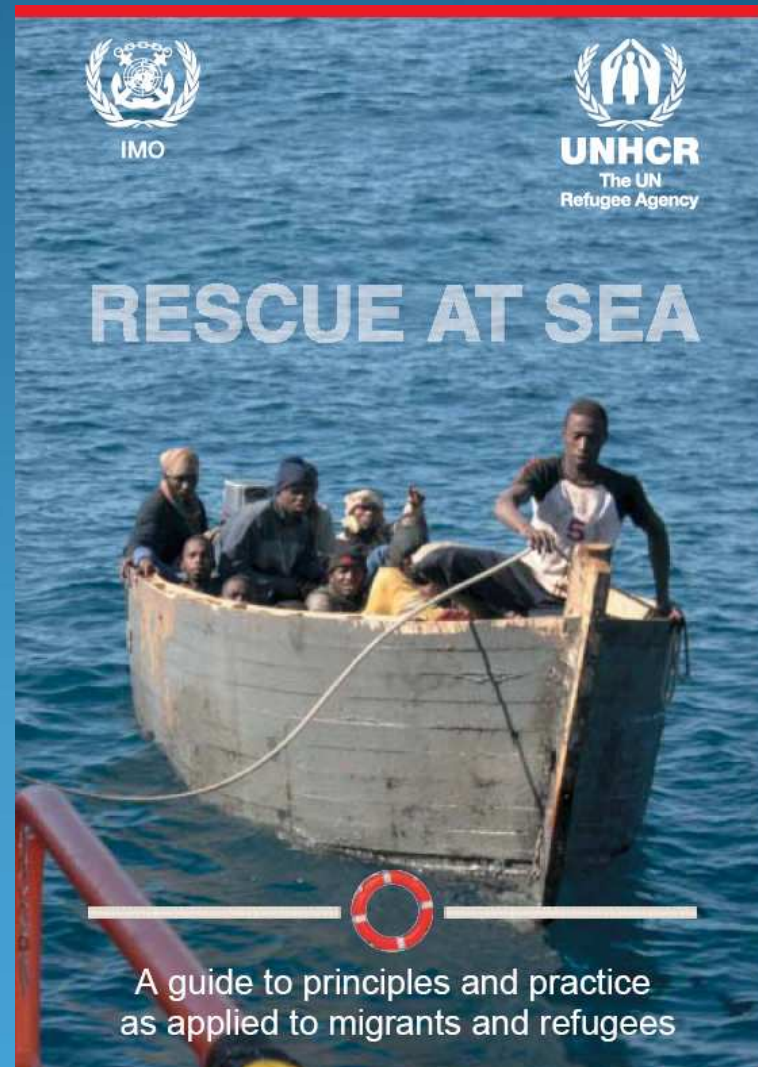


RESCUE AT SEA

A challenge for the Shipping Industry

John Murray

International Chamber of Shipping



What is ICS?

- ⇒ **International trade association for shipowners**
- ⇒ **Represents all sectors and trades, 80% world fleet**
- ⇒ **Members - national shipowners' associations from 36 countries**
- ⇒ **Represents global industry at IMO and other bodies that impact on shipping**



International Maritime Law

The shipmaster has an obligation to render assistance to those in distress at sea without regard to their nationality, status or the circumstances in which they are found. This is a longstanding maritime tradition as well as an obligation enshrined in international law. Compliance with this obligation is essential to preserve the integrity of maritime search and rescue services. It is based on, *inter alia*, two essential texts: UNCLOS and SOLAS



UNCLOS and SOLAS

“ 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:

a)to render assistance to any person found at sea in danger of being lost;

b)to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him.”

Note: It is an honourable *tradition* of the sea to render every assistance to those in distress



Government Responsibilities

SAR Convention, obliges State parties to:

“...ensure that assistance be provided to any person in distress at sea...regardless of the nationality or status of such a person or the circumstances in which that person is found” and to “provide for their initial medical or other needs, and deliver them to a place of safety.”

Tampa Incident

August 2001 – Norwegian ship ‘*Tampa*’ recovered 438 asylum seekers from an Indonesian fishing vessel.

- Australian Coast Guard directed *Tampa* to divert and provide assistance to small vessel
- Asylum seekers did not want return to Indonesia
- With concern for safety of all, ship headed for Christmas Island (Australian Territory)
- Australian Government refused ship access
- Some asylum seekers on hunger strike
- Master ignored Australian refusal and entered Australia
- After boarding by military, asylum seekers processed in New Zealand and Nauru

Tampa Incident

Most governments, appear aware that they must not allow a situation to develop where the problems of disembarking those rescued at sea encourages masters to turn a blind eye to people requiring assistance.



Industry Position

Current Focus

- North Africa/Mediterranean
- SE Asia/Australia

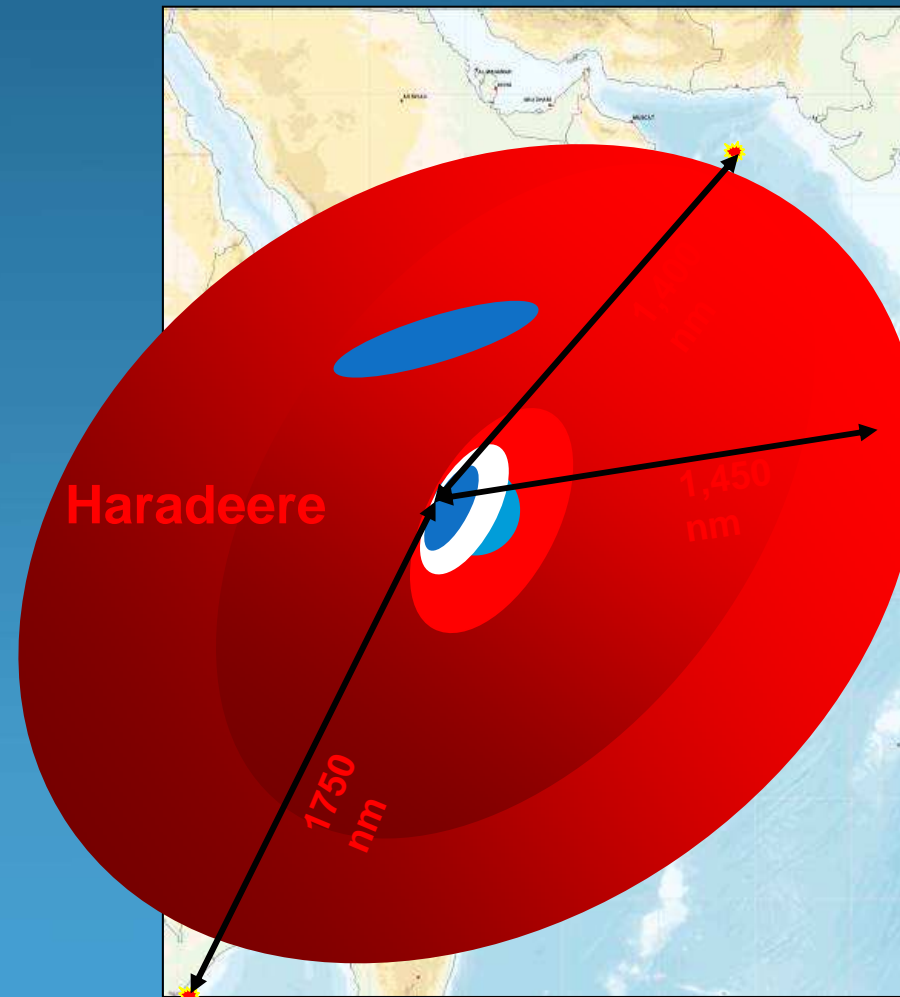
Port/Coastal States' duty:

- Allow disembarkation without prevarication
- Do not pressure Master to assess status of those rescued
- Disembark refugees at next port of call subject to safety considerations

Rescue at Sea v.s. Piracy

BMP4
Best Management Practices for
Protection against Somalia Based Piracy

Produced and supported by:



Rescue at Sea?



International Response

Piracy concerns may limit any ship's ability to address the needs of migrants and refugees

How may a Master determine whether a boat's occupants have hostile intent?

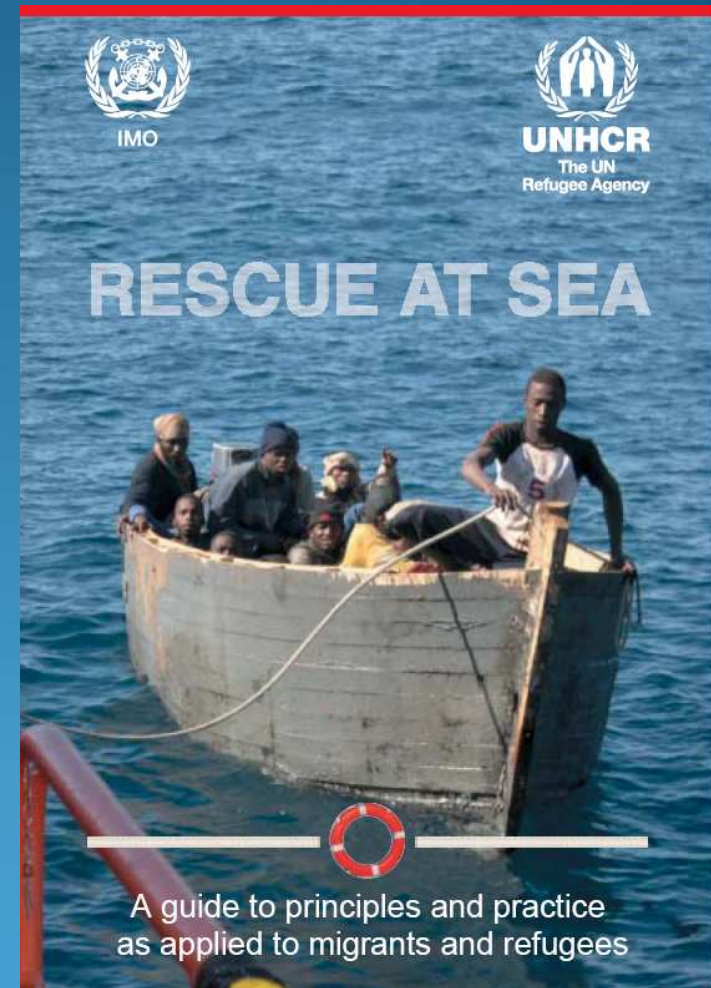
All ships in piracy region are strongly encouraged to follow guidance in BMP 4



International Response

Owners, masters and crews are fully aware of and committed to their of their legal and moral responsibilities.

Governments have to demonstrate a commitment to *their* legal and moral responsibilities





Thank You

John Murray

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