

LARGE SCALE RESCUE OPERATIONS AT SEA

GUIDANCE ON ENSURING THE SAFETY
AND SECURITY OF SEAFARERS
AND RESCUED PERSONS

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INTERNATIONAL CHAMBER OF SHIPPING

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International Association of Independent Tanker Owners
International Parcel Tankers Association
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1. INTRODUCTION

This shipping industry Guidance was initially published in 2014 by the International Chamber of Shipping (ICS) in response to the large number of migrants attempting to get to Europe and requiring rescue by merchant ships in the Mediterranean.¹ This second edition has been updated to take account of the recent experience of shipping companies, Masters and crews. It is also supported by the following industry organisations: ASF, ECSA, ETF, ITF, CLIA, Intercargo, Intermanager, Intertanko and IPTA.

Since the crisis in the Mediterranean began to escalate at the start of 2014, over 1,000 merchant ships have so far been involved in migrant rescue operations, assisting with the rescue of more than 50,000 people. While efforts continue at the political level to reduce the number migrants seeking to travel by sea in unseaworthy craft, the industry is faced with the increasingly frequent need to conduct large scale rescues, often involving very different challenges to conventional rescue operations.

While merchant ships are not best suited to conduct large scale operations that may involve the rescue of hundreds

of people at a time, it is likely that ships will continue to be called upon to assist by Rescue Co-ordination Centres (RCCs) for the foreseeable future.

Notwithstanding the immediate motivation for this advice, it is also applicable in any part of the world where a rescue operation involving large numbers of people at sea may be required, including South East Asia.

This Guidance is intended to help shipping companies identify and address particular issues that their ships may face when required to conduct a large scale rescue. In particular, matters of primary importance are identified that might be considered when developing ship specific plans and procedures, including the needs of those being rescued and the safety of the ship's own crew.

Each recovery operation will have unique characteristics, and not all of this advice will be appropriate for every ship. However, at least some elements of this Guidance will be relevant to most large scale rescue operations.

IMPORTANT NOTE

This Guidance is intended as voluntary advice only which shipping companies are not in any way obligated to accept, although they are invited to consider its value in the context of their operations and trade.

It is neither intended nor recommended that this Guidance should in any way be used, adapted or included in any form whatsoever by third parties wishing to conduct audits or assessments of a shipping company or a ship. The following Guidance should not be regarded as best management practice.

This Guidance is complementary to *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants* updated in 2014 by the United Nations High Commissioner for Refugees (UNHCR), in co-operation with the International Maritime Organization (IMO) and ICS.



¹ The United Nations and its agencies sometimes use the term 'mixed migrants' to reflect the fact that the people concerned may be economic migrants or refugees.

2. LEGAL OBLIGATIONS

The current legal obligations placed upon shipping were never intended for the purpose of rescuing large numbers of migrants and refugees. But providing assistance to any person *in distress* at sea is a clear legal requirement under international maritime law, which is also firmly based on a deep rooted moral obligation which the shipping industry has always accepted without question.

The legal provisions concerning rendering assistance to persons in distress at sea are:

- United Nations Convention on the Law of the Sea (UNCLOS), 1982, Article 98(1) & (2);
- IMO International Convention for Safety of Life at Sea (SOLAS), 1974 as amended, Chapter V, Regulations 7 and 33; and
- IMO International Convention on Maritime Search and Rescue (SAR), 1979 as amended.

The underlying legal principle is that nation States and ships have an obligation to assist persons in distress at sea, regardless of their nationality, status or the circumstances in which they are found. The practicalities of meeting the obligations under these international Conventions are described in:

- The International Aeronautical and Maritime SAR Manual (IAMSAR) Volumes I-III.² The matters described in IAMSAR Volume III are of particular relevance to shipping companies and ship's Masters;
- The procedures for responding to emergencies as required by the International Safety Management (ISM) Code and included in the company's Safety Management System (SMS); and

3. PURPOSE AND SCOPE

For many companies and ships, this Guidance may complement existing plans and procedures by providing information on particular safety and security matters relevant to large scale rescues, which might not be addressed in existing documents.

This Guidance may also assist with the development of company practices and procedures to support Masters and crews who conduct large scale rescue operations.

The information in this Guidance, including the Appendices, may be freely used by companies who may forward the entire document for use by Masters or incorporate selected parts into company procedures and guidelines.

- The procedures included in the ship specific plans for recovery of persons from the water as required by SOLAS.³

In addition, and as a result of the large scale character of some rescues, it may also be necessary to refer to:

- The Ship Security Plan (SSP) required by the ISPS Code;⁴
- The International Medical Guide for Ships;
- The Guide to Ship Sanitation; and
- Guidance on infectious diseases and viruses available from the World Health Organisation (WHO).

Taken together, these IMO instruments, practical instructions and additional sources of information provide the legal and operational framework within which large scale rescues at sea can be conducted.

IMPORTANT NOTE

Even if requested by a Rescue Co-ordination Centre (RCC) or other shore officials, the Master has no authority, obligation or responsibility for listening to, acting upon or communicating information concerning the legal status of rescued persons or applications for asylum. The Master has no responsibility for determining the status of those rescued.

The sole responsibility of the Master and the crew is to maintain the safety and, as far as practicable, ensure the humane treatment of rescued people, and co-operate in their disembarkation at a place of safety.

Appendix A provides a checklist for large scale rescues for use by the company and/or Master.

Appendix B provides information in pictorial form, in Arabic, French and English, for use when communicating important safety and security information to rescued persons.

Appendix C provides a format for recording appropriate information about the rescued persons on board, for relay to the RCC if requested.⁵

² Jointly published by IMO and the International Civil Aviation Organisation (ICAO).

³ The ICS guidance Recovery of Persons from the Water provides complementary guidance on developing ship specific plans and procedures as required by SOLAS Regulation III/17-1 and can be downloaded free of charge via the ICS website.

⁴ IMO International Ships and Port Facility Security Code (ISPS Code) required under SOLAS Chapter XI-2.

⁵ Resolution MSC.167(78), Guidelines on the treatment of persons rescued at sea.

4. PREPARATIONS

The need to rescue large numbers of people can make the operation particularly challenging. Experience has shown that effective procedures, supported by drills, will prepare Masters and crews to respond safely and to manage successfully rescue operations at sea.

4.1 PLANS AND PROCEDURES

All ships are required to have plans and procedures in place to recover casualties from the sea.⁶ This requirement for plans and procedures was not designed to address the large scale rescue of migrants. Nevertheless, these plans and procedures and the proficiency gained in conducting drills to practise for their eventuality will provide a good basis on which to carry out such a task.

Companies with ships operating in areas where the probability of being involved in a large scale rescue is high may wish to consider further developing their casualty recovery plans.

If developed, such additional plans should provide procedures for:

- Rescuing large numbers of persons directly from the sea or from other craft;
- Accommodating and managing rescued persons on board;
- Managing the security of the ship with rescued persons on board;
- Managing the safety of the crew and rescued persons on board; and
- Post disembarkation actions by the ship and company.

Experience has shown that each rescue will have unique features, and even well prepared plans will need to be

adapted to fit the situation. Flexibility should be given to Masters in order for them to assess risks and implement changes as required.

4.2 TRAINING AND FAMILIARISATION

The STCW Convention⁷ stipulates requirements for seafarer training related to Search and Rescue (SAR) operations. The company should ensure that individual seafarers, on being assigned to any of its ships, are familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their general and emergency duties.

4.3 LIFE SAVING APPLIANCES AND EQUIPMENT

The availability of life saving appliances (LSA) and Personal Protective Equipment (PPE) for the ship's complement is determined by international regulation. There is no requirement for a ship to provide additional LSA or PPE for those it has rescued.

4.4 FOOD AND WATER SUPPLIES

Those rescued may be seriously dehydrated. Consequently, the provision of suitable quantities of drinking water is and will continue to be a priority while they remain on board.

Unless disembarkation takes place very soon after the rescue occurs, the ship's food supplies may rapidly diminish, particularly if large numbers of migrants are embarked. In this case, consideration may be given to requesting the Rescue Co-ordination Centre (RCC) to arrange for the ship to be provided with additional appropriate food and bottled water.



When feeding large numbers of people, experience has shown that preparing pre-packed portions of food for distribution by the crew can help to ensure the even distribution of available supplies.

4.5 FIRST AID SUPPLIES

Those rescued may require medical attention, due to injury, dehydration, seasickness, hyper-/hypothermia or existing medical conditions.

First aid facilities appropriate for the ship's complement may be insufficient to meet the first aid or medical needs of large numbers of rescued people. The Master should not hesitate to request through the RCC additional first aid resources or other relevant support that may be determined by the circumstances of the particular rescue operation.

4.6 PROVISIONS AND EQUIPMENT

Consideration should be given to how available provisions and equipment could be used to support a large scale rescue operation, including:

- Shelter for those rescued;
- Separate sanitation and cleaning facilities for those rescued; and
- Cleansing of accommodation, sanitation and medical treatment areas following disembarkation.

The ship's provisions and equipment, including Personal Protective Equipment (PPE), should be sufficient to support the initial stages of rescue activities. However, in order to support the overall rescue operation, and to avoid excessively depleting provision and equipment levels required by ship's personnel for the safe operation of the vessel, consideration could be given to requesting additional supplies from the RCC.⁸

A request for additional supplies will be determined by the particular circumstances prevailing but might include:

General:

- Food and drinking water;
- Plastic sheeting;
- First aid and medical supplies; and
- Chlorine based cleaning products and equipment.

PPE:

- Additional life jackets and flotation devices;
- Anti-bacterial gel/sanitiser in individual packages, and dispensers;
- Fluid-resistant, impermeable long sleeve coveralls or coats with long sleeves;
- Gloves (both cotton/fabric and latex or nitrile);
- Respiratory protection; and
- Eye protection.

⁶ SOLAS Regulation III/17-1.

⁷ IMO International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 2010.

⁸ IAMSAR Vol. III, Section 1 – The SAR mission co-ordinator's (SMC) duties include: arranging for delivery of supplies to sustain survivors.



5. CONDUCTING A LARGE SCALE RESCUE OPERATION

5.1 CO-ORDINATION

In order to ensure adequate support during rescues and also the prompt and predictable disembarkation of rescued persons at a place of safety, ongoing communication with the RCC responsible for the SAR region is essential.

Details of RCCs are contained in lists of radio signals, and co-ordination instructions can be found in IAMSAR Vol. III.

5.2 RESPONDING TO DISTRESS CALL

The Master of a ship at sea which is in a position to provide assistance, on receiving information from any source, including an RCC, that a vessel may be in distress, is usually required to proceed towards the vessel at all speed, to offer assistance, and to inform the vessel in distress and/or the RCC accordingly.

However, if the ship receiving the distress alert is unable to assist or, due to the particular circumstances of the incident, considers it unreasonable or unnecessary to proceed to provide assistance, the Master should enter into the log-book the reason for failing to proceed to the assistance of those in distress and inform the RCC accordingly.

It should be noted that governments are required to ensure that arrangements are in place for those rescued to be disembarked to a place of safety.

5.3 RECORDING EVENTS

The Master should keep a complete record of events and decisions made in relation to the rescue operation. This will provide a statement of fact that the Master can provide to the company, which should be signed and dated.

5.4 ASSESSING THE SITUATION

The nature of the distress and the immediate circumstances will determine the response required. Having considered the circumstances, and in consultation with the RCC, a decision should be taken as to whether to embark those from the vessel in distress or to stand by the vessel while it continues its passage, or until other assisting vessels or SAR services are available. Any decision taken should consider the apparent risk of the planned action to both those on board the vessel in distress and to the personnel of the assisting ship(s). The RCC, as well as the vessel in distress, should be informed of the actions that the Master has decided are most appropriate in the circumstances.

5.5 MONITORING THE SITUATION

Regular communication with the RCC is necessary to ensure that all parties to the rescue operation are updated and aware of any change in conditions or circumstances. In situations where the decision is to stand by a craft rather than to embark its complement, this decision should be kept under review.

A review of circumstances might include:

- The immediacy of the threat to life of the persons on the vessel or craft;
- The risks posed to ship, crew⁹ and those to be rescued during a large scale rescue operation;
- The preparedness of the ship for embarkation; and
- The proximity of Search and Rescue (SAR) services.

5.6 RESCUE PLANNING

The practicalities of conducting rescue at sea are addressed in IAMSAR Volume III and should be included in the SMS with specific details being covered in the ship specific plan for the recovery of persons from the water. The plans should be flexible enough to allow the particular circumstances and conditions of each rescue operation to be addressed. Prior to conducting rescue operations, a risk assessment process should be commenced with regard to the safety of those in distress and of the crew of the assisting vessel, this is particularly important when generic plans are adapted to meet particular circumstances and conditions.

5.7 PREPARATIONS FOR THE RESCUE

Prior to commencing and during any rescue operations, the safe navigation of the ship should be considered and other vessels in the area advised. As appropriate, navigation lights and shapes as required by the IMO Collision Regulations should indicate the current status of the ship.¹⁰

There may be limited time to complete preparations before a rescue commences.

So far as practicable, a thorough briefing of all ship's crew regarding the anticipated operation should be conducted. Prior to the start of operations, crew with specific duties should be additionally briefed and any questions addressed. Equipment expected to be used during rescue operations should be assembled and prepared in the anticipated locations for use. Emergency and first aid equipment should be readily available.

The priority should be to ensure that every crew member involved in a rescue is appropriately prepared and equipped within the capacity and design of the ship. The safety of the ship's own crew should remain the primary concern of the Master. This principle should never be compromised in any attempt to rescue people, nor later while rescued persons remain on board nor during their disembarkation.

9 On ships where passengers are carried, risk to the safety, security, sanitation and hygiene of passengers should also be considered. References in this Guidance concerning risks to crew members and the need to ensure their safety, security, sanitation and hygiene should be taken to apply equally to passengers, when carried.

10 IMO Convention on the International Regulations for Preventing Collisions at Sea, 1972 as amended.

5.8 GENERAL CONSIDERATIONS FOR CONDUCTING THE RESCUE

The critical factor when dealing with large scale rescue at sea will be the number of people involved. This can make the process of rescue and embarkation very challenging and potentially hazardous. To help manage the rescue and ensure the safety and security of all involved, the Master and crew should:

- Where practical, instruct those awaiting rescue to remain in their craft unless instructed otherwise;
- Remain calm and display appropriate authority and control in all communications with the rescued persons;
- Wear clothing that clearly identifies those who are part of the ship's crew (e.g. high visibility jackets or overalls);
- Take measures to keep those rescued calm, in order to ensure the safety of all involved. Keeping family groups together will help with this; and
- Endeavour to recover persons as swiftly as the conditions and the situation allow. As much order as possible should be maintained to ensure that the operation is carried out effectively.

5.9 EMBARKATION OF RESCUED PERSONS

Embarkation is often the most challenging phase of a rescue operation. Masters should use ship specific plans and procedures, adapted for the circumstances, to safely embark rescued people. The priority will be to ensure a safe and orderly embarkation. This requirement will determine the most appropriate means of transferring rescued persons to the ship. A decision to stand off and use rescue boats, or to bring the distressed craft alongside, will be based on the Master's assessment of:

- The danger posed to the ship by the distressed craft;
- The type of ship and its freeboard;
- The presence of people in the water;
- Weather, set and drift conditions;
- Availability of pilot and/or accommodation ladders; and
- The ability of the crew to manage an orderly embarkation.

Embarkation, which should take place one at a time (single file) through a single entry point, will provide an appropriate opportunity to establish control. This might include:

- A search of each individual (and any accompanying luggage) prior to boarding in order to control what items are brought on board, particularly smoking materials and sources of ignition, including mobile telephones on tankers. Should any offensive weapons or implements be found they should be confiscated and retained in a safe location on board. Any offensive weapons or implements found should be passed to the authorities at the port of disembarkation together with a record identifying the individual(s) from whom the item(s) were taken;

- Recording the number embarked, specifically identifying gender, children and those requiring medical attention. This should not hold up the process of embarkation, and if necessary might only be conducted once all rescued persons are on board;
- Segregation of individuals, if possible, into appropriate size groups for accommodation based on medical condition, gender, age or by family group; and
- Immediate marshalling of rescued individuals away from the point of embarkation to ensure that control is maintained. If available, information such as that included at **Appendix B** should be brought to the attention of those embarked. This information provides immediate visual and written safety information in multiple languages for the protection of those rescued and the ship's personnel.

By managing the embarkation effectively, Masters and crew will remain in control.

Throughout the embarkation, the priority remains the safety of the crew, the ship and those rescued. The Master should not hesitate to take any action considered necessary to preserve safety and security on board.

Luggage and personal effects of those being rescued should not be permitted to hamper the safe embarkation of all those to be rescued.



6. MANAGEMENT OF RESCUED PERSONS

Those people rescued should be treated as humanely as the design and limitations of the ship and the capability of the crew allow. The ability to protect rescued persons from adverse weather conditions (including sun and heat), or provide sufficient first aid or medical care to meet the needs of those rescued, should be advised to the RCC as a priority. This should ensure that appropriate additional support is made available and that appropriate disembarkation at a place of safety is expedited.

The Company Security Officer (CSO) and its Ship Security Officers (SSOs) may wish to consider addressing the points listed below in the Ship Security Plan (SSP) required by the IMO ISPS Code.¹¹

6.1 SECURITY OF THE CREW AND SHIP

During large scale rescue operations, the number of embarked persons will very likely outnumber the ship's crew. For this reason, careful management is essential for the security and safety of the ship and crew.

Appropriate security measures in accordance with the SSP should be implemented to limit any risk to the ship and crew. It is also appropriate to give consideration to managing the risk of rescued persons becoming stowaways or, in extremis, even attempting to hijack the ship and its crew.

In regions where there may be a military maritime security operation underway, Masters should ensure that any reports made to the relevant point of contact include information about the ship's involvement in a large scale rescue. If there is concern regarding the security of the ship and its crew, the Master should request assistance through the RCC and/or the relevant point of contact for the maritime security operation in the region.

Security procedures might be implemented, to:

- Prevent access to sensitive and/or dangerous areas of the ship and contain embarked personnel within the intended accommodation or other designated areas. The 'citadel principle' to protect the crew and passengers may be considered appropriate in the event of a security incident involving those rescued;
- Search those rescued and confiscate, at the point of embarkation, offensive items or potential weapons, smoking materials and on tankers, other specific sources of ignition including mobile telephones and handheld electronic devices (see Section 5.9);
- Although the absolute priority remains the saving and preservation of life, those in distress may have personal effects with them. So far as the particular circumstances allow, personal effects should be treated with respect and, so far as is practical, taken on board until the owner disembarks. Any personal effects embarked should be searched and any inappropriate items confiscated (see Section 5.9);
- Establish controlled areas in order to facilitate supervision and monitoring. Demarcation of different zones can be

achieved by using rope or tape. Where practical and safe, physical barriers might also be used;

- Enforce strictly any policies relevant to the safety of the ship and the crew, for example 'no smoking' and use of naked lights, particularly on board tankers or vessels where hazardous cargoes are carried. On tankers, particular attention should be given to confiscating mobile phones and other electronic devices that carry the risk of ignition. If available, information such as that included at **Appendix B** should be brought to the attention of those embarked. This information provides immediate visual and written safety information in multiple languages for the protection of those rescued and the ship's personnel (see Section 5.9). It should be made clear to all involved that impounded personal items (apart from illegal/prohibited items) will be returned when those rescued disembark;
- Establish watches and plans for monitoring those embarked and verify the security of any areas with limited access. This may involve continuing to count rescued persons at regular intervals and appropriate use of deck and internal lighting, deck watches and patrols;
- Ensure that crew members whose role and responsibility is the monitoring and supervision of embarked personnel wear clothing that identifies them as crew (high visibility jackets or overalls). The wearing of high visibility jackets, overalls or similar identifying clothing will help to display appropriate authority and to maintain control. However, the use of appropriate PPE is essential and if found to be incompatible with other clothing the correct use of PPE should take precedence;
- Limit the availability of information to rescued persons regarding security routines, the number of crew, any other information about the ship, or the involvement of coastguard or naval vessels. It may also be necessary to control the taking and sharing of pictures of the rescue operation by crew and those rescued;
- Establish actions to take in the event that a fight or dispute arises between rescued persons. The priority on board will remain the safety of the ship and crew. The Master retains absolute authority in this regard at all times; and
- Manage potential conflict by the use of appropriate accommodation and segregation wherever practical. This may include keeping family groups together, separating different cultural/ethnic groups and, so far as possible, not accommodating too many people in any one space or area.

¹¹ IMO International Ship and Port Facility Security Code, required under SOLAS Chapter XI-2

6.2 ACCOMMODATION AND MANAGEMENT

A carefully considered plan for the accommodation and management of rescued persons will assist the Master and crew in maintaining control, and will help to preserve the safety and security of the ship and crew.

Initial actions following embarkation should include:

- Moving the embarked persons quickly to a pre-determined area (a controlled environment). Ship's personnel with particular roles should wear identifying clothing, so far as this is consistent with the need to use PPE, and display appropriate authority;
- So far as is possible, recording the total number, age and gender, and medical condition of those rescued;
- Reassuring those embarked that they will be taken to a place of safety; and
- Providing shelter, water, food, sanitation and medical attention, subject to the capabilities and limitations of the ship.

When considering the accommodation and management of rescued persons after embarkation, the following might be taken into account where practicable:

- Accommodating the sick and/or injured separately;
- Accommodating single men, single women, unaccompanied children and families in separate groups and/or areas;
- The need for any accommodation to be well ventilated;
- Food and water arrangements;
- Location of sanitary facilities; and
- So far as possible, facilities used by crew should be separate from those used by rescued persons.

Establishing trust through good communication with the people embarked will enable the crew to identify any individuals who may be in a position of authority, or respect, to help the crew to manage the rescued persons. It may be necessary to identify leaders within different cultural or ethnic groups on board.

Leaders within the groups of persons rescued on board may also be able to provide information about the circumstances of the distress. IAMSAR Vol. III contains guidance on the questions that it may be appropriate to ask.¹² The Master should report this information to the RCC.

6.3 MEDICAL CARE

A ship's capacity to offer medical assistance in most cases will be limited to providing first aid and will be constrained by the resources and medical expertise available on board. *The International Medical Guide for Ships*¹³ provides detailed guidance on diagnosing, treating and preventing health problems in seafarers. Chapter 28 provides specific guidance on medical matters relating to rescued persons.

Following embarkation, should a large number of rescued persons require medical attention or the needs of those with

medical needs be beyond the ship's capacity, the Master should not hesitate in requesting specialised assistance through the RCC.

It should be noted that medical assistance might be provided from a variety of sources including:

- Medical staff embarked in SAR units;
- Naval medical personnel; or
- Medical professionals operating as part of international charities or agencies in the region as declared SAR services.

6.4 INFECTIOUS DISEASES AND VIRUSES

Reference should be made to the *International Medical Guide for Ships*, which includes guidance on managing infectious diseases and/or viruses, and the latest 'International Travel and Health' information and updates from the World Health Organization (WHO) which can be accessed via the WHO website.¹⁴ Such information may provide an early indication of particular health risks and inform the development of on board safety precautions and procedures.

6.5 SANITATION AND HYGIENE

Preventing the spread of sickness or illness should be a priority. Any outbreak of illness or spread of infection will risk harm to those rescued and also to the ship's crew. Ship specific plans and procedures should cover health protection of those rescued, the crew and take account of the WHO *Guide to Ship Sanitation*.

Some basic precautions will include:

- Where possible, provision of sanitary facilities separate from those used by the crew;
- Separation of sanitary provisions from food and water supplies;
- Separation of healthy rescued persons from those that are sick;
- Preparedness to provide a suitable location (preferably refrigerated) to store the bodies of any recovered persons who subsequently do not survive. Guidance on handling deceased persons is included in IAMSAR Vol. III;¹⁵ and
- The use of impermeable gloves, filtered masks, eye protection, strict hand washing procedures and quarantine any clothing or PPE used, including footwear.

12 IAMSAR Vol. III, Section 2 - Debriefing of survivors.

13 3rd Edition, 2007, jointly published by the World Health Organisation (WHO), IMO and the International Labour Organisation (ILO).

14 Particular advice about the Ebola virus, relevant to ships and crew, can be found on the ICS website, as well as that of IMO.

15 IAMSAR Vol. III, Section 2 – Handling of deceased persons.



7 DISEMBARKATION OF RESCUED PERSONS

Responsibility for arranging the disembarkation of those rescued lies with the State responsible for the SAR region in which the rescue took place, unless another State assumes responsibility. Disembarkation should occur in a place of safety at the earliest opportunity with reference to:

- The particular circumstances of the ship, particularly those related to the accommodation and management of rescued persons. The ability of the crew to provide shelter, water, medical assistance and food should be advised to the co-ordinating RCC as a priority; and
- The need to minimise deviation from the planned voyage.

A prolonged wait for disembarkation will make the challenges of accommodating and managing rescued persons more difficult for Masters and crew.

7.1 DISEMBARKATION IN PORT

Responsibility for arranging disembarkation does not lie with the company or Master.

Any screening that may be required by the Port State or its officials should not be undertaken by the crew, nor should it delay disembarkation.

7.2 DISEMBARKATION AT SEA

The transfer of rescued persons to another vessel may be lengthy and potentially hazardous. Should such a procedure be proposed, Masters should discuss the planned operation as soon as possible with the appropriate RCC and with the intended transfer vessel(s) to determine a plan that minimises risk to crew and the rescued persons.

7.3 PERSONAL EFFECTS

Personal effects, such as mobile phones, that might present an ignition risk that have been confiscated for safety reasons should, whenever possible, be returned to their owners when disembarkation occurs. Dangerous items such as weapons confiscated on embarkation should not be returned but should be passed to the appropriate authority at the place of disembarkation with the original owner being identified whenever possible.

In the event that a fatality occurs amongst rescued persons it is important that any personal effects (including any documents) are kept with the body and that these are passed to the authorities with the deceased, at the point of disembarkation. Guidance on handling deceased persons is included in IAMSAR Vol. III.¹⁶

7.4 POST DISEMBARKATION ACTIONS

Following disembarkation, in order to support the ongoing safety and security of the crew, it is important that the following actions take place:

- An extensive search for stowaways on board immediately after the transfer/disembarkation of rescued persons; and
- Effective cleaning with hot water, detergent and disinfecting solution (chlorine or similar) of areas that accommodated rescued persons, including sanitary areas, or which were used for the storage of any non-survivors.

7.5 CREW WELFARE CONSIDERATIONS AND ACTIONS

Following involvement in a rescue operation the health and welfare of the ship's crew should be monitored in order to detect any latent physical or mental effects. A number of diseases and infections have a prolonged incubation period and ongoing health monitoring should reflect this.

Seafarers may experience stress or psychological after effects following a rescue operation. The full psychological impact on the Master and/or crew from involvement in a rescue operation may only become apparent after the passage of time, perhaps even after the seafarer has left the vessel. The Company and ship's plans and procedures should address this possibility, with appropriate support and monitoring of crew members.

Fatigue may be an issue if not properly managed after a rescue operation. Any short term disruption to rest and work patterns should be limited to that which is absolutely necessary.

¹⁶ IAMSAR Vol. III, Section 2 – Handling of deceased persons.

APPENDICES

A. STEP BY STEP CHECKLIST FOR A LARGE SCALE RESCUE OPERATION AT SEA

This appendix is a checklist for use in a large scale rescues at sea and provides a summary of key elements of the guidance in Sections 2 – 6.

B. SAFETY INFORMATION FOR RESCUED PERSONS

This appendix is a selection of safety related signs and information translated into Arabic, French and English, designed to help personnel on board ship communicate with those whom they have rescued.

Depending on the nature of the rescuing ship and the particular circumstances of a rescue, it may be useful to copy a number of the individual signs from this Appendix for display in appropriate on board locations.

C. RECORD OF RESCUED PERSONS

This appendix is based on the IMO Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued at Sea, and provides a table for collecting information about those rescued to assist on board management, and the provision of appropriate information to shore authorities if requested.



APPENDIX A

STEP BY STEP CHECKLIST FOR A LARGE SCALE RESCUE OPERATION AT SEA

- 1 Refer to IAMSAR and lists of radio signals and establish communications with the co-ordinating RCC, the on scene co-ordinator and any other ships involved in the rescue;
- 2 Maintain a record of events and decisions taken to create a statement of fact;
- 3 Seek confirmation from the RCC of the disembarkation arrangements in a place of safety;
- 4 Make preparations for the security of the ship:
 - Secure the bridge, crew accommodation, control stations and other sensitive and hazardous areas;
 - Establish monitoring routines;
 - Take any precautions considered appropriate by the Master or Ship Security Officer.
- 5 Prepare a sheltered and safe accommodation area. Arrange the segregation of rescued personnel by gender, family group, and as otherwise appropriate;
- 6 If standing by the craft in distress, consider the need to provide water, food and medical assistance, monitor and respond to changes in circumstances;
- 7 Plan the rescue in accordance with SMS procedures and ship specific plans for recovery of persons from the water;
- 8 Brief and equip the crew for the rescue and base the conduct of the rescue on the approved ship specific recovery plans and procedures;
- 9 Determine the approach method and an embarkation plan to ensure a safe and orderly embarkation of all persons to be rescued.
- 10 Embark rescued persons via a single point of access and:
 - Conduct searches for hazardous material and offensive weapons. Confiscate hazardous items and any offensive weapons;
 - Count the total number of people on board, separately recording men, women and children and also record those in need of medical attention. This initial count will form the basis for future monitoring of those embarked.
- 11 Manage rescued persons:
 - Once embarked and searched, those rescued should be moved away from the point of embarkation to allocated areas;
 - Distribute rescued persons between the allocated areas, allowing family groups to remain together where possible;
 - Segregate the obviously sick or injured to help with monitoring their condition and preventing the spread of sickness;
 - Maintain sanitary conditions to protect the health of rescued persons and the crew;
 - Provide medical care within the capabilities and limitations of the ship. If there are a significant number of medical cases, or there are serious cases, the Master should not hesitate in requesting medical assistance via the RCC; and
 - Provide water and food to those rescued.
- 12 Monitoring security following embarkation:
 - Monitor the security of all areas of the ship accommodating rescued persons, sensitive areas and areas of the ship which are out of bounds to those rescued;
 - Make appropriate use of deck lighting to ensure that crew monitoring those rescued and those rescued are able to be seen; and
 - Remain vigilant to the potential for conflict between rescued persons.
- 13 Maintain contact with the RCC regarding disembarkation arrangements. RCC to be particularly advised regarding:
 - Serious and/or large number of medical cases;
 - Any inability to provide sufficient shelter to those rescued;
 - Shortage of food and/or water; and
 - Security and safety concerns.
- 14 Disembark rescued persons at a place of safety. Screening of those rescued by shore authorities should not hinder or delay disembarkation.
- 15 Post disembarkation actions:
 - Clean and disinfect areas of the ship used for accommodation, sanitary provisions and medical care;
 - Replenish PPE, medical supplies, water, food and other stores used during the rescue;
 - Check for stowaways;
 - Dispose of used PPE and any contaminated waste appropriately; and
 - Assess the welfare needs of the crew.

ADDITIONAL SOURCES OF INFORMATION:

- UNHCR/IMO/ICS Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants;
- ICS Recovery of Persons from the Water: Guidelines for the Development of Plans and Procedures;
- IMO Guidelines for the Development of Plans and Procedures for the Recovery of Persons from the Water (MSC.1/Circ.1447);
- IMO Guide to Recovery Techniques (MSC.1/Circ.1182);
- IMO Guide for Cold Water Survival (MSC.1/Circ.1185/Rev.1);
- IMO Guidelines on the Treatment of Persons Rescued at Sea (MSC.167(78));
- WHO Guide to Ship Sanitation; and
- WHO/IMO/ILO International Medical Guide for Ships.

APPENDIX B

SAFETY INFORMATION FOR RESCUED PERSONS



لممنوع التدخين هناك خطر من الحريق بسبب الشحنة على متن هذه السفينة.

Défense de fumer - Risque d'incendie en raison de la cargaison transportée sur ce navire.

No smoking - There is a fire hazard because of the cargo being carried on this ship.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.7



لا يسمح باستخدام النار أو الإضاءة هناك خطر من الحريق بسبب الشحنة على متن هذه السفينة.

Flammes nues et étincelles interdites - Risque d'incendie en raison de la cargaison transportée sur ce navire.

No flames or naked lights - There is a fire hazard because of the cargo being carried on this ship.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.2




لا يسمح بحمل سكين أو أسلحة هذا يشكل خطرا على نفسك وعلى الناس الذين أنقذوك.

Pas de couteaux ou d'armes - C'est un danger pour vous-mêmes et pour les personnes qui vous ont sauvés.

No knives or weapons - These pose a danger to yourselves and to the people who have rescued you.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.8




لا يسمح باستخدام الهواتف النقالة هناك خطر من الحريق بسبب الشحنة على متن هذه السفينة.

Pas de téléphones portables - Il y a un risque d'incendie en raison de la cargaison transportée sur ce navire.

No mobile phones - These are a fire hazard because of the cargo being carried on this ship.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.3



لا يسمح باستخدام أجهزة كمبيوتر متحركة ولا أجهزة لوحية - هناك خطر من الحريق بسبب الشحنة على متن هذه السفينة.

Pas d'iPad ou ordinateur tablette. Il y a un risque d'incendie en raison de la cargaison transportée sur ce navire. Le Wifi n'est pas disponible.

No iPads or tablets - These are a fire hazard because of the cargo being carried on this ship. Wifi is not available.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.3



يتم توزيع الطعام والماء ولكن هناك إمدادات محدودة. من فضلك كن صبوراً.

Nourriture et eau seront fournis, mais en quantité limitée. Nous vous remercions de votre patience.

Food and water will be provided but there are limited supplies. Please be patient.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.4



تتوفر المراحيض في هذا القسم. يرجى الاحتفاظ بنظافتها حيث الجميع في حاجة إلى استخدامها.

Toilettes disponibles à cet endroit. S'il vous plaît, les garder propres puisque tout le monde aura besoin de les utiliser.

Toilets are available in this area. Please keep them clean as everyone will need to use them.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.5



لا يسمح بالتصوير و يجب إيقاف الهواتف المزودة بكاميرات. ممنوع التصوير.

Interdiction de prendre des photos avec vos téléphones. SVP, veuillez les éteindre.

No photography and switch off camera phones. It is not permitted to take photographs.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.6




يرجى اتخاذ الحذر مع الأطفال. لا يسمح بترك الأطفال دون رعاية الكبار على متن السفينة وحدودها. هناك عديد من المخاطر التي قد تضر بهم.

S'il vous plaît, prendre soin des enfants. Ne les laissez pas se déplacer sur le navire seul, car il y a plusieurs dangers de causer des blessures.

Please look after children. Do not let them move around the ship alone. There are many hazards that could hurt them.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.9





ممنوع الدخول في هذا القسم. إنه خطير جداً. يجب أن تعود إلى المنطقة المخصصة الخاصة بك.

Zone dangereuse, entrée interdite. Personnes autorisées seulement. Vous devez retourner à votre espace d'hébergement.

You should not be in this area. It is dangerous. You must return to your allocated area.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.10




إذا كنت مرصاً فسوف نساعدك ولكن نحن لسنا بالأطباء. سوف نحاول بأن نحصل على مساعدة في أقرب وقت ممكن.

Si vous êtes malade, nous allons essayer de vous aider. Même si nous ne sommes pas médecins, nous allons essayer de vous obtenir de l'aide dès que possible.

If you are sick then we will try and help you but we are not doctors. We will try and get you help as soon as possible.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.11



منطقة مخصصة للتدخين

Il est permis de fumer à cet endroit.

You can smoke in this area.

Large Ship Rescue Operations at Sea
Guidelines on Boarding the Safety and Security of Seafarers and Rescued Persons, Second Edition 2016, Part C-4.12





لممنوع التدخين هناك خطر من الحريق
بسبب الشحنة على متن هذه السفينة.

**Défense de fumer - Risque d'incendie en raison de
la cargaison transportée sur ce navire.**

**No smoking – There is a fire hazard because of the
cargo being carried on this ship.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 1





لا يسمح باستخدام النار أو الإضاءة هناك خطر
من الحريق بسبب الشحنة على متن هذه السفينة.

**Flammes nues et étincelles interdites – Risque
d'incendie en raison de la cargaison transportée sur
ce navire.**

**No flames or naked lights – There is a fire hazard
because of the cargo being carried on this ship.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 2





لا يسمح بحمل سكين أو أسلحة هذا يشكل خطرا
على نفسك وعلى الناس الذين أنقذك.

**Pas de couteaux ou d'armes – C'est un danger
pour vous-mêmes et pour les personnes qui
vous ont sauvés.**

**No knives or weapons – These pose a danger
to yourselves and to the people who have
rescued you.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 3





لا يسمح باستخدام الهواتف النقالة هناك خطر من الحريق بسبب الشحنه على متن هذه السفينة.

Pas de téléphones portables – Il y a risque d'incendie en raison de la cargaison transportée sur ce navire.

No mobile phones – These are a fire hazard because of the cargo being carried on this ship.

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 4





لا يسمح باستخدام أجهزة كمبيوتر متنقلة ولا
أجهزة لوحية - هناك خطر من الحريق بسبب
الشحنة على متن هذه السفينة.
شبكة لاسلكية غير متوفرة

**Pas d'iPad ou ordinateur tablette. Il y a risque
d'incendie en raison de la cargaison transportée sur
ce navire. Le Wifi n'est pas disponible.**

**No iPads or tablets – These are a fire hazard
because of the cargo being carried on this ship.
Wifi is not available.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 5





يتم توزيع الطعام والماء ولكن هناك إمدادات
محدودة . من فضلك كن صبورا.

**Nourriture et eau seront fournis, mais en quantité
limitée. Nous vous remercions de votre patience.**

**Food and water will be provided but there are
limited supplies. Please be patient.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 6





تتوفر المراحيض في هذا القسم. يرجى الاحتفاظ
بنظافتها حيث الجميع في حاجة إلى استخدامها.

**Toilettes disponibles à cet endroit. S'il vous plaît,
les garder propres puisque tout le monde aura
besoin de les utiliser.**

**Toilets are available in this area. Please keep them
clean as everyone will need to use them.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 7





لا يسمح بالتصوير و يجب إيقاف الهواتف المزودة
بكاميرات . ممنوع التصوير.

**Interdiction de prendre des photos avec vos
téléphones. SVP, veuillez les éteindre.**

**No photography and switch off camera phones. It
is not permitted to take photographs.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 8





يرجى اتخاذ الحذر مع الأطفال. لا يسمح
بترك الأطفال دون رعاية الكبار على متن
السفينة وحدودها . هناك عديد من المخاطر
التي قد تضر بهم.

S'il vous plaît, prendre soin des enfants. Ne les laissez pas se déplacer sur le navire seul, car il y a plusieurs dangers de causer des blessures.

Please look after children. Do not let them move around the ship alone. There are many hazards that could hurt them.

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 9





ممنوع الدخول في هذا القسم. إنه خطير جدا. يجب أن تعود إلى المنطقة المخصصة الخاصة بك.

Zone dangereuse, entrée interdite. Personnes autorisées seulement. Vous devez retourner à votre espace d'hébergement.

You should not be in this area. It is dangerous. You must return to your allocated area.

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 10





إذا كنت مريضا فسوف نساعدك ولكن نحن لسنا
بالأطباء . سوف نحاول بأن نحصل على مساعدة
في أقرب وقت ممكن

**Si vous êtes malade, nous allons essayer de vous
aider. Même si nous ne sommes pas médecins,
nous allons essayer de vous obtenir de l'aide dès
que possible.**

**If you are sick then we will try and help you but
we are not doctors. We will try and get you help as
soon as possible.**

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 11





منطقة مخصصة للتدخين

Il est permis de fumer à cet endroit.

You can smoke in this area.

Large Scale Rescue Operations at Sea

Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons, Second Edition 2015, Flash Card 12



APPENDIX C

RECORD OF RESCUED PERSONS¹⁷

Name	Age	Gender	Nationality	Other Information (eg: apparent health and medical condition)	Location on board
Nom	Age	Sexe	Nationalité	Autre information (état de santé ou conditions médicales)	Place d'hébergement à bord
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
...					

¹⁷ Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued at Sea.



INTERNATIONAL CHAMBER OF SHIPPING

The International Chamber of Shipping (ICS) is the principal international trade association for the shipping industry, representing shipowners and operators in all sectors and trades. ICS membership comprises 37 national shipowners' associations in Asia, Europe and the Americas representing over 80% of world merchant tonnage. ICS is concerned with all technical, legal, employment affairs and policy issues that may affect international shipping.

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RESCUE

AT SEA

A GUIDE TO PRINCIPLES AND PRACTICE AS APPLIED TO REFUGEES AND MIGRANTS



INTRODUCTION

Migrants and refugees travelling by sea are not a new phenomenon. Desperate people in all parts of the world have long risked their lives aboard unseaworthy ships and other craft. Some do so in search of work, better living conditions or educational opportunities. Others are seeking international protection against persecution, conflict or other threats to their life, liberty or security. Often this means placing their fate in the hands of unscrupulous, criminal smugglers. In addition to the dangerous conditions in which they travel, many face exploitation, abuse and violence during their journey.

Search-and-rescue (SAR) services throughout the world largely depend on international shipping to assist anyone in distress at sea.

Nowadays, distress signals can be rapidly transmitted by satellite and terrestrial communication techniques both to search-and-rescue authorities ashore, and to ships in the immediate vicinity. The rescue operation can be swift and coordinated.

Nonetheless, rescue and disembarkation to a place of safety are complex operations involving a range of actors, each of which has particular obligations under international maritime law, as well as other bodies of international law such as refugee and human rights law.

Even when the rescue has been accomplished, problems can arise in securing the agreement of States to the disembarkation of migrants and refugees. Recognizing this problem, member States of the International Maritime Organization (IMO) adopted amendments to two

of the relevant maritime conventions in 2004.¹ Just as Masters have an obligation to render assistance, Member States have a complementary obligation to coordinate and cooperate so that persons rescued at sea are disembarked in a place of safety as soon as possible.

This leaflet has been prepared jointly by the International Maritime Organization (IMO), the International Chamber of Shipping (ICS), and the Office of the United Nations High Commissioner for Refugees (UNHCR). It is intended for Masters, ship owners, Government authorities, insurance companies, and other interested parties involved in rescue-at-sea situations. It provides guidance on relevant legal provisions, on practical procedures to ensure the prompt disembarkation of rescued persons, and on measures to meet their specific needs, particularly in the case of refugees and asylum-seekers.



¹ 1974 International Convention for the Safety of Life at Sea; and 1979 International Convention on Maritime Search and Rescue. Amendments were adopted in May 2004. They entered into force on 1 July 2006.

THE LEGAL FRAMEWORK

RELEVANT
OBLIGATIONS AND
DEFINITIONS UNDER
INTERNATIONAL
LAW

INTERNATIONAL MARITIME LAW

Obligations of the Master

The Master has an obligation to render assistance to those in distress at sea without regard to their nationality, status or the circumstances in which they are found. This is a longstanding maritime tradition as well as an obligation enshrined in international law. Compliance with this obligation is essential to preserve the integrity of maritime search-and-rescue services. It is based, inter alia, on two essential texts:

The **1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)** provides that

'Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:

- (a) to render assistance to any person found at sea in danger of being lost;*
- (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him' (Article 98(1)).*



Photo: © Christian Remøy

The **1974 INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS CONVENTION)** obliges the

'master of a ship at sea which is in a position to be able to provide assistance, on receiving information² from any source that persons are in distress at sea, ... to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so' (SOLAS regulation V/33.1).

² The word 'signal' was replaced by 'information' as part of the May 2004 Amendments.



Obligations of Governments and Rescue Coordination Centres (RCCs)

Several maritime conventions define the obligations of State Parties to ensure arrangements for distress communication and coordination in their area of responsibility and for the rescue of persons in distress at sea around their coasts:

UNCLOS imposes an obligation on every coastal State Party to

'... promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements co-operate with neighbouring States for this purpose' (Article 98(2)).



Photo: © UNHCR / F. Noy / May 2011

The **SOLAS CONVENTION** requires each State Party to *'... ensure that necessary arrangements are made for distress communication and co-ordination in their area of responsibility and for the rescue of persons in distress at sea around its coasts. These arrangements shall include the establishment, operation and maintenance of such search and rescue facilities as are deemed practicable and necessary ...'* (SOLAS regulation V/7).

In addition, the **1979 INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE (SAR CONVENTION)** obliges State Parties to

'... ensure that assistance [is] provided to any person in distress at sea ... regardless of the nationality or status of such a person or the circumstances in which that person is found' (Chapter 2.1.10) and to *'... provide for their initial medical or other needs, and deliver them to a place of safety'* (Chapter 1.3.2).

INTERNATIONAL REFUGEE LAW

If people rescued at sea claim to be refugees or asylum-seekers, or indicate in any way that they fear persecution or ill-treatment if disembarked at a particular place, key principles prescribed by international refugee law need to be upheld. The Master is not responsible for determining the status of rescued persons. Some basic definitions and core obligations of Governments and RCCs are set out below.

The **1951 CONVENTION RELATING TO THE STATUS OF REFUGEES** defines a **REFUGEE** as a person who

'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his [or her] nationality,³ and is unable to or, owing to such fear, is unwilling to avail himself [or herself] of the protection of that country' (Article 1A(2)).

An **asylum-seeker** is a person who is seeking international protection and whose claim has not yet been finally decided. Not every asylum-seeker will ultimately be recognized as a refugee. Refugee status is 'declaratory'—that is, determining refugee status does not *make* a person a refugee, but rather recognizes that a person *is* a refugee.

³ Or, for stateless persons, the country of former habitual residence.



The **1951 REFUGEE CONVENTION** prohibits refugees and asylum-seekers from being expelled or returned in any manner whatsoever

'to the frontiers of territories where [their] life or freedom would be threatened on account of [their] race, religion, nationality, membership of a particular social group or political opinion' (Article 33(1)).

This refers not only to the country from which a person has fled, but also includes any other territory where he or she would face such a threat.

Rescued persons who do not meet the criteria of the 1951 Refugee Convention definition of a 'refugee', but who fear torture or other serious human rights abuses or who are fleeing armed conflict may also be protected from return to a particular place (*'refoulement'*) by other international or regional human rights or refugee law instruments.⁴

⁴ For instance, an obligation not to return a person where there are substantial grounds for believing that there is a real risk of irreparable harm derives from international human rights law (e.g. Articles 6 and 7 of the 1966 International Covenant on Civil and Political Rights). The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment explicitly prohibits return where there are substantial grounds for believing that a person would be in danger of being subject to torture. The 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa prohibits return to a territory where a person's life, physical integrity or liberty would be threatened because of persecution, external aggression, occupation, foreign domination or events seriously disturbing public order.

GUIDANCE ON PROCEDURES

BASIC GUIDANCE ON THE ACTIONS TO BE TAKEN BY VARIOUS PARTIES INVOLVED IN A RESCUE OF PERSONS AT SEA

ACTION BY THE MASTER

When requested to provide assistance to the rescue of persons in distress at sea and diverting to the location, the Master of the ship should, if possible:

- identify the ship's equipment and life-saving appliances that may be appropriate for the rescue operation;
- determine if any special arrangements, additional equipment or assistance may be required for the rescue operation;
- implement any plans and procedures to safeguard the safety and security of the crew and the ship; and
- inform the ship's owner/operator and agent at the next intended port of call of the rescue operation.

When rescuing persons at sea, the Master of the ship providing assistance should, following a request, provide the Rescue Coordination Centre (RCC) responsible for the search-and-rescue region with the following specific information, if possible:

- details of the assisting ship, including: name, flag and port of registry; name and address of the ship's owner/operator and agent at the next port; position of the vessel, maximum speed, and next intended port of call; current safety and security status, and endurance with additional persons on board;



- ➔ details of the rescued persons, including: total number; name, gender, and age; apparent health and medical condition (including any special medical needs);
- ➔ actions completed or intended to be taken by the Master;
- ➔ the Master's preferred arrangement and location for disembarking or transferring the rescued persons, mindful that rescued persons should not be disembarked or transferred to a place where their life or safety would be at risk;
- ➔ any help needed by the assisting ship (i.e. due to limitations and characteristics of the ship's equipment, available manpower, stocks of supplies, etc); and
- ➔ any special factors (e.g. safety of navigation, prevailing weather conditions, time-sensitive cargo).

Masters who have embarked persons in distress at sea should treat them with humanity, within the capabilities of the ship.

If rescued persons appear to indicate that they are **asylum-seekers** or **refugees** or that they fear persecution or ill-treatment if disembarked at a particular place, the Master⁵ should inform the rescued persons concerned that the Master has no authority to hear, consider or determine an asylum request.

⁵ Note that Masters of *State-controlled* vessels have additional obligations flowing from international refugee law which are not considered here.



ACTION BY GOVERNMENTS AND RESCUE COORDINATION CENTRES (RCCS)

Governments have to coordinate and cooperate to ensure that Masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ship's intended voyage, and have to arrange disembarkation as soon as reasonably practicable.

- As recognized in the Guidelines on the Treatment of Persons Rescued at Sea,⁶ the Government responsible for the SAR region in which the rescued persons were recovered is primarily responsible for providing a place of safety or ensuring that such a place of safety is provided.
- The **first RCC contacted** should immediately begin efforts to transfer the case to the RCC responsible for the region in which the assistance is being rendered. When the **RCC responsible for**

⁶ Resolution MSC.167(78).



the SAR region in which assistance is needed is informed about the situation, that RCC should immediately accept responsibility for coordinating the rescue efforts, since related responsibilities, including arrangements for a place of safety for rescued persons, fall primarily on the Government responsible for that region. The first RCC, however, is responsible for coordinating the case until the responsible RCC or other competent authority assumes responsibility.

- A **place of safety** is a location where rescue operations are considered to terminate, and where: the rescued persons' safety of life is no longer threatened; basic human needs (such as food, shelter and medical needs) can be met; and transportation arrangements can be made for the rescued persons' next or final destination.
- While an assisting ship may serve as a temporary place of safety, it should be relieved of this responsibility as soon as alternative arrangements can be made.
- Disembarkation of rescued asylum-seekers and refugees in territories where their lives or freedoms would be threatened must be avoided.



- Any operations and procedures such as screening and status assessment of rescued persons that go beyond rendering assistance to persons in distress should not be allowed to hinder the provision of such assistance or unduly delay disembarkation.⁷
- RCCs have to maintain effective plans of operation and coordinating arrangements (interagency or international plans and agreements if appropriate) in order to respond to all types of search-and-rescue situations, notably: recovery operations; disembarkation of rescued persons from a ship; delivery of rescued persons to a place of safety; arrangements with other entities (such as customs, border-control and immigration authorities; the ship owner; or the flag State), while rescued persons are still aboard the assisting ship—with regard to nationalities, status or circumstances of the rescued persons, including temporary provisions for hosting rescued persons while such issues are being resolved; and measures to relieve the ship as soon as practicable, avoiding undue delay, financial burden or other difficulties incurred by assisting persons at sea.

As well as RCCs and other State agencies and services, **State-controlled vessels** (such as coastguard vessels and warships) have direct obligations under international refugee law (notably, the obligation not to engage in or allow *refoulement*) which bear upon their obligations under international maritime law.

⁷ Note that screening or status-determination procedures to assess whether or not a person is a refugee should at any rate **not** take place at sea.

ADDITIONAL CONSIDERATIONS

Rescued persons may include asylum-seekers or refugees. Care should therefore be taken to ensure that:

- arrangements for the disembarkation of rescued persons do not result in their return to a place where they risk persecution or ill-treatment; and
- personal information regarding possible asylum-seekers or refugees is not shared with the authorities of their country of origin or any country from which they have fled and in which they claim a risk of harm, or with persons who may convey this information to the authorities of those countries.

International data-protection principles are to guide any sharing of personal information.⁸

UNHCR should be contacted if there are difficulties reaching agreement regarding arrangements for the treatment or disembarkation of rescued people who may be asylum-seekers or refugees.

Asylum-seekers and refugees have a right to contact UNHCR. This would usually take place as soon as possible after disembarkation.

⁸ See e.g. Guidelines for the Regulation of Computerized Personal Data Files, UN General Assembly Resolution A/RES/45/95 of 14 December 1990.

INTERNATIONAL ORGANIZATIONS AND USEFUL CONTACT INFORMATION

The International Maritime Organization (IMO)

is the United Nations agency responsible for safe, secure and efficient shipping and the prevention of pollution from ships.

☎ +44 207 735 7611

💻 www.imo.org

✉ info@imo.org

Details of RCCs are available via GISIS at <https://gisis.imo.org>. GISIS provides public access to selected data collected by the IMO Secretariat.

The Office of the United Nations High

Commissioner for Refugees (UNHCR) is the United Nations agency entrusted with the global mandate to provide international protection and assistance to asylum-seekers, refugees, stateless persons and others of concern to the Office, and to find, together with Governments, solutions to their predicament. UNHCR is also responsible for supervising the implementation by Governments of their obligations under international refugee law. State Parties to the 1951 Refugee Convention are obliged to cooperate with the High Commissioner.

☎ +41 22 739 8111

💻 www.unhcr.org

Contact details for UNHCR field offices are available by selecting the relevant country at www.unhcr.org/contact.

The International Chamber of Shipping (ICS) is the principal international trade association for the shipping industry, representing ship owners and operators in all sectors and trades. ICS is concerned with all technical, legal, employment affairs and policy issues that may affect international shipping.

☎ +44 20 7090 1460

💻 www.ics-shipping.org

The Office of the High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization of all human rights by all people, and works to ensure the enforcement of universally recognized human rights norms.

💻 www.ohchr.org

The International Organization for Migration (IOM) is committed to the principle that humane and orderly migration benefits migrants and society. It acts with its partners in the international community to assist in managing migration, advance understanding of migration issues and uphold the human dignity and well-being of migrants.

💻 www.iom.int

The Office of Legal Affairs (OLA), Division for Ocean Affairs and the Law of the Sea promotes the wider acceptance of UNCLOS and assists States in the uniform and consistent application and effective implementation of its provisions.

💻 www.un.org/depts/los

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