

Refugees and migrants rescued at sea

The 1982 United Nations Convention on the Law of the Sea and the 1974 International Convention for the Safety of Life at Sea (SOLAS) place a duty on every shipmaster to render assistance to any person in distress at sea, irrespective of their nationality, status or the circumstances in which they are found. This is a longstanding maritime tradition and the obligation has been enshrined in international and humanitarian law through these international conventions.

This loss prevention circular aims to provide a summary of some of the procedures to follow should the vessel find itself in a rescue situation.



Planning and executing the rescue

The Master should refer to procedures in the Emergency Contingency Plan and the vessel's SSP when encountering refugees at sea. Once refugees have been spotted at sea the following actions should be taken.¹

- Contact the nearest and/or responsible Rescue Co-ordination Centre (RCC),² and, if needed, nearby ships who may be able to assist you. Clarify whether the RCC has any guidelines for the rescue operation.
- Establish a plan for the rescue prior to its commencement. This plan should also include any safety and/or security issues.
- Assess the safety of the crew and passengers should persons brought on board become aggressive or violent. As each refugee/migrant is brought on board, he or she should be searched and any weapons or dangerous objects confiscated.
- The crew should obtain as much personal data from each individual as possible.
- Establish whether one of the refugees is able to communicate in a commonly understood language. Appoint one of the refugees to manage the group and be their spokesperson.
- To avoid the potential spread of disease or sickness onboard the vessel, consider using gloves and other personal protection equipment.

Treatment of people rescued at sea – health and safety concerns

The shipmaster should do everything possible, within the capabilities and limitations of the ship, to treat the survivors humanely and to meet their immediate needs.

- Consider whether the vessel has sufficient food and provisions on board for the crew and refugees, as well as medical equipment should it be needed. If not, steps should be taken immediately to rectify the situation.
- Provide sufficient accommodation on board. Set aside a protected area for the refugees to stay, including blankets and beds.

¹ See Gard Guidance to Masters para 3.13 – “Refugees”, and Annex 8 – “Stowaways questionnaire”, for more information.

² A list of Rescue Co-ordination Centres (RCCs) world wide is available in the Admiralty List of Radio Signals, Vol. 5 published by the UK Hydrographical Office. The RCC will ensure co-operation and co-ordination arrangements under the Amendments to the SOLAS and SAR Conventions. This includes recovery, disembarkation, delivery of survivors and co-ordination with other entities (customs, border control, immigration authorities, shipowner and flag state).

For more information please contact Loss Prevention Manager Terje R. Paulsen, email terje.paulsen@gard.no or Loss Prevention Executive Marius Schønberg, email marius.schonberg@gard.no

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- Provide for the basic human needs of the refugees (food, water, shelter or medical needs). Establish whether any member of the refugees needs immediate medical assistance. Seek medical advice from ashore if necessary.
 - If possible, inform the survivors of your intentions and their arrival at a place of safety where the rescue operation are considered to terminate on shore.

Notification

The Master should inform the Company, the RCC and the P&I insurer of the presence of refugees onboard. If it is not possible to contact the RCC responsible for the area where the refugees were recovered, attempts should be made to contact another RCC or any other Government authority that may be able to assist.³

- Contact the Company to advise them of the situation as well as your intentions.
- Contact the P&I Club for further advice.⁴
- Inform the RCC responsible for the region of the conditions onboard, assistance needed and actions taken or planned for the disembarkation:
 - Name of the ship, flag and port of registry.
 - Name and address of the owner's agent at the next port.
 - Position of the vessel, next intended port of call, continuing safety and current status with additional persons onboard.
 - Number of refugees onboard, name, age (if possible), gender.
 - Apparent health, medical condition and special medical needs.
 - Actions completed or intended to be taken by the Master.
 - Master's preferred arrangement for disembarking the persons rescued.
 - Any help needed by the assisting ship, during or after the recovery operation.
 - Any other factors (e.g. prevailing weather, time sensitive cargo, etc.).

Disembarkation

The coastal states are obliged to assist the Master in the disembarkation process. Once a decision has been made to land the refugees, the following actions should be taken:

- Inform the Company's agent and the correspondent in the port of disembarkation.
- Comply with any requirements of the Government responsible for the SAR region where the survivors were recovered, and seek additional guidance from those authorities where difficulties arise in complying with such requirements.
- Disembarkation of refugees and asylum seekers recovered at sea in territories where their lives and freedom would be threatened should be avoided.
- For the type of evidence to be collected, see GARD Guidance to Masters, para 3.13.4.

If the people rescued at sea claim asylum,⁵ alert the closest RCC and contact the UNCHR.

³ It is important to recognise that responsibility still rests with the RCC of the area in which the survivors are recovered.

Coastal states are legally obliged as from 2006 to support masters with the disembarkation. A ship should not be subject to undue delay, financial burden or other related difficulties incurred by assisting persons at sea (MSC 167.78, 2004).

⁴ If refugees have been picked up, the cover provided by the P&I insurer will be involved. The Company, the P&I insurer and the local correspondent should therefore be contacted. In serious cases, it may be necessary to seek diplomatic and/or flag state assistance and media services may also be required.

⁵ An asylum seeker is an individual who is seeking international protection and whose claim has not yet been finally decided by the country in which he or she has submitted it.

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