
Suggestions for revising SOLAS and SAR to solve the problem of maritime refugees

Team: Infinity Rescuers

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: Rescue at Sea: Boat People

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1. Problem Analysis

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1-2) IMO and Maritime Refugee

1-3) Maritime Refugee Problem

1-4) Regulation and Guidance of IMO

Introduction



1)

“Boat People”

People who
are not guaranteed
to be rescued at Sea

1) 30 Incredible Color Photographs That Capture Brutal Life of Vietnamese Boat People From the Late 1970s to Early 1980s

1-1) Current Situation

ISSUE 1²⁾

6,720 views | Aug 11, 2019, 04:53am

EU Countries Close Their Ports To Rescue Ship Open Arms With 160 People Aboard



Ana Garcia Valdivia Contributor ©

Policy

I write about the Spanish economic policy in the framework of EU



ISSUE 2³⁾

Danish cargo ship carrying refugees allowed to dock in Italy

Malta has agreed it would take in a second ship carrying 234 people, after it was stuck on the Mediterranean for days.

26 Jun 2018



2) <https://www.forbes.com/sites/anagarciavaldivia/2019/08/11/eu-countries-close-its-ports-to-the-rescue-ship-open-arms-with-160-people-aboard/#36994a6a2504>

3) <https://www.aljazeera.com/news/2018/06/danish-cargo-ship-carrying-refugees-allowed-dock-italy-180629081632471.html>

1-2) IMO and Maritime Refugee

OW 44. (MSC) 4)

IMO's contribution to addressing unsafe mixed migration by sea

MARITIME SAFETY COMMITTEE
100th session
Agenda item 15

FACILITATION COMMITTEE
43rd session
Agenda item 10

MARITIME SAFETY COMMITTEE
101st session
Agenda item 19

MSC 101/19
21 February 2019
Original: ENGLISH

5)

UNSAFI

Progress made with the Global
the global compac

UNSAFI

Progress made with the Global
the global compac

UNSAFE MIXED MIGRATION BY SEA

Endorsement of the Global Compact for Safe, Orderly and Regular Migration and the
Global Compact on Responsibility-Sharing for Refugees

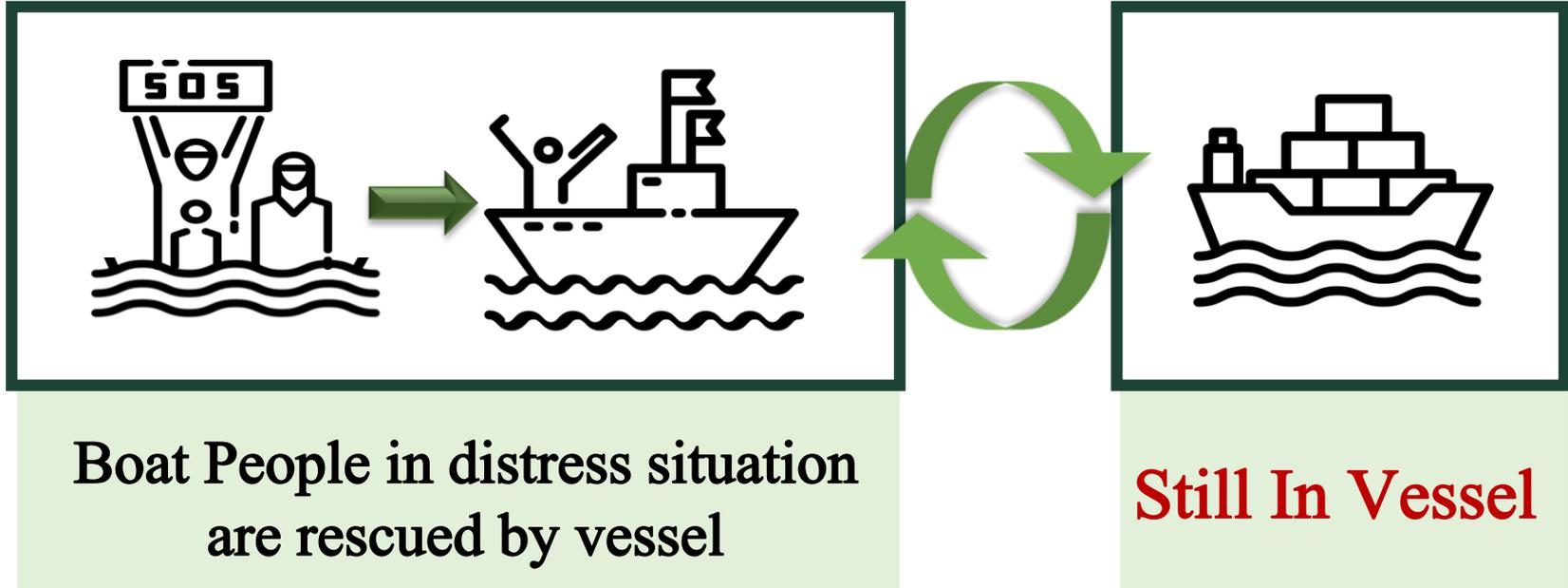
Note by the Secretariat

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Progress made with the Global the global compac		Progress made with the Global the global compac		Endorsement of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees	
				Note by the Secretariat	
				SUMMARY	
<i>Executive summary:</i>	This docum the Global global com	<i>Executive summary:</i>	This docum the Global global com	<i>Executive summary:</i>	This document provides information on the endorsement by the United Nations General Assembly of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees
<i>Strategic direction, if applicable:</i>		<i>Strategic direction, if applicable:</i>	Other work	<i>Strategic direction, if applicable:</i>	Other work
<i>Output:</i>	OW 44	<i>Output:</i>	OW 44	<i>Output:</i>	OW 44
<i>Action to be taken:</i>	Paragraph	<i>Action to be taken:</i>	Paragraph	<i>Action to be taken:</i>	Paragraph 6
<i>Related document:</i>	MSC 99/22	<i>Related document:</i>	FAL 42/17	<i>Related document:</i>	MSC 100/20

4) Resolution A.1110(30)

5) MSC 100/15, FAL 43/10, MSC 101/19

1-3) Maritime Refugee Problem



FAL Convention

5.2 *The shipowner*

6)

It is the responsibility of the shipowner of the ship on which stowaways are found:

- 3 **to cover any applicable costs** relating to the removal, detention, care and disembarkation of the stowaway in accordance with the legislation of the States which may be involved.

1-3) Maritime Refugee Problem

INTERNATIONAL MARITIME ORGANIZATION



IMO

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MARITIME SAFETY COMMITTEE
78th session
Agenda item 26

MSC 78/26
28 May 2004
Original: ENGLISH

REPORT OF THE MARITIME SAFETY COMMITTEE

6.14 A place of safety may be on land, or it may be aboard a rescue unit or other suitable vessel or facility at sea that can serve as a place of safety until the survivors are disembarked to their next destination.



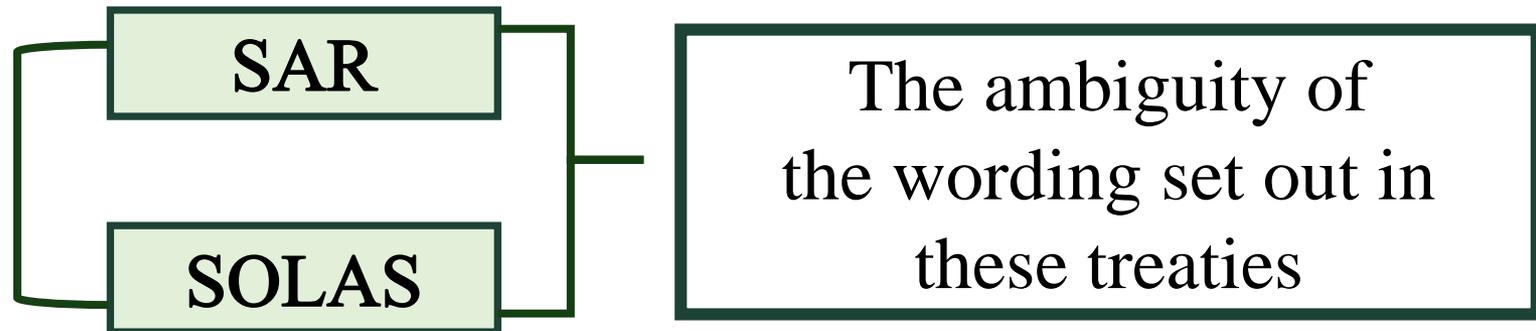
Pointing out the Problem

Many countries are exploiting
the blind spots of the provision

1-4) Regulation and Guidance of IMO

Why did these problems occur?

"a flexible interpretation of the treaty."



We have to Revise the conventions

2. Solutions

2-1) SOLAS

2-2) SAR 1.3.2

2-3) SAR 3.1.9

2-1) SOLAS

SOLAS : Chapter V, Regulation 29

1. The master of a ship at sea which is in a position to be able to provide assistance on receiving a signal 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. (*the rest omitted*)



Pointing out the Problem

It does not have some phrases
about features of rescued persons

2-1) SOLAS

SOLAS : Chapter V, Regulation 29

1. The master of a ship at sea which is in a position to be able to provide assistance on receiving a signal 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. *(the rest omitted)*

"regardless of one's nationality, status of such a person, gender, race or religion "

2-1) SOLAS

Predictable Consequences

Before

- It has not a specific explanation for the rescue target.
- There is no firm guarantee for special cases such as maritime refugees.

After

SOLAS can emphasize that any situation should be treated **non-discriminatory**.

2-2) SAR's Annex

SAR : Annex, Chapter I, 1.3.2

1.3 The terms listed below are used in the Annex with the following meanings:

.2 "**Rescue**". An operation to retrieve persons in distress, provide for their initial medical or other needs, and *deliver them to a place of safety*;



‘A place of safety?’

Vague and ambiguous phrases

2-2) SAR's Annex (1)

SAR : Annex, Chapter I, 1.3.2

1.3 The terms listed below are used in the Annex with the following meanings:

.2 "Rescue". An operation to retrieve persons in distress, provide for their initial medical or other needs, and *deliver them to a place of safety*;

“a state which provides
a place of safety”

2-2) SAR's Annex (2)

SAR : Annex, Chapter III, 3.1.9

3.1 Co-operation between States

.9 *(the preface omitted)* The Party responsible for the search and rescue region in which such assistance is rendered shall exercise primary responsibility for ensuring such co-ordination and cooperation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to *a place of safety*



‘A place of safety?’

Vague and ambiguous phrases

2-2) SAR's Annex (2)

SAR : Annex, Chapter III, 3.1.9

3.1 Co-operation between States

3.1.9 *(the preface omitted)* The Party responsible for the search and rescue region in which such assistance is rendered shall exercise primary responsibility for ensuring such co-ordination and cooperation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to ~~a place of safety;~~

“a state which provides
a place of safety”

2-2) SAR's Annex (2)

Predictable Consequences

Before

- The parties have avoided unloading rescuers in into safe land. Moreover, the party states have only taken temporary measures.
- Death rate of maritime refugees was high.

After

- **Adequate procedures can be taken after landing** regardless of the nationality, status of such a person.
- **Death rate of refugees can be reduced.**

Results



IMO can implement their missions.
IMO can fill the empty part of this process.

3. Expected Results

3-1) Importance of Amendments

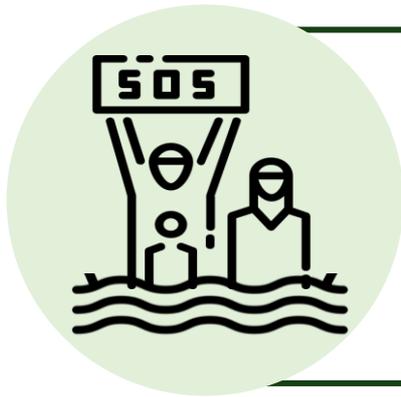
3-2) Role of IMO

3-3) Association

3-4) IMO and SDGs

3-1) Importance of amendments

Amendment of SOLAS



regardless of
one's nationality,
status of such a person,
gender, race or religion



Implications

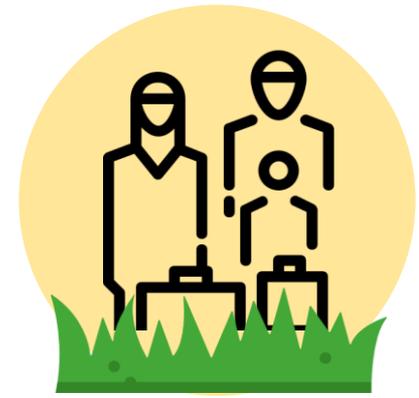
It emphasizes the essential duties
and universal application
of **rescue activities** by firmly stating.

3-1) Importance of amendments

Amendment of SAR



&



Search and Rescue
according to SOLAS

Disembarkation to
land due to SAR

3-2) Role of IMO

Amendment of SAR

Implications

- Giving the opportunity to be properly treated after rescue to everyone.
 - It will help solve the problem of the maritime refugee.
-
- It will prevent ships from drifting and causing huge *financial losses because of refugee shutdown.*
 - Rapid rescue and disembarkation after rescue will also *help facilitate maritime transportation.*

3-3) Association



*First
step*

Amendments of SOLAS and SAR

IMO will be in charge of disembarkation



*And
Then*

Using this amendments as a **legal
basis for discussion of burden-sharing**

LOCAL AGENCIES

Seeking institutional and procedural
changes to solve the problem

IMO is *the first player* in this process !

The Global Compact for Safe, Orderly and Regular Migration



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MARITIME SAFETY COMMITTEE
101st session
Agenda item 19

MSC 101/19
21 February 2019
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FACILITATION COMMITTEE
43rd session
Agenda item 10

FAL 43/10/1
1 February 2019
Original: ENGLISH

1

Amendments of SOLAS and SAR

UNSAFE MIXED MIGRATION BY SEA

Endorsement of the Global Compact for Safe, Orderly and Regular Migration and the
Global Compact on Responsibility-Sharing for Refugees

Note by the Secretariat

SUMMARY

Executive summary: This document provides information on the endorsement by the United Nations General Assembly of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees

Strategic direction, if applicable: Not applicable

Output: OW 44

Action to be taken: Paragraph 8

Related document: FAL 43/10

2

IMO could Contribute to achieve Global Compact

10. REDUCED INEQUALITIES

9)

10.7

Facilitate orderly, safe, regular and **responsible migration and mobility of people**, including through the *implementation of planned and well-managed migration policies*



**SUSTAINABLE
DEVELOPMENT
GOALS**

THANK YOU

References

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