



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



“Place of Safety” Legal Requirement Being Ignored

European nations surrounding the Mediterranean Sea are ignoring their obligations under international maritime law to provide a “place of safety” to attempted migrants rescued from the water.

Such is the claim repeated by SOS MEDITERRANEE and the International Federation of Red Cross and Red Crescent Societies (IFRC), following a recent rescue of 234 people via their chartered 69.3-metre and 2090-GT vessel, Ocean Viking.

According to an [update](#) issued on November 11, the humanitarian vessel ultimately disembarked that day in Toulon (France).

However, that disembarkation came “almost three weeks” after the refugees were actually rescued – and only after repeated pleas by the rescuers for “maritime law to be respected”.

“People rescued in the central Mediterranean by ships should and must be allowed to disembark in a place of safety within reasonable time as is the case for search-and-rescue operations conducted by authorities and merchant ships,” stated SOS MEDITERRANEE director of operations Xavier Lauth.

“The ever-worsening blockages faced by rescue ships in this stretch of the sea since 2018 are discriminatory and unacceptable. Keeping survivors onboard ships hostages of political debate longer would be the result of a dramatic failure of European members and associated states.”

According to the rescuers’ statement, people’s right to promptly disembark in a place of safety “suffers no debate”.

“The international convention for the Safety of Life at Sea (SOLAS) frames search-and-rescue obligations to states and shipmasters in great detail – from the obligation to respond to and co-ordinate search for boats reported in distress, to the obligation to assign a ‘place of safety as soon as reasonably practicable’,” it stated.

“All circumstances are considered, including the obligation for most-able-to-assist states to co-operate in order to identify a place of safety for disembarkation; the obligation to provide assistance ‘regardless of the nationality or status of such persons’ ... as well as the fact that ‘status assessment of rescued persons’ should not ‘unduly delay disembarkation of survivors’.”

The rescuers stated that, as per maritime conventions, the Ocean Viking informed relevant maritime authorities at all steps of the search-and-rescue operations and asked for the designation of a place of safety.

“We must prioritise and co-operate in search-and-rescue operations for people on the move regardless of their status, including through clear, safe and predictable disembarkation mechanisms for rescued people.

“SOS MEDITERRANEE and IFRC urge European Union members and associated states to respect maritime law ... ”

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