

Persons Rescued at Sea

(Djibouti, November 2011)

Hartmut Hesse
Senior Deputy Director
Maritime Safety Division
International Maritime Organization

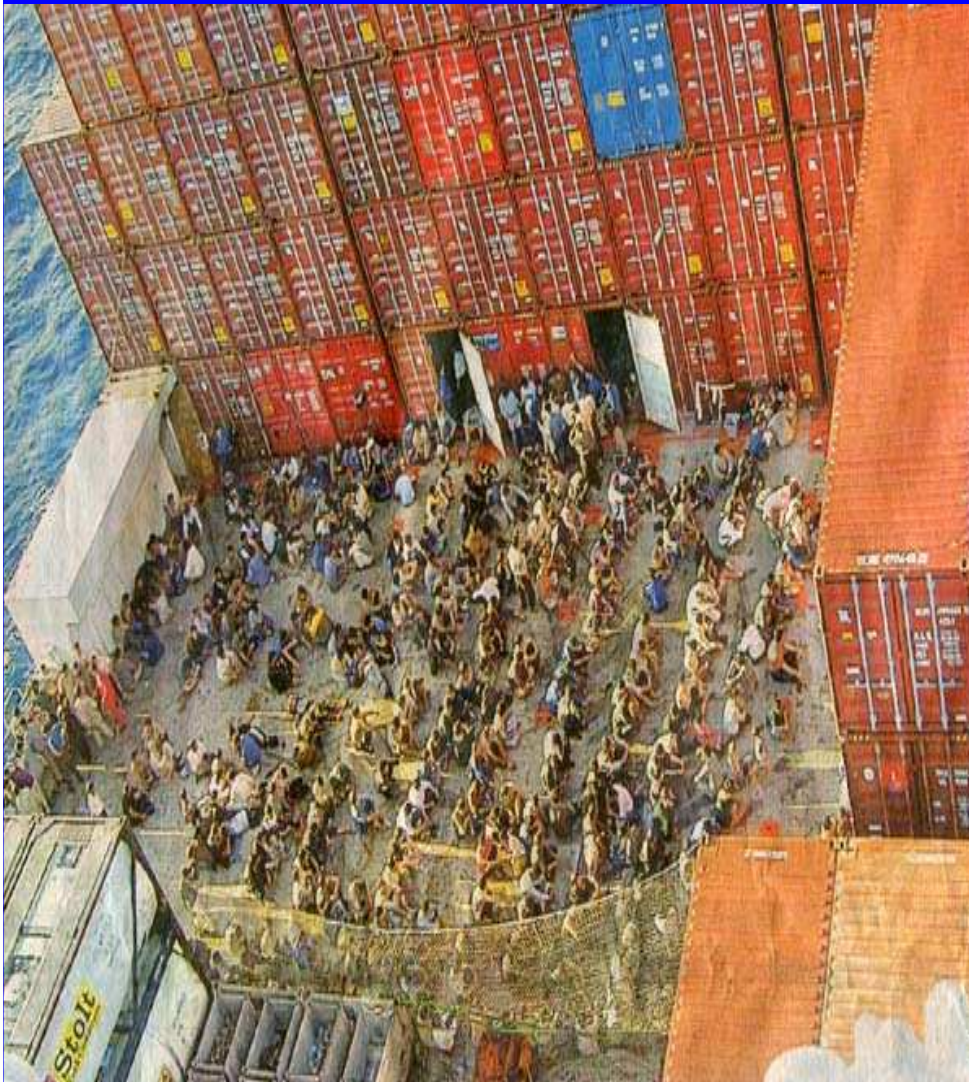
hhesse@imo.org

www.imo.org

BACKGROUND

- Container ship Tampa off Australia in August 2001
- Resolution A.920(22) on the review of safety measures and procedures for the treatment of persons rescued at sea (2001)
- Amendments to SOLAS and SAR Conventions: SOLAS regulation V/33 and SAR Chapters 2, 3 & 4 respectively (2004)
- Entry into force 1 July 2006

BACKGROUND



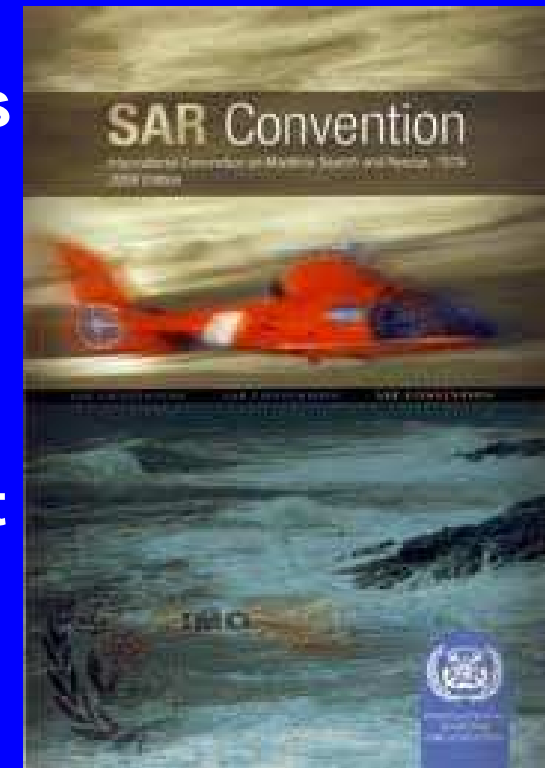
BACKGROUND

- Associated guidelines, contained in resolution MSC.167(78)
- Governments should coordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further delay and deviation from the ship's intended voyage
- Ensure that in every case a place of safety is provided within a reasonable time
- Primary responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the Government responsible for the SRR



Activities by the IMO

- IMO Inter-agency initiative: cooperation with UNHCR and other relevant entities: periodical meetings and development of guidance leaflet on Rescue at Sea
- Recent years: increased problems particularly in Mediterranean sea (Malta, Italy and Spain) - involvement of different IMO bodies (MSC, FAL, LEG, COMSAR, FSI)
- March 2010: Secretary General initiative to promote regional MoU - idea of generating a pilot scheme, to be extended to other areas



Regional MoU on procedures relating to the disembarkation of persons rescued at sea

- Three meetings of initial consultation group: July 2010, April 2011 and June 2011 (Italy, Malta and Spain)
- Recent meeting, Rome, October 2011, attended by 10 Member States in the Mediterranean
- Restricted to purely maritime matters, in view of IMO's primary concern for the integrity of the search and rescue system



Terms of Reference (1)

- Take into consideration (1):
 - Response to increasing number of movement of persons by sea
 - Potential impact on the integrity of the SAR system, safety of life at sea, and policies of the receiving countries
 - Pilot scheme to be exported to other parts of the world, as appropriate



Terms of Reference (2)



- **Take into consideration (2):**
 - **Characteristics of region / prevailing weather conditions**
 - **Facilities in a port or place of safety (PPS)**
 - **Capacity of exercising control**

Terms of Reference (3)

Participants agree to:

- Establish and strengthen co-operation among Parties to cope with incidents of persons rescued at sea (PRS)
- Establish a system of communication
- Safety of PRS is paramount
- Delivery of PRS to be smoothly, without delays
- Rescuing ships to be allowed to proceed to their destination
- Promotion of co-operation for delivery of PRS to a PPS



Regional MoU on procedures relating to the disembarkation of persons rescued at sea (1)

- Article 1: Definitions

- Parties, SRR, RCC, SAR unit and Distress Phase

- Article 2: Areas of co-operation

- development of effective SAR services for respective SRR
- Establishment of a system of communication
- Safety of PRS is paramount
- Delivery of PRS to PPS takes place smoothly and without delay
- Rescuing ships to be allowed to proceed to their destination
- Other co-operation: communication, arranging , by agreement, delivery of PRS to PPS

Regional MoU (2)

- Article 3: Responsibilities
 - ensure sufficient response mechanism
 - RCCs prepared to act quickly, independently and decide timely
 - effective plans of operation for response
 - transfer of responsibility to RCC for SRR
 - coordination before / during operation
 - provide PPS, upon justified request, taking into account respective capacities
- Article 4: Information sharing
 - RCCs to serve as information platforms for information exchange before / during distress phase
 - Promulgation of status / capacity of SAR plans & services



Regional MoU (3)

- Article 5: Disembarkation of persons rescued at sea (1)
 - determination of PPS according to resolution (MSC.167(78))
 - rapid decision making crucial – proper procedures
 - assistance, minimizing inconvenience to ships, integrity of SAR services
 - cooperation of all parties concerned to ensure disembarkation, vis-a-vis national requirements, persons' basic needs and master's preferences
 - particular circumstances of the case
 - potential asylum seekers or undocumented migrants
 - non-refoulement

Regional MoU (4)

- Article 5: Disembarkation of persons rescued at sea (2)
 - primary responsibility rests with the Government responsible for respective SRR
 - PPS may be outside that SRR (next or nearest port)
 - cooperation in providing suitable PPS, taking into account relevant factors, risks and circumstances, particularly, when number of survivors exceeds capacity of responsible State for SRR
 - proper administrative procedures (rapid, harmonized, predictable)
 - any operations as to the status of PRS to be carried out after disembarkation

Regional MoU (5)

- Article 6: Return or repatriation
 - cooperation in facilitating the return or repatriation
 - application of international instruments in case of asylum claims, e.g. 1951 Refugee Convention
- Articles 7 to 11:
 - Legal and Administrative aspects of the MoU
(Dispute Settlements; Rights; Preservation of Legal Positions; Modification; and Duration, Withdrawal and Discontinuation)

Conclusions

- **Development of Regional MoU for the Mediterranean**
- **Support by member States in that region**
- **Potential pilot scheme for other regions**
- **Complementary / supplementary to Model Framework for Cooperation**
- **Continued cooperation with UNHCR and other relevant entities**

Thank you!

hhesse@imo.org

www.imo.org