



Key Issues

Mediterranean Migrant Rescue Crisis

The migrant rescue at sea crisis in the Mediterranean is far from over, with tens of thousands of migrants still attempting to make the dangerous sea crossing from Africa to Europe in overcrowded and unseaworthy craft. Shockingly, according to the office of the United Nations High Commissioner for Refugees (UNHCR) a further 2,300 migrants lost their lives during 2018, and hundreds more have already perished during the first months of 2019.

Under the IMO Safety of Life at Sea Convention (SOLAS), ships have a legal obligation to come to the assistance of anyone in distress at sea. But the principal obligation of shipowners is humanitarian, and ICS continues to promote the use of the industry Guidelines for Large Scale Rescue Operations, whose development was led by ICS as a direct response to this terrible situation. The primary concern of ICS is that port states will continue to adhere to their own legal obligation under international law to provide prompt and predictable disembarkation of rescued people as soon as possible.

Since the crisis first escalated four years ago, governments such as Italy and Greece have so far permitted, to their great credit, the prompt disembarkation from merchant ships of 80,000 rescued people. But the crisis now seems to be taking an ever more political direction. Tensions due to concerns about migration have been increasing across Europe. Some senior national politicians have been making statements to the effect that rescued migrants should not be permitted to enter Europe in the first place.

Following the elections in Italy in March 2018, ICS has been following developments closely. As attitudes in Europe towards illegal immigration harden, shipping now faces the possibility of prompt disembarkation of rescued persons being refused. In the meantime, until the root causes are resolved (war in the Middle East plus instability in many parts of Africa and the increasing effects of climate change on water supply) large numbers of migrants can be expected to continue their perilous attempts to enter Europe by sea.

Despite increased efforts to clamp down on their activities, the main cause of the continuing large number of migrant deaths is the murderous practice by criminal smuggling gangs of sending hundreds of people to sea at the same time. This makes it extremely difficult for rescuers to save them all. The dynamic in the Mediterranean has evolved, and there has been a significant reduction in the number of migrant rescues being carried out directly by merchant shipping. Nevertheless, merchant ships are still routinely diverted by Rescue Co-ordination Centres (RCCs) to assist.

The situation is very fluid given the escalating civil conflict in Libya. However, the European Union, and Italy in particular, has worked closely with the Libyan authorities to establish a functional coastguard, and has provided both equipment and training to facilitate this. Within its territorial waters, the Libyan coastguard has itself now rescued, and returned to Libya, a significant proportion of migrants seeking to make the crossing. This new policy however – which is very controversial due to the conditions that returned migrants face in Libya – is creating new challenges which were illustrated by a disturbing incident, in March 2019, when the Palau-flagged tanker ‘Elhiblu 1’ was taken over by rescued migrants, reportedly because the ship was going to return the 100 rescued persons to Libya. The situation was quickly resolved by the Maltese authorities. Nevertheless, ICS is carefully watching this new development, which it will seek to raise at the meeting of the IMO Maritime Safety Committee in June 2019.





If ships are directed to disembark rescued people in Libya, this clearly creates a potential for conflict between the crew and desperate and frustrated people that might object to being returned. Given the numbers picked up by merchant ships in large scale rescue operations, the crew of the rescuing ship can easily be outnumbered and overwhelmed. It is therefore vital that coastal states' search and rescue authorities co-ordinate and provide for disembarkation in a place of safety, both for the sake of those rescued and for the seafarers involved in the rescue. It should be remembered that the merchant seafarers on board ships that continue to be involved in these incidents are civilians. They can be severely affected by the traumatic situations they have to face, having complied with their legal and humanitarian obligations.

Although the crisis and human suffering continues, the situation has improved compared to 2016 when over 5,000 people lost their lives and merchant ships were involved in hundreds of large scale rescue operations. This improvement has in large part been due to the EU border protection initiative 'Operation Sophia' which, although not constituted primarily with a search and rescue role, has conducted an increasing proportion of the rescue operations. In March 2019, the EU announced it would be suspending Operation Sophia sea patrols from September 2019. In conjunction with the European Community Shipowners' Associations (ECSA), ICS is therefore waiting to see what new arrangements will be made by EU Member States to replace this successful operation.

In the meantime, ICS continues to liaise with a variety of international fora whenever migration issues affecting shipping are considered, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), in addition to IMO.

