The International Maritime Rescue Federation Mass Rescue Operations Project:

**General guidance on ‘remote areas’ and other special cases**

**Overview**

The IMRF’s mass rescue operations (MRO) guidance is provided in 30 separate chapters at [www.international-maritime-rescue.org](http://www.international-maritime-rescue.org). For downloadable documents referenced in this chapter please use the drop-down menus or return to the MRO project main page under ‘Resources’. For a general introduction please see chapter 1, ‘Complex incident planning – the challenge: acknowledging the problem, and mass rescue incident types’.

This chapter discusses:

- situations in which ‘standard’ MRO planning may have to be adapted
- MROs in areas remote from SAR facilities
- catastrophic and other incidents which reduce MRO capability
- the response to emergencies caused by deliberate acts
- migrants in distress at sea

1 Special cases

1.1 Chapter 1 discusses various events which may necessitate an MRO. MROs may result from passenger ship or aircraft accidents, or offshore industry emergencies. In each of these examples SAR organisations should expect to be working alongside the operator of the unit involved, and should plan with them accordingly. On the other hand there will be no such operator involvement in other types of MRO discussed in chapter 1: MROs resulting from multiple incidents occurring simultaneously (a fleet of small craft being overwhelmed, for example); or from migrant traffic; or as a result of a disaster on land.

1.2 This is the only real distinction we have made so far, however, arguing that MRO planning should be generic. In the other guidance in this part (chapters 5-11) we have reviewed issues that should be borne in mind throughout the planning process, whatever the cause of the MRO. There will be differences in detail when the plan has to be put into effect – and the plan must be flexible enough to allow for these – but the overall response will follow the same general pattern.

1.3 Here we briefly consider some situations in which this may not be the case. The general pattern of the plan may have to be adapted.
2 MROs in remote areas

2.1 It can be difficult to define exactly what a ‘remote area’ is. In this context the IMO refer to “an area remote from SAR facilities”; that is, one where sufficient designated SAR units cannot reach the scene of an accident within survival times.

2.2 The IMO’s initial discussion of this subject took place in the context of a major review of passenger ship safety. The review itself was prompted by the increasing size and carrying capacity of some passenger ships, and an increasing tendency to engage in ‘adventure cruising’, particularly into sparsely populated areas such as the coasts of Greenland and the Antarctic Peninsula. The concerns were two-fold. First, so many people are now being carried on the larger passenger ships that in the event of an accident there will be insufficient designated SAR units to rescue them all, wherever they sail. Secondly, passenger ships are now operating in areas that are barely covered by traditional SAR services at all.

2.3 The first concern lies at the very heart of the IMRF’s MRO project. It is the ‘capability gap’ discussed in chapter 4. The second concern is really an extension of the first. Starting with high latitude ‘adventure cruises’ it soon became apparent that, in fact, the potential problem was more widespread. Many designated SAR units cannot go very far from land; they may be too distant to arrive within survival times; or, in the case of long-range fixed-wing aircraft, they cannot carry out rescues when they do arrive. Mid-ocean areas are as ‘remote’ as the adventure cruising grounds. It is also the case that many coasts, particularly in the developing world, are not covered by designated SAR units. ‘Remote areas’ are more widespread than may at first appear.

2.4 In addressing this problem, the IMO sought to improve the rescue capability of ‘additional facilities’, typically nearby shipping (see chapters 13 & 8), and issued MSC Circular 1184, ‘Enhanced contingency planning guidance for passenger ships operating in areas remote from SAR facilities’. The Circular advises operators to enhance their SAR cooperation planning arrangements (see also MSC Circular 1079, Rev.1 ‘Guidelines for preparing plans for co-operation between SAR services and passenger ships’); to carry enhanced life-saving appliances, so as to extend survival times; and to coordinate their schedules so that at least two passenger ships are in the same general area at the same time, meaning that, in the event of an accident to one, the other can act as a SAR resource. Circular 1184 also suggests that the relevant authorities consider deploying additional life-saving resources into areas identified as being ‘remote’, and provides guidance on how to identify such areas, for risk assessment purposes: see chapter 3.

2.5 MRO planners should assess whether there are areas within their overall area of responsibility which are remote from SAR facilities, and what might be the causes of an MRO in such areas. There will be a greater reliance than usual on additional facilities, by definition, so the analysis should include an assessment of shipping and other operations in the areas identified. Depending on the results of this analysis, the SAR Coordinator should consider whether SAR-capable resources should be deployed to fill identified gaps.

2.6 The importance of the On Scene Coordinator role in all MROs, including operations remote from SAR facilities such as Rescue Coordination Centres and designated SAR units such as rescue vessels and helicopters, is discussed in chapter 20. Maritime / shoreside response coordination in such circumstances is discussed in chapter 24.

2.7 Guidance on SAR in areas remote from SAR facilities has been added to IAMSAR Volume II, at Chapter 6.16:

“[The SAR Response Plan] relies on assets available in the area. The SAR plan should also describe if there are seasonal variations to consider [...] and the availability of suitable infrastructure and facilities, capable of supporting a SAR response (e.g. airports/bases, sea ports, fuel facilities,
landing locations, places of safety.) [...] It is important that RCCs should be aware of the SAR resources available in regional and neighbouring RCCs, and arrange regular exchange and update of such information [...].

“If a passenger ship intends to operate in an area remote from SAR facilities, the RCC responsible for that area should establish a relationship with the Company and any other organizations involved in planning an emergency response in addition to obtaining the basic SAR cooperation plan, to assist in case of an emergency. The responsible RCC should also encourage the Company to provide information regarding the ship’s position and intentions while the ship is operating in the area.”

3 Catastrophic and other incidents which reduce MRO capability

3.1 A ‘catastrophic’ incident is a widespread one which affects emergency responders themselves, damaging or destroying equipment or infrastructure and leaving personnel unable to respond. There will be a requirement for an MRO, but the ability to conduct one will be compromised.

3.2 In some circumstances MRO planning can allow for the catastrophic scenario. In areas of volcanic activity or prone to high winds or flooding, for example, extra resilience can be built in and/or regional support arrangements can be agreed. In other cases the plan will have to be adapted at the time, bringing in replacement resources, identifying alternative places of safety, and so on. This does not necessitate changes to the plan’s fundamental structure, however; only to its details. Flexibility is, again, key.

3.3 In general, planners should consider whether they are placing too much reliance on particular resources or procedures. After all, it does not necessarily take a catastrophic incident to require a change of plan. Some rescue resources may not be available when needed, and some locations identified as landing sites or places of safety may be unusable. Wherever possible, plan alternatives.

4 Emergencies caused by deliberate acts

4.1 The list of possible emergencies considered above generally assumes accidental or natural causes. It is, unfortunately, also the case that an MRO will be required following a deliberate act – terrorism, arson, hostile military action, etc. This sort of cause will introduce another layer to the response, which may require SAR plans and actions to be adapted.

4.2 It will usually be the case when the incident is or appears to be accidental that it will be investigated for possible culpability as well as for future accident prevention purposes. The investigating authorities will need to be involved at an early stage, but they do not impact on the MRO itself. If the cause is, or appears to be, a deliberate act, however, law enforcement or other government agencies will have some impact on the plan – but it still may not be a fundamental impact. If arson is suspected as the cause of a ferry fire, for example, investigators may need to ensure that people rescued are detained until cleared of involvement; or they made require access to the vessel while the MRO is still going on.

4.3 In other cases – terrorism or hijacking are examples – the criminal act may itself be ongoing and the rescue of its victims will involve police action (including military responses). Police action may require delaying the standard MRO response, and will involve new elements in the command and control structure, probably at the most senior levels.

4.4 Apart from noting the possibility of such complications, this guidance material does not cover criminal investigation or police action. The MRO plan will still need to be implemented at some point. It will be
adapted as necessary under the direction of the law enforcement or other agencies, but – as in catastrophic incidents, another example of the plan being affected by external events – the fundamentals of the plan will remain the same. People in distress will still need to be rescued.

5 Migrants in distress at sea

5.1 We have included this category of potential MRO in our general consideration of the subject because, if in distress, people should be rescued whatever their legal or other status, and the overall rescue process should not differ according to who is being rescued.

5.2 This principle is clearly established in international law. Article 98 of the United Nations Convention on the Law of the Sea (UNCLOS) states (in part) 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:

(a) to render assistance to any person found at sea in danger of being lost;

(b) 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 [...].”

5.3 The International Convention for the Safety of Life at Sea (SOLAS) is also quite clear on the subject:

“The master of a ship at sea which is in a position to be able to provide assistance, on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance [...]. This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found [...].”¹

Similarly, the International Convention on Maritime Search and Rescue makes clear that States who are party to the Convention, “on receiving information that any person is, or appears to be, in distress at sea [...] shall take urgent steps to ensure that the necessary assistance is provided [...].”² These obligations apply to all vessels at sea, with certain very specific exceptions such as warships, which are nevertheless encouraged to comply.

5.4 The key phrase in this context is probably that in SOLAS: the obligation to provide assistance applies “regardless of nationality or status”. Although not explicitly stated in these conventions, it is clearly implicit that the obligation to rescue applies to asylum seekers and migrants in the same way as it does to anyone else in distress at sea.

5.5 Although this is generally accepted by States’ SAR authorities, our argument here is a little disingenuous. The point of principle is absolutely clear: people in distress at sea must be retrieved, have their immediate needs attended to and be delivered to a place of safety, whoever they are. However: migrants and asylum-seekers are a special case when it comes to being landed.

5.6 We are concerned here with people who attempt to enter a State by irregular means and by sea, often in vessels which are unseaworthy due to their build, condition, crewing or equipment. In international humanitarian law distinctions are made between refugees, asylum seekers and economic migrants; but their status is almost always unknown at the point of rescue, and there have been cases of delay in landing. That, unfortunately, has led to reports of people not being rescued, because their potential

¹ SOLAS regulation V/33.1
² SAR Convention, Annex 2.1.1
rescuer is concerned about the possibility of costly delay. There are also issues arising from rescue in territorial waters, cases where 'distress' is unclear, and as regards the principle of ‘non-refoulement’.

5.7 Non-refoulement is “a concept which prohibits States from returning a refugee or asylum seeker to territories where there is a risk that his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion.” Although this is a principle enshrined in international humanitarian law, the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual does not specifically include it in its definition of 'place of safety' (see chapter 11). However, the IMRF takes the view that this is implicit. IAMSAR says that a ‘place of safety’ is “a location [...] where the survivors' safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met.” It does not include ‘freedom’ in its short list of examples — but it does not exclude it either.

5.8 The question about rescue in someone else’s territorial waters relates to whether ‘irregular migrants’ picked up and taken on to a place of safety in a State they were trying to reach have been illegally assisted to migrate by the rescuer. The IMRF takes the view, first, that the question of whether the waters where the rescue takes place are ‘territorial’ or ‘international’ is strictly irrelevant. The international conventions (UNCLOS, SOLAS and the SAR Convention) make no such distinction. Someone in distress at sea should be rescued whatever the status of the sea s/he is in.

5.9 The IMRF also takes the view that the place of safety to which survivors are taken should be selected according to the criteria discussed in chapter 11, including the principle of non-refoulement. If the State coordinating the rescue tells the rescuer to proceed to a particular place of safety, and it is not contrary to the survivors’ best interests to do so, the rescuer will comply — and this should avoid any concern about abetting illegal migration. However, if the commander of the rescuing unit is concerned about any aspect of the place of safety proposed, s/he should discuss this concern with the coordinating Rescue Coordination Centre and, if necessary, with his/her flag State authorities, usually via the unit’s parent organisation ashore.

5.10 The reaction of rescued people to being taken to a place of safety in a State they do not want to go to may be among the commander of the rescuing unit’s concerns. Security is a key factor. This too should be discussed as necessary with the relevant authorities. The International Chamber of Shipping’s ‘Large scale rescue operations at sea’ gives very useful guidance in this respect.

5.11 There was also been discussion about what actually constitutes ‘distress’. There have been cases of obviously unseaworthy migrant craft being encountered under way and not making distress signals, usually because they wish to leave a particular State’s territorial waters or not be rescued by a particular unit. Some authorities have argued that rescue is not yet required in such circumstances. Others contend that such craft are so unseaworthy that they are effectively in distress already.

5.12 The Maritime SAR Convention defines the ‘distress phase’ as “a situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance.” The IMRF’s view is that this hinges on the phrase “reasonable certainty”: the Convention does not mention distress signals or being stopped in the water. The judgement is essentially one of seamanship and common sense. You cannot rescue people who refuse to be rescued; but if it is ‘reasonably certain’ that they are in danger and that they will need to be rescued, sooner or later, the

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SAR authorities should react accordingly, offering rescue and keeping the vessel concerned under observation, with rescue units to hand.

5.13 There is one final point to make here. We noted above that the legal status of people in this sort of situation will almost always be unknown at the point of rescue. Are they refugees, with a legitimate claim to asylum, or are they economic migrants trying to avoid border controls? What is clear is that this assessment must be one made by the proper authorities, after rescue. Commanders of rescuing units cannot and must not make this assessment themselves, and should decline and seek further advice if they are asked to do so.

5.14 Put simply, people in distress at sea are simply people. Their legal status can only be determined once they have been delivered to a place of safety. The IMRF position is that the requirements to rescue incorporated in international law include both delivery to a place of safety and facilitating that delivery. Ships’ masters and others wishing to fulfil their SAR duties should be assured by the local SAR authorities that they will be allowed to disembark people they recover at sea without delay. If the ‘migrant problem’ is likely to be encountered locally, it should be built into the MRO planning.

6 Summary

- In general, MRO planning should be generic, and sufficiently flexible to enable the plan to be implemented whatever the details of the case. There are some circumstances, however, which may require wider variations in the planning.
- MRO planners should assess whether areas within their overall area of responsibility are remote from SAR facilities; what might be the causes of an MRO in such areas; and what resources are available to deal with it.
- Planners should bear in mind that MRO resources included in the plan may not be available at the time the plan has to be put into effect, for a variety of reasons, and consider alternatives accordingly.
- Emergencies may be caused deliberately, which will increase the involvement in the response of law enforcement and other agencies and may require the MRO plan to be adapted.
- Irregular migration is a special case in the sense that people whose legal status is unclear will have to be managed differently at the final place of safety. Every effort should be made, however, to ensure that the rest of the MRO, including delivery to the final place of safety, is not affected by concerns over legal status, and that the principle of non-refoulement is upheld.

7 Further reading

7.1 Regarding operations in remote areas, see IAMSAR Volume II Chapter 6.16 and the IMO’s MSC Circular 1184, ‘Enhanced contingency planning guidance for passenger ships operating in areas remote from SAR facilities’.

7.2 Regarding irregular migration, see the IMO/UNHCR/ICS publication Rescue at Sea: a guide to principles and practice as applied to migrants and refugees, and the International Chamber of Shipping’s Large scale rescue operations at sea. Both are freely available online.

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