



Key Issues

The Migrant Rescue Crisis

While no longer dominating news headlines in the same way it did three years ago, the migrant rescue at sea crisis in the Mediterranean is still far from over, with tens of thousands of migrants still attempting to make the dangerous sea crossing in overcrowded and unseaworthy craft. Shockingly, according to the office of the United Nations High Commissioner for Refugees (UNHCR) a further 3,000 migrants lost their lives during 2017 (with over 5,000 lives lost in 2016).

The primary concern 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.

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, making it extremely difficult for rescuers to save them all.

However, the dynamic in the Mediterranean has evolved. Notwithstanding the impact of the 2017/2018 winter period, the number of attempted crossings appears to have reduced, and there has also been a reduction in the number of migrant rescues being carried out by merchant shipping. Nevertheless, merchant ships are still routinely diverted

by Rescue Co-ordination Centres (RCCs) to support large scale rescue operations. It also has to be remembered that the merchant seafarers involved are civilians, many of whom have been severely affected by the desperate situations which they have had to face.

Although the crisis and human suffering continues, the improving situation, so far as merchant ships are affected, is in part 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.

Also, although a number of NGO operations have been redeployed to other regions, a substantial number of rescues are still being carried out by these NGO operators – sometimes controversially, with concern among governments about the inappropriate communications they are alleged to have sometimes had with the people smugglers.

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.





Meanwhile, ICS continues to engage in the stakeholder process associated with Operation Sophia and participates in the 'SHADE-MED' meetings hosted by the Italian Navy. In April 2018, ICS hosted a workshop in support of SHADE-MED so that experiences of the industry and other stakeholders can be considered and shared. As a part of the process, ICS has agreed to encourage ship operators to cooperate, on a voluntary basis, in a new reporting programme which is intended to provide the military authorities with information about suspicious maritime activities.

ICS also continues to liaise with a variety of international fora whenever migration issues affecting shipping are considered. The United Nations is developing a 'global compact' on migration with leads being taken by UNHCR and the International Organization for Migration, and throughout 2018 ICS will be seeking to ensure that the shipping industry's ideas and concerns are fully addressed.

Although the significant reduction in the need for merchant ships to be involved in migrant rescues is welcome, the further development of the Libyan Coast Guard could present new challenges. Currently, Italy is the de facto authority for sea areas that in normal times (when there is a unified government authority) would be under the jurisdiction of Libya. Consequently ships that carry out rescues in these areas currently communicate with the Italian RCC in Rome and, importantly, are directed to disembark those rescued in Italy.



It is anticipated that the Libyan authorities will at some time declare a Libyan SAR region and that a Libyan RCC would then assume control of the sea areas involved. If the Libyan RCC directed a ship to disembark rescued migrants to Libya, the ship's Master could risk contravening the international principle of non-refoulement, as well as risking conflict with any rescued people who might object to being returned to Libya. ICS is carefully watching developments in dialogue with the relevant parties.

To their great credit, governments such as Italy and Greece have consistently permitted prompt and predictable disembarkation of rescued people from merchant ships. 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 is following developments closely. As attitudes in Europe towards illegal immigration harden, the real fear is that shipping might face the prospect 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.

