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'Captains fear hassle of helping refugees'

Rendering assistance is a legal obligation

Thousands of migrants die on the sea but it's not just because of their rickety boats – merchant vessels fail to assist them due to the difficulties of discharging them, according to a maritime expert. Captain Wolf-Peter Rabitz said it could take days for the migrants to be allowed to disembark and the legal consequences could last several years.

He said it was common knowledge that thousands of refugees have died on their north-bound voyage because of the unseaworthiness of their boats **"but also because many parties have not taken appropriate steps to assist"**.

"It is taken for granted that one or the other ship that has passed such a scene has not assisted because of the known difficulties to have such refugees discharged again," he said.

Capt. Rabitz was addressing a joint seminar organised by the European Maritime Law Organisation and the Malta Maritime Law Association to mark the latter's 20th anniversary.

He is the founder of Unicon Marine Average Consultants, which offers assistance and case management in protection and indemnity insurance matters.

He cited the MV Cap Anamur as an example of the lengthy legal consequences facing ships that have taken migrants aboard. In 2004 it rescued 37 Sudanese refugees en route to Italy.

But his observations also recalled the deadlock that developed when the MV Salamis was ordered by Malta and Italy to return 102 migrants to Libya, before Italy relented and allowed the migrants to disembark on its shores.

Rendering assistance in cases where human beings are in danger at sea is obligatory under the International Law of the Sea, Capt. Rabitz stressed.

To illustrate the sheer complexities which face a shipmaster rescuing migrants, Capt. Rabitz described a hypothetical scenario of a container vessel with a crew of 22 which has spotted a sinking boat with 95 migrants on the way to Malta. Food, water and supplies must be prepared while ladders and other gear must be lowered. **Key people must be contacted: the ship's owners, charterers, insurance people, agents in Malta, the UNHCR and the Flag State.**

Those in need of medical assistance are separated while the skipper is interviewed.

Several crew members endeavour to set up a list of the 95 refugees with names and nationalities.

Clothes and belongings are searched for ID documents and possibly hidden items that could be used as weapons.

The vessel's command on the bridge is in non-stop communication with the owners, the charterers, the shipping agents and the Rescue Coordination Centre.

Orders are received from the authorities in Malta via the agents that the vessel is prohibited from entering the harbour due to quarantine regulations.

The ship is then boarded by maritime police, customs officers, officers of the port health authorities and representatives of the local UNHCR office.

Meanwhile, it is getting dark and again preparations take place for water, food and other supplies to allow the migrants to spend another night on board. Days may pass before the migrants are allowed to disembark. "One may expect that it will take some time until all concerned questions, discussions, costs and consequences will have been sorted out between owners and charterers," Capt. Rabitz

said.

<http://www.timesofmalta.com/articles/view/20140509/local/-Captains-fear-hassle-of-helping-refugees-.518232>