

RESCUE AT SEA OPERATIONS INTERCEPTION & DISEMBARKATION: Screening, Identification and Referral Mechanisms for Mixed Arrivals in the Region

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Topics

- International Instruments
- Background - Rescue of persons at sea
- Activities by IMO
- Model Memorandum of Understanding
- Regional Status

Shipmaster's obligation to render assistance at sea

- **Article 98 of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) ...**“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 ... to render assistance to any person found at sea in danger of being lost ...”

UNCLOS

- **Article 98 also imposes an obligation on States to**
“promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea ...” .

(SOLAS) Convention regulation V/33.1

- **provides that the “master of a ship at sea which is in a position to be able to provide assistance, on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so.”**

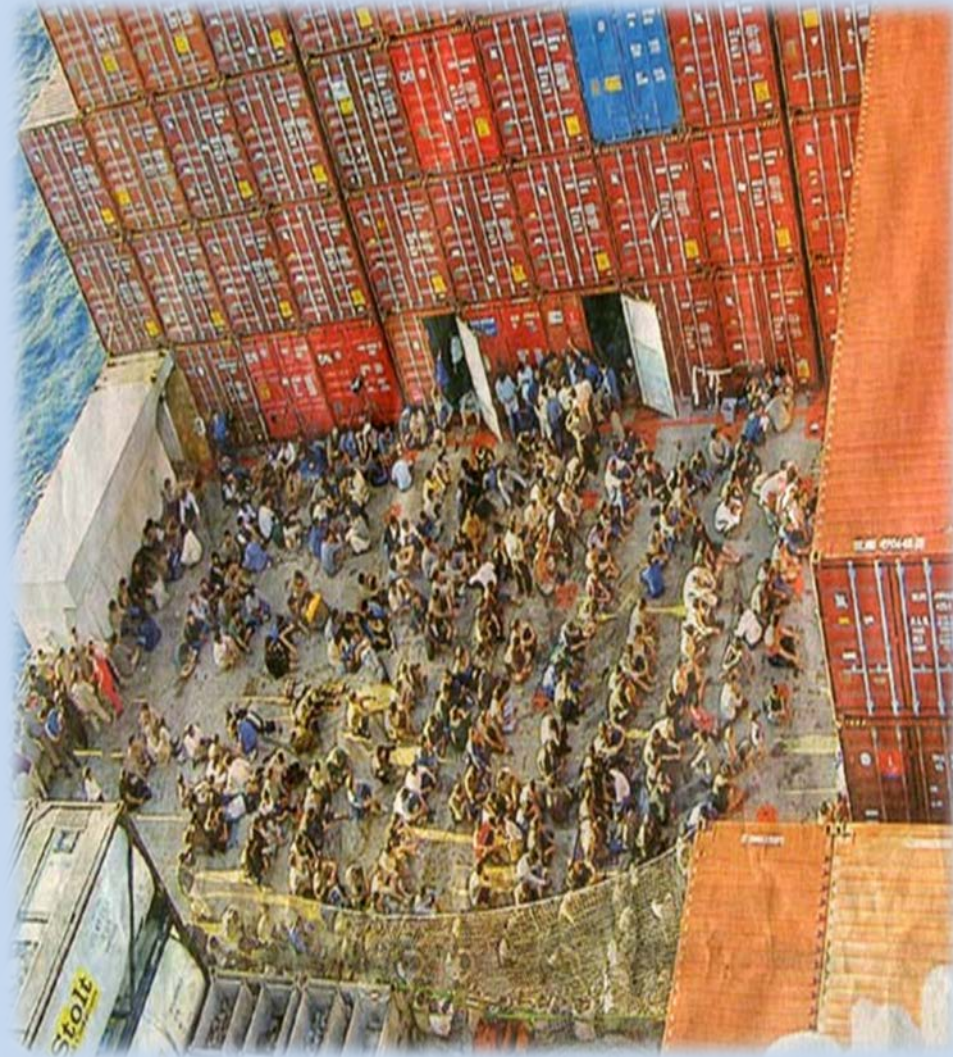
SOLAS 1974 Parties ...

- **“to ensure that necessary arrangements are made for distress communication and coordination 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.....”.**

International Convention on Maritime Search and Rescue 1979

- **to develop an international SAR plan, so that, no matter where an accident occurs, the rescue of persons in distress at sea will be co-ordinated by a SAR organization and, when necessary, by co-operation between neighbouring SAR organizations**

BACKGROUND



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)**
- **Inter-Agency Initiative**
- **Amendments to SOLAS and SAR Conventions: SOLAS regulation V/33 and SAR Chapters 2, 3 & 4 respectively (2004)**
- **Entry into force 1 July 2006**

SOLAS / SAR Convention Amdts

- **Amendments to the SOLAS and SAR conventions aiming at complementing the obligation of the master to render assistance by a corresponding obligation of IMO Member Governments to co-ordinate and co-operate in relieving the master of the responsibility to provide follow up care of survivors and to deliver the persons retrieved at sea to a place of safety**
- **the intent of the amendments are to ensure that in every case a place of safety is provided within a reasonable time and with a minimum deviation**
- **contained in MSC Resolutions 153 (78) and 155(78)**

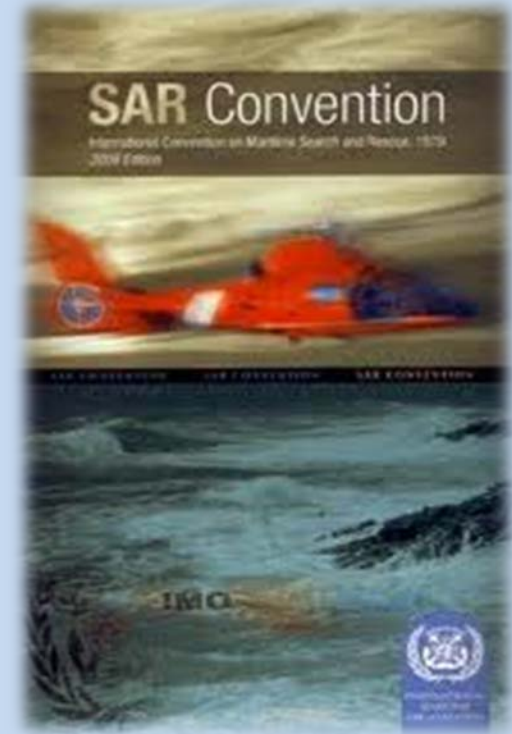
Guidelines

- **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 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's initiative to promote regional MoU - idea of generating a pilot scheme to be extended to other regions, as appropriate**



Terms of Reference

- **Take into consideration:**
 - **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**



Terms of Reference ...ctd



- **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 ...ctd

- **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 conducted 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 Status

- **14 regional presence member States in the Caribbean region**
- **11 party to SOLAS and its Protocols**
- **7 party to the SAR Convention**
- **Assistance provided through the ITCP**

Thank you!

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