

OUR VIEW

It is the undebatable responsibility of authorities to quickly inform any involved vessel about a place of safety to disembark the rescued persons. It is important the authorities take the lead in resolving the SAR situation and that there is a clear division of responsibility and clear lines of communication.

The problem with migrants that end up in distress at sea is especially a challenge for companies operating in the Mediterranean. Therefore there is a need for sufficient SAR capabilities in the area.

The EU needs to maintain and expand its efforts in the Mediterranean through the operations Poseidon and Themis.

Merchant ships should not be used for surveillance, and should only assist in case of an emergency, as they are not equipped for this type of rescue operation.

Continued

Migrants at Sea

In the exceptional circumstances, where merchant ships participate in rescue operations, the responsible authorities must quickly designate a safe place where the rescued people can be disembarked.



Operation Triton 2018. Operation Triton supported Italy with border control, surveillance and search and rescue in the Central Mediterranean. Photo: Frontex

Since 2014, many persons have tried to cross the Mediterranean to Europe, and most recently also from the African continent to the Canary Islands, as migrants at sea. In several cases, Danish shipping companies' vessels have been called upon to come to the assistance in the Mediterranean, either by being on standby or by rescuing boats in distress that have not been able to make the trip to Europe.

Crew on Danish ships are very well aware of their moral and legal obligation to come to the rescue of any persons in distress at sea.¹ The merchant ships and their crews do not, however, have the necessary equipment (extra food, blankets and medicines etc.) or the expertise to handle large rescue operations with many people that are often in a state of profound distress. Furthermore, a traditional merchant vessel is not constructed to rescue large numbers of people.

Therefore, it must be the authorities' task to ensure adequate search and

rescue resources, especially in the Mediterranean area. Merchant ships should not be used for monitoring tasks and should only be asked to assist when the urgency of the situation demands it.

In addition, the international conventions stipulate that the coastal state in question has an obligation to help with the disembarkation of the rescued persons in distress at sea as soon as possible.²

The captain and the shipping company must not be held responsible for the place of disembarkation of the rescued persons or the progress of the rescue operation. The coast guard responsible must always quickly inform the captain of a place of safety that the rescued people can safely be disembarked at.

According to existing rules it is then the duty of the State concerned to determine the legal status of the people rescued. Furthermore, the coast guard should also assist in maintaining security on board and in providing medical

Seafarers who are acting in good faith to fulfill their legal obligations to rescue migrants in distress at sea should not be faced with legal prosecution.

care, medicine and supplies in the form of food, water and blankets.

In late summer 2020, a Danish merchant ship, acting at the request of a maritime rescue coordination center, monitored a crowded small boat and ultimately rescued those on board when the boat sank. However, no port was designated for the captain where the rescued people could disembark.

As a result, the ship, its crew, and the shipping company became entangled in a prolonged dispute between different countries about where the rescued persons should be disembarked, despite the captain's sole intention being to respond to people in distress at sea.

Following this incident, the International Maritime Organization (IMO) in 2022 issued a resolution emphasizing the importance of quick and effective cooperation of all parties involved in a search

and rescue operation and minimizing the time survivors remain aboard the ship rendering assistance.³

EU efforts have made a difference

In 2015 the EU tripled its resources to the Triton and Poseidon operations that were led by the European Border and Coast Guard Agency, Frontex. This led to a decrease in the frequency of situations, where merchant ships were asked to assist in rescue operations. The proportion of rescue operations, where merchant vessels were involved, dropped from 25 % in 2014 to 11 % in 2015 and 8 % in 2016.⁴

There are currently two active maritime EU operations focusing on boarder surveillance and search and rescue, Operation Poseidon (covering the Greek sea borders with Turkey and the Greek islands) and Operation Themis (covering the Central Mediterranean).

FACTS

- More than 615,000⁵ people have been saved in the Mediterranean between 2015 and 2023 by different EU operations.
- Since 2014, Danish shipping companies have participated in more than 40 rescue operations in the Mediterranean, resulting in the rescue of more than 6,900 people in distress at sea. This is in addition to many calls to be stand by in potential operations.
- Danish seafarers are very well aware of their legal obligation to come to the rescue of any persons in distress at sea.

¹ Merchant ships have an obligation according to e.g. the International Convention on Safe Seas (SOLAS) and the Convention on the Law of the Sea (UNCLOS) to rescue people in distress at sea.

² Coastal States are obliged by SOLAS, UNCLOS and the SAR Conventions (the International Convention on Maritime Search and Rescue) to establish, operate and maintain adequate search and rescue service in their respective sea areas, without prejudice to the status of those in distress.

³ Resolution MSC.528(106), (adopted on 11 November 2022): Recommended cooperation to ensure the safety of life at sea, the rescue of persons in distress at sea and the safe disembarkation of survivors.

⁴ Figures from the Italian coast guard.

⁵ <https://www.consilium.europa.eu/en/infographics/saving-lives-sea/>