended, Chapter V, Regulation 7](#)
- [International Convention on Maritime Search and Rescue \(SAR\), 1979 as amended](#)

### Practical Considerations

If a vessel is likely to sail through an area where migrants and refugees may be encountered, rescue drills should be carried out beforehand to prepare the crew for such a possibility. On entering the area a close lookout should be maintained both visually and by radar. If a boat is spotted which appears to have refugees on board, or if the vessel is asked by a Maritime Rescue Coordination Centre (MRCC) to divert elsewhere to render assistance, the guidance set out in the IMO/UNHCR/ICS publication ["Rescue at Sea – A Guide to Principles and Practice as Applied to Refugees and Migrants"](#) should be followed, paying particular attention to the section entitled "Action By the Master". The charterers should also be informed.

Should it become necessary to participate in a rescue operation, detailed advice can be found in the ICS publication ["Large Scale Rescue Operations at Sea – Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons"](#). Reference should also be made to [IMO Resolution MSC.167\(78\) - Guidelines on the Treatment of Persons Rescued at Sea](#).

The following recommendations should also be considered:

- Lifesaving apparatus should be placed near the boarding area.
- An officer should be assigned to make sure the access arrangements are safe and to supervise the boarding operation.



- The bridge should be locked and secured.
- Women and children should board first.
- Boarding should take place one person at a time to ensure that the boarding arrangements are not overloaded.
- Once on board each person and their belongings should be searched for potentially hazardous items such as knives and sharp objects or, in the case of tankers or vessels carrying flammable cargo, cigarette lighters, matches and mobile phones.
- A muster point for the refugees should be established well away from the boarding area to prevent overcrowding.
- The master or bridge watchkeeping officer should keep the MRCC and the company fully informed of developments throughout.
- The crew should be instructed not to take pictures or video footage of the refugees, some of whom may become hostile if photographed.
- For security reasons refugees should not be allowed to use the vessel's wi-fi system if available on board.
- If the master is concerned that allowing the refugees on board might place the vessel or the crew at risk, or if the weather conditions are likely to make boarding unduly hazardous, the MRCC should be contacted for advice.
- Each stage of the operation including communications with the MRCC, all instructions received and any decisions taken should be recorded in the vessel's logbook.

## Club Rules

If any costs are incurred after responding to an incident involving migrants or refugees, Members are reminded that the Rules contain the following provisions regarding cover:

### **Rule 2, Section 5 - Diversion Expenses**

*The net cost to the Member (over and above the expenses that would have been incurred but for the diversion or delay) of fuel, insurance, wages, stores, provisions and port charges:-*

- (a) *during a diversion of the insured vessel reasonably undertaken for the purpose of search and rescue of persons at sea or for the purpose of securing the necessary treatment ashore of sick or injured persons aboard the insured vessel, or of landing stowaways, refugees or persons saved at sea or dead bodies;*

### **Rule 2, Section 6 - Stowaways, Deserters and Refugees**

*Expenses, other than those covered under Section 5 of this Rule (Diversion Expenses) incurred by the Member in discharging his obligations towards or making necessary arrangements for stowaways, deserters, refugees or persons saved at sea, including rescue expenses, but only if and to the extent that:-*

- (a) *the Member is legally liable for the expenses or they are incurred with the approval and agreement in writing of the Managers; and*
- (b) *those expenses are not recoverable from any third party; or*
- (c) *the Committee so determines.*

### **PROVIDED THAT**

*There is no cover under this Rule or Rule 5 for consequential loss of profit or depreciation arising from the rescue of refugees.*

Members may also wish to refer to the Club's claims publication "[Guidance on the Submission of Diversion Claims](#)".

If further information is required, please contact the [Managers](#).