



Friday 24th January 2013

Bulletin 866 - 1/13 - Refugees off Sri Lanka - Indian Ocean

The Association has seen a number of recent cases in which ship owner Members have responded to emergency calls whilst transiting the Indian Ocean, requesting them to provide assistance to distressed fishing vessels in the area. In each example the rescued individuals were migrants heading for Australia from Sri Lanka.

It is widely recognised that once a ship has been involved in the rescue of persons in distress at sea, problems can arise in securing the agreement of local authorities to the disembarkation of the migrants/refugees, especially if they are not in possession of proper documentation. Recognising this problem, member States of the IMO adopted amendments to the international maritime conventions (1974 International Convention for the Safety of Life at Sea; and 1979 International Convention on Maritime Search and Rescue), which entered into force in July 2006. These aim to ensure that the obligation of the ship master to render assistance is complemented by a corresponding obligation of states to co-operate in rescue situations, thereby relieving the master of the responsibility to care for survivors, and allowing individuals who are rescued at sea in such circumstances to be delivered promptly to a place of safety.

The IMO Maritime Safety Committee (MSC) also adopted related guidelines prepared jointly by the IMO and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the treatment of persons rescued at sea. The guidelines are intended to help Governments and masters better understand their obligations under international law and provide helpful guidance with regard to carrying out these obligations.

The guidelines include the following subjects:

- Legal Framework
 - Summary of conventions and obligations to vessels, governments and RCCs
- Procedures
 - Checklists and guidelines for vessels, governments and RCCs
- Useful contact information and international organizations

To the extent that a Member has incurred expenses as a result of assisting such individuals, the Club provides cover in accordance with 'Rule 2 Section 8 Stowaways and refugees', as follows:

"Expenses, other than those covered under Section 7 of this Rule, incurred but the Owner in discharging his obligations towards or making necessary arrangements for stowaways or refugees, but only if and to the extent that the Owner is legally liable for the expenses or they are incurred with the approval and agreement of the Managers."

The guidelines, available as a pamphlet, can be downloaded from IMO website [here](#):

Source of Information:

International Maritime Organization
www.imo.org