

# Voluntary Code of Conduct for Search and Rescue Operations undertaken by civil society Non-Government Organisations in the Mediterranean Sea



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Photo Credit: Judith Bütke



Save the Children





## FOREWORD



The concept for this new *voluntary* “**Code of Conduct for Search and Rescue Operations undertaken by civil society Non-Governmental Organisations in the Mediterranean Sea**” originated from in-depth discussions over the past year variously between many of the NGOs working to save life in the Mediterranean region.

While some NGOs may not see the utility in co-ordinated responses and comprehensive working practices, sufficient numbers have expressed concern to deliver this concept of agreed *pre-operation on-scene coordination*, to include a voluntary agreement on baseline operational principles between on-scene responders *prior* to enacting of formal SAR operational co-ordination under well-established SAR and maritime Conventions. There was also a need to ensure that applicable guiding humanitarian principles were identified and spelt out.

The aim of such a unique and voluntary joint effort is to deliver a co-ordinated and comprehensive humanitarian approach to the on-going Mediterranean SAR NGO missions that should sit seamlessly alongside European institutions and organisations themselves engaged in the SAR operations in the Mediterranean region. It should also assist with transparency of NGO humanitarian actions in order to address current issues of mistrust between organisations and institutions, and further address false and unhelpful accusations of direct support to criminal networks operating in the region.

Human Rights at Sea, as an independent maritime human rights charity, is very pleased to have been able to initiate the drafting of this Code as a starting point for future development and refined iterations. It builds on our previous collaborative international publication ‘Volunteer Maritime Rescuers: Awareness of Criminalisation’ (2016)<sup>1</sup>, and has been led through our Internship Programme and Legal Research Programme by our Erasmus intern, Melanie Glodkiewicz.

We are grateful for all the valuable inputs received from frontline NGO teams and for the necessary peer reviews, including that of the International Maritime Rescue Federation.

**David Hammond | CEO | Human Rights at Sea**

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<sup>1</sup> [https://www.humanrightsatsea.org/wp-content/uploads/2015/05/HRAS-Voluntary-Maritime-Rescuers-Awareness-of-Criminalisation\\_2016-SP-LRSecured-.pdf](https://www.humanrightsatsea.org/wp-content/uploads/2015/05/HRAS-Voluntary-Maritime-Rescuers-Awareness-of-Criminalisation_2016-SP-LRSecured-.pdf)



The **International Maritime Rescue Federation (IMRF)** is a charitable non-governmental organisation with consultative status at the International Maritime Organization (IMO). Our objects, working through our member organisations, are to prevent loss of life, to promote safety and to provide relief from disaster at sea and on inland waters throughout the world. We do this by sharing experience and other resource, and through advocacy. (You can find out more about us at [www.international-maritime-rescue.org](http://www.international-maritime-rescue.org).)

Maritime search and rescue is best conducted in a coordinated manner. This ensures that scarce lifesaving resource is used as efficiently as possible, equally avoiding both gaps and redundancy. When it comes to actual SAR operations, the relevant international Conventions call for coordinated response, led by Rescue Coordination Centres and, usually, On Scene Coordinators. The process is fully described in the *International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual*.

There is very much a place in the Global SAR Plan promoted by the IMO and the IMRF for NGO involvement. SAR NGOs such as many IMRF member organisations and the organisations who have initiated this Code of Conduct work alongside government SAR agencies and other ‘additional facilities’ such as shipping in the area of the emergency to save lives.

It is clearly the case that provision of additional SAR resource should also be strategically coordinated wherever possible, in preparation for life-threatening emergencies. While this may not be achievable with ships that just happen to be passing by, it can and should be when it comes to NGO involvement. NGOs offering SAR services should declare their capabilities to the relevant regional SAR authorities, and should work collaboratively amongst themselves with the aim of efficiently and safely distributing their response capability. We have seen, in other contexts, the effects of *uncoordinated* responses, which can compromise safety, can leave gaps (and people die in those gaps), and can lead to unhelpful competition – and at the IMRF we say that our only competitor is the sea...

So we very much welcome this Code of Conduct as a useful aid to better strategic coordination. The IMRF congratulates Human Rights at Sea and partner NGOs for developing it, and we align ourselves with its aims. Working together in this way makes all involved stronger – and saves lives. It’s as simple, and as important, as that.

**Bruce Reid | Chief Executive | IMRF**



## HUMAN RIGHTS AT SEA

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**Sea-Watch** has been operational in the Mediterranean since mid-2015 as a civil society response to the increasing threat to life and wellbeing of people fleeing their countries of origin towards Europe.

Of course, the phenomenon of flight over the ocean is much older and many people have died due to lack of Search and Rescue capacity. The numbers of people on the flight are higher than ever and only few of them reach the borders of Europe. The increase in numbers of people drowning and the reporting of it raised public awareness in the recent past.

Today, we consider the negligence of Europe towards the fulfilment of basic agreements and ratified Conventions to rescue people whenever they are in distress as a political act. The plans of Europe to increase the walls of the fortress to keep refugees out are reality and tide also turns more and more against people and organisations who try to defend basic rights of people living in precarious circumstances and trying to escape their situations.

All organisations working on the Mediterranean try to network as much as possible. The aim is to reduce redundancies, increase safety and effectiveness and have the maximum impact in supporting people and saving lives.

It is time to unite in both action and voice as much as possible to be more than just the sum of all organisations. We need to be heard for the sake of the people we are trying to support. But we have to be aware that there are also some risks involved that may hamper all our efforts if they are not addressed by each individual organisation.

The aim with a common Code of Conduct is to create a platform for a principled approach, increase visibility and raise also within the community the awareness about SAR risks and responsibility. We should be willing to communicate and expose shortcomings and critical issues in a calm and safe environment in order to learn from each other and become better in the future.

This Code of Conduct should be a starting point that can be developed further. It should create unity on basic SAR issues, while ensuring the space for individual approaches by each organisation.

**For the Board of Sea Watch | Frank Dörner**



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## 1. Introduction

Search and Rescue (SAR) operations are conducted in support of the fundamental right to life with dignity, the right to receive humanitarian assistance in protection of life and the right to personal protection and security for all persons in distress at sea, as defined in applicable national laws and international Conventions.

Internationally recognised SAR and maritime Conventions<sup>2</sup> as well as humanitarian principles have assisted in shaping the following **proposed minimum standard voluntary Code of Conduct** (“the Code”).

This Code is meant to be applicable to all civil society-led Non-Governmental Organisations (NGOs) for individual and joint co-ordinated actions **before** operational coordination of SAR in the Mediterranean Sea, and associated SAR regions is implemented. It has been written as a voluntarily applied addition to individual NGO internal Standard Operating Procedures (SOPs) and other voluntary NGO Codes.

### **Search and Rescue: a long-established system**

The coordination of the deployment of SAR facilities during a distress phase is provided by Rescue Coordination Centres (RCCs) in accordance with the guidance contained in the IAMSAR Manual: see Volume III Section 3 of the 2016 edition in particular. The Manual details the various levels of coordination accepted internationally: On-Scene Coordinators (OSCs), SAR Coordinators responsible for

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<sup>2</sup> 2016 Human Rights at Sea Guidance on Volunteer Maritime Rescuers: Awareness of Criminalisation  
2016 International Aeronautical and Maritime Search and Rescue Manual, vol. III (IAMSAR)  
1982 United Nations Convention on the Law of the Sea (UNCLOS)  
1979 International Convention on Maritime Search and Rescue (SAR Convention)  
1974 International Convention for the Safety of the Life at Sea (SOLAS Convention)  
1951 Convention related to the Status of Refugees



the provision of SAR services at the national level (SCs), and SAR Mission Coordinators (SMCs) at the RCCs themselves, responsible for overall coordination of individual SAR cases. Therefore, as a preliminary, the present Document is designed to guarantee better pre-operation coordination, and an agreement on basic principles between responders.

All coordination when a SAR case arises should be organised in accordance with the provisions of the IAMSAR Manual and the SAR and other relevant Conventions.

## **Need**

It has become clear, following several years of independent NGO SAR operations in the Mediterranean Sea, all working to the common goal of saving life at sea, that there is now an urgent need for much greater inter / intra-NGO liaison and cohesion in order to maximise efficiency of future SAR operations prior to the initiation of an emergency phase, as defined in the 1979 SAR Convention. This identified need therefore required a new voluntary baseline reference document.

Minimising organisational divides in terms of individual concepts of operation and SOPs has therefore also become essential to develop coherent and efficient operational responses at sea. This must be based on a common understanding of the operational application of humanitarian principles and shared working practices that must transcend individual brand protectionism.

## **Aim**

The aim of this new Code proposed by Human Rights at Sea in close co-ordination with fellow NGOs, interested parties, stakeholders and individuals, is to define and subsequently agree upon a common standard of ethics and operational conduct for



the undertaking of efficient, effective and lawful SAR operations primarily focused around the on-going regional migrant and refugee crisis.

The purpose of this iterative and live document is to rapidly develop, refine and agree a basis for common operational action supporting the expedited emergence of detailed cooperation networks throughout the applicable NGO missions. **This Code should therefore act as a voluntary baseline reference document for SAR NGOs operating in the Mediterranean region.**

## 2. Guiding Humanitarian Principles

SAR NGOs offer their actions primarily based on the **principle of humanity** to our fellow man, the humanitarian imperative and the established legal requirements of established international maritime law<sup>3</sup> in order to save life at sea.

All persons in distress at sea regardless of their background, reasoning for movement, plans to seek asylum, or who are undertaking voluntary economic migration for example, must have their basic rights respected, including the right to individual protection and assistance as applicable.

Of key note, Mediterranean-based SAR NGOs aim to minimise the number of unnecessary deaths at sea. The following document therefore focuses on the humanitarian aspect of a SAR NGO's mission as a humanitarian actor and does not facilitate direct support to criminal networks in any way whatsoever.

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<sup>3</sup> For example: UN Convention on the Law of the Sea (UNCLOS) 1982 Article 98.





## **Humanity**

Humanitarian aid provided by SAR NGOs is not an end in itself, but a means of direct support to the end-state of saving of life. The rescue of all persons in distress at sea and the alleviation of human suffering is initiated through the legal and moral obligations to provide humanitarian assistance whenever and wherever it is needed. The act of rescuing persons in distress at sea should never be a partisan or political act, nor should it be promoted as a pull factor in the current migrant crisis context.

## **Impartiality**

SAR operations are non-discriminatory, conducted without religious, racial, political or any other form of partiality. The alleviation of human suffering must be provided whenever and wherever it is needed, and it is made upon an objective and impartial assessment of need only.

## **Neutrality**

SAR NGOs should not take sides between the State and non-State actors while operating at sea. Operations should always remain neutral in terms of their conduct. The SAR operational aim is to save life, not to focus on political comment, or undertake any other action that may void, or be perceived to void a neutral stance.

## **Independence**

NGO SAR missions should act independently from governments, related military or any other political ties, influences or pressures. No SAR NGO should be used or be allowed to be used as a political tool in order to serve other State or non-State actors' objectives that are not strictly humanitarian.



## **Transparency**

At all times, SAR NGOs should be encouraged to freely communicate between one another information that is timely, actionable and pertinent to undertaking SAR missions in the most effective manner. Records should be kept for each operation and incidents should be recorded in order to preserve and provide demonstrable evidence for subsequent dissemination to interested parties.

With this in mind, NGOs are encouraged to frequently reflect and adopt a critical review of their previous rescue operations and missions. If lessons have been learned, or at the very least identified, SAR NGOs should consider sharing those lessons that may make a difference to future operations of all SAR NGOs.

## **3. Defended rights**

Within the framework of this Code the fundamental rights in question have been summarised as follows:

### **Right to life**

SAR NGOs aim to preserve the lives of those in distress throughout the Mediterranean Sea and associated SAR regions. The fundamental right to life is enshrined in international law, specifically the 1948 Universal Declaration of Human Rights wherein a right to a life with dignity with an adequate standard of living and freedom from torture or cruel, inhuman or degrading treatment or punishment is also promoted.

### **Right to receive humanitarian assistance**

Concurrent to the right to life with dignity, there is a right to receive humanitarian assistance. This is, at the very least implied by the right to life, food, clothing and



shelter considered by the Universal Declaration of Human Rights, the 1951 Refugee Convention and associated Conventions.

### **Right to protection and security**

The right to individual protection and security is based in the core provisions of international law underpinning the universal rule of law, in applicable resolutions and supporting mandates of the United Nations and the European Union, through individual State legislation that protects all those within its jurisdiction, as well as being supported by investigation, commentary and oversight by intergovernmental organisations and NGOs.

### **Right to seek asylum or sanctuary**

The 1951 Convention on the Status of Refugees defends the right to seek asylum or sanctuary in a place of safety. Most rescued persons flee a country where their human rights have been violated. Therefore, crossing the sea in unseaworthy boats often appears to be the last resort of those persons.



## 4. Operational Conduct

The following part of the voluntary Code should be the **minimum standard** of agreed actions by signatories for what is known as a ‘comprehensive approach’. The standards should be classed as agreed Standard Operating Procedures (SOPs) as they form the basis of standard areas of joint cooperation and agreement.

Creating a common area of discussion between SAR NGOs to examine collective experiences is recommended in order to exchange views on the impacts of events that have occurred during missions, and for the cohesion of common joint actions in the Mediterranean region. The rapidly changing situation of the current humanitarian crisis should therefore be an incentive to first instigate, and then continue such discussions and joint actions.

### **Pre-Planning and In-Mission actions**

Pre-mission planning considerations and in-mission actions should be shared between the signatories to this Code in order to increase interoperability whenever and wherever possible.

Acting in the confines of the same rescue zone SAR NGOs should, whenever possible, join their efforts in order to establish common assessments and actions for individual operations. They should regularly update one another on issues of potential or actual security threats, relative movements and logistical issues. Further and wherever possible, SAR NGOs should share resources in order to conduct operations more effectively.

The aim of this joint co-ordination is therefore to enable collective planning and execution of the comprehensive approach, including the use of common SOPs and mechanisms, as necessary.



### **Lessons Identified, Reviews & After Actions**

Every mission should embed a simple process for recording those lessons identified and learned, thereby allowing for on-going review and after-action changes to identify improvements that must be implemented in order to deliver safe, lawful and effective SAR missions.

### **Open Dialogue**

A free and open dialogue should be frequently held between all SAR NGOs in order to discuss all pertinent issues, including the rapidly evolving context of operations at sea, as well as specific situations/events experienced by NGOs during missions. This practice should become an SOP between SAR NGOs.

The aim of such dialogue is to review and renew SAR NGO cohesion and on-going cooperation between the actors, to constantly seek improvement and efficiencies.

### **Cooperation**

Cooperation should not be an objective of this Code; rather it should be an assured action between SAR NGOs in order to achieve increased quality, efficiency and positive impact of SAR interventions.

There should be urgent consideration for the creation of a network and associated platform for such cooperation, in order to enable increased awareness, integration and speedy actions in supplying practical support between SAR NGOs intervening in the same area of operations. A structured and mandatory basic cooperation SOP should therefore be organised between SAR NGOs.



## 5. Conclusion

This proposed voluntary Code is the final product of suggestions made by NGOs<sup>4</sup> present at the SOLIMED conference in Valencia (27-30/11/2016) who remain actively willing to positively improve the coexistence of SAR NGOs in the Mediterranean region. It is therefore agreed that there is a need for such a voluntary Code and a new comprehensive joint approach.

The requirement for greater inter-NGO cooperation, efficiencies and integration has long been felt needed by the NGO actors in question. This Code therefore provides an iterative document and potential solution that has been drafted as an agreed first edition for future development, while acting as an initial core reference document.

Finally, the Code will be updated during future meetings between the signatory SAR NGOs that have agreed to the baseline content. It is proposed that there, they will discuss new policy and practical developments for future SAR operations and that they will develop greater cohesion for SAR missions in the Mediterranean Sea alongside other stakeholders and SAR leads, such as IMRF.

## CONTACT

SAR and other State and non-State organizations that are willing to engage with the continued development of the Code, who wish register their support for the Code, and who are considering using the document as a reference for their own individual SAR operations should contact Miss Melanie Glodkiewicz for further details at: [melanie@humanrightsatsea.org](mailto:melanie@humanrightsatsea.org) cc'ing [enquiries@humanrightsatsea.org](mailto:enquiries@humanrightsatsea.org).

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<sup>4</sup> CADUS | Humanitarian Pilots Initiative | ProActiva Open Arms | Sea-Watch | SOS Méditerranée | SMHumanitario



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## NOTES

Human Rights at Sea is a Registered Charity in England and Wales, No. 1161673

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