



## Sea Rescue

### A trade union statement

Sea rescue is an international obligation. There has never been so many ships at sea. However, since 2014, the number of casualties at sea has been extremely high: figures from the United Nations High Commissioner for Refugees (HCR) are very revealing: (2018: 1,408; 2017: 3,139; 2016: 6,038; 2015: 3,538). Nevertheless, due to the specificity of the marine environment, the law requires **any ship master to render assistance to any individual in distress at sea**, regardless of that person's nationality, status or of the circumstances he/she was found in.

We, the trade unions and seafarers from various European countries, hereby emphasise our attachment to the tradition and age-old ideals of our profession: rescue is a fundamental obligation, regardless of the person and his/her circumstances. We take pride in rescuing whoever is in distress in the vicinity of our ships. Rescue, being an obligation, is not part of migration policy and must not be fashioned by it.

We refuse any criminalisation of the masters and crews of ships acting so. On the contrary, we insist upon the fact that they are acting pursuant to the obligations of international Law. Those violating International Law are the governments which refuse to provide sufficient resources to rescue people:

United Nations Convention on the Law of the Sea of 1982

(UNCLOS<sup>1</sup> Convention) states that “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;
- 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”. (art. 98(1))

Safety of Life at Sea Convention of 1974

The (SOLAS Convention) provides for the “master of a ship at sea which is in a position to be able to provide assistance on receiving information (2) 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...” (Chapter V, Regulation 33(1)).

The purpose of amendments to the SOLAS Convention regulation 33 and the SAR Convention chapter 3.1.9 is to secure the continuity and integrity of SAR services, to make sure people in distress at sea are rescued while minimising the damages those interventions may cause to the ships concerned. Therefore, they require that the contracting States:

- agree and cooperate so that ship masters rendering assistance by taking people in distress on board be exempted from their trading obligations with a minimal deviation compared with the initial route;
- organise for rescued people to be disembarked as soon as possible.

Despite the clarity of such obligations, criminalisation of sea rescue is increasing. Many legal proceedings – particularly on the grounds of illegal traffic of migrants – have been initiated against sea masters and crews, fishermen or NGO engaged in periodic rescue operations. After years of proceedings, they have all been acquitted, which proves their abusive nature and dissuasive purpose.

We call upon the European Union and its member states to anchor into law a clear exception on grounds of solidarity, to prevent such criminalisation. This is essential to ensure proper implementation of the Palermo Protocol against the smuggling of migrants (2000), which has been ratified by the European Union and its member states. As was recalled at the 2015 Conference of states parties to the Protocol: “States should ensure that the legislative frameworks in place provide sufficient clarity to ensure that charges may not be pressed against those who fulfil their obligation of rescue and preservation of life”.

**We ask ship-owners to provide masters and crews who save lives with assistance, legal backup and defence, should on-land authorities question them.**

**The attending trade unions demand that States granting flags and States coordinating rescue operations honour their obligations under international Law and**

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<sup>1</sup> Acronyms: OMI: International Maritime Organisation / SAR: Maritime Search and Rescue of 1979 / SOLAS: Safety of Life at Sea of 1974 / UNCLOS: United Nations Convention on the Law of the Sea of 1982

as required by these conventions and that they commit to cooperating with one another to ensure effectiveness by all means deemed necessary. Faced with the increasing number of persons to be rescued at sea, seafarers from the merchant navy cannot compensate for the lack of national governments' failing to honour their legal obligations. Governments need to take all measures necessary to ensure every single person seeking rescue is taken care of.

We demand that Government public services for sea rescue be appropriately staffed, trained and equipped to fulfil their obligations, especially given the increasing numbers of people needing rescue.

We ask that European governments facilitate flag acquisition for ships coming within the scope of humanitarian actions to rescue migrants in high seas.

Beyond that, we consider it a states' obligation to organise search and rescue operations, such as Mare Nostrum used to be, rather than reinforce security measures, such as Frontex and NATO patrols.

*Montreuil, 15 Novembre 2018*

**Signatories:**

- La CGT (France), Ver.di (Germany), BTB-FGTB (Belgium), FSC-CC.OO. (Spain), CGIL, UIL, CISL (Italy), CGTP-IN (Portugal), PCS, Nautilus International (Great Britain), International Federation of Shipmasters' Associations (IFSMA).