



HUMAN RIGHTS AT SEA



HRAS REVIEW

Human Rights and
International Rule of Law
Ramifications of the
De-Flagging of
M/V Aquarius Dignitus

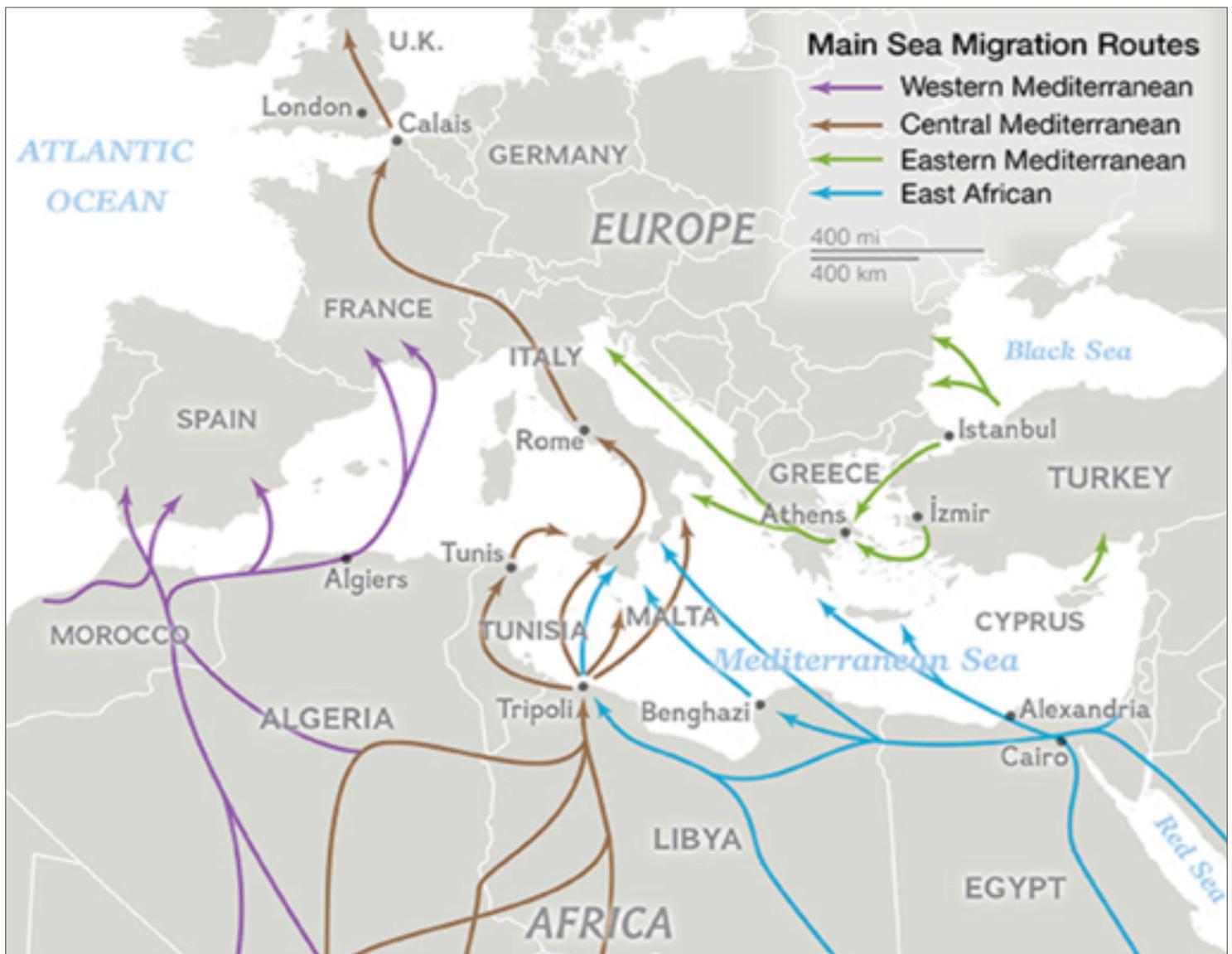


“The case of Aquarius’ de-flagging...is a dark moment in the history of international SAR operations ”

Human Rights at Sea, February 2019

Introduction

M/V Aquarius Dignitus (IMO No. 7600574) (“Aquarius”) was a special purpose vessel chartered from Jasmund Shipping¹ by the civil society non-governmental organisation (NGO) SOS Méditerranée, and operated in partnership with the Amsterdam-based branch of Médecins Sans Frontières (“MSF”). It had been operating in the Central Mediterranean since February 2016² and it has been estimated that Aquarius” assisted more than 29,000 people in distress at sea³. The independent maritime human rights charity, Human Rights at Sea, has reviewed the available facts at the time of writing, and has undertaken the following review to highlight the issues raised by the incident in terms of the worrying trend of the erosion of respect for human rights and the international rule of law through deliberate direct political and commercial interference in relation to civil society humanitarian vessels engaging in Search and Rescue (SAR) operations in the Central Mediterranean Sea along the migratory routes from Africa to southern Europe.



Infographic: Credit National Geographic 2015

Issue

The matter under independent review is the incident of M/V Aquarius' de-flagging. First by the Gibraltar Maritime Administration (GMA)⁴ after GMA issued notices that Italian authorities would not support MSF-SOS Méditerranée activities thereby (effectively) forcing the owner to withdraw; followed by the Panama Maritime Authority (PMA),⁵ a leading commercial flag State who appears to have been directly influenced by the Italian Government to follow suit.

Enquiries by Human Rights at Sea have identified the GMA as effectively incentivising the owner into de-registering the Aquarius by arguing that humanitarian rescue operations were no longer supported by the Italian authorities, before then imposing a deadline for withdrawal causing the shipowner to have to de-register.⁶ The subsequent and similar actions of PMA are also examined.

Aquarius' de-flagging is an emerging example of commercial and political pressure being applied by a European Union Member State, Italy, most notably to the GMA and PMA who appeared to accede to the requests from Italian authorities⁷ though each flag State reflected

their positions as being technical ones, not political. Even so, both revoked their flag from the Aquarius which at the time was conducting professional, transparent and lawful maritime rescue operations in the Central Mediterranean Sea. Alongside this, both flag States would have clearly had to take into consideration commercial and political interests. These considerations, in particular in relation to PMA (as a leading White List⁸ flag State), have arguably resulted in the effective setting aside their humanitarian obligations under international law, maritime law and human rights law in this current case in not supporting the Aquarius' SAR operations.

Additionally, there are deeper civil society concerns that this practice of political pressure and commercial interests now appear to be outweighing the upholding of the fundamental principles of human rights law and the basic right to life, as highlighted in the present case.

As a collective incident, it is one that has set a worrying precedent in the area of human rights and maritime law. Meantime, hundreds, possibly thousands of migrants' lives continue to be at imminent risk in the Central Mediterranean Sea.



Photograph credit: SOS Méditerranée

¹ <https://onboard-aquarius.org/terms/jasmund-shipping/> - <http://www.jasmund-shipping.de/>

² "Aquarius" (Gibraltar Registry flagged) became "Aquarius 2" when the shipowner resigned from the Gibraltar Registry and registered with the Panamanian Registry. "Aquarius 2" (Panama flagged) was subsequently deregistered by the Panamanian Maritime Authority and became "Aquarius Dignitus" for her registration with the Liberian Flag Registry.

³ Ibid. (Exact figure 29523)

⁴ <http://www.gibraltarship.com>

⁵ <https://www.segumar.com>

⁶ SOS Méditerranée correspondence with HRAS 17 January 2019

⁷ <http://www.amp.gob.pa/newsite/spanish/prensa/noticias/2018/septiembre/20180905.html>

⁸ <http://www.stcwonline.com/stcw/stcw-the-white-list>

Law

The well-established legal duty to assist people in distress at sea, as explicitly stated in Article 98 of 1982 United Nations Convention on Law of the Sea (UNCLOS)⁹ in Article 2.1.10 of the 1979 Search and Rescue Convention (SAR)¹⁰ and in Regulation 33 of Chapter V of the 1974 Safety Of Life At Sea (SOLAS) Convention.¹¹ The fundamental right of life as it is explicitly provided in Article 2 of the European Convention of Human Rights (ECHR)¹² and in Article 6 of the 1966 International Covenant of Civil and Political Rights (ICCPR).¹³ Further, even though it is not binding but it is the text on which all the previous texts were based, Article 3 of the 1948 Universal Declaration of Human Rights (UDHR).¹⁴

Background



Photograph credit: Vice News

On the 10th of June 2018, the far-right Interior Minister of Italy, Matteo Salvini did not permit the entrance of the vessel carrying 629 migrants rescued from distress at sea in Italy's ports.¹⁵ It is noteworthy to mention that Matteo Salvini had already warned that his stance towards migration in Italy would not be an easy-going one.¹⁶

In 2017, his predecessor, the Interior Minister Marco Minniti addressed the Council of Ministers and stated a plan on "Measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity",¹⁷ known as Minniti Law, which in other words aimed at restricting the rescue operations in the Central Mediterranean Route. Matteo Salvini also stated that other European states such as Malta, France and Spain do not accept any rescue ships at their coasts.¹⁸ Malta also refused to give the Aquarius access to its ports, stating that this is Italy's duty as per the official division of search-and-rescue zones.¹⁹ And finally, Spain reported that it would accept the vessel with the 629 people on board.²⁰ The Council of Europe, OHCHR and Malta's Prime Minister applauded Spain.²¹

In June of 2018, the Italian Maritime Rescue Coordination Centre (IMRCC)²² in Rome gave a notice to the GMA stating that the Aquarius



Photograph credit: SOS Méditerranée

would not be considered as a rescue vessel anymore. To add to that, the GMA also received reports that Italy declared unwillingness to serve as a Port of Safety for the Aquarius should they need to disembark people rescued from distress in the Central Mediterranean Sea. Thus, the GMA informed the vessel's operators that Aquarius could not operate as a rescue vessel until the matter was resolved and it suggested that it should operate as a survey ship, as it was initially registered and certified for. In not doing so, the GMA would terminate the registration of the vessel under its flag.

However, Aquarius resumed rescue operations in the Central Mediterranean Sea and on the 6th of August the GMA issued a 'notice removal', as these operations were in contradiction with its instructions and because it was not certified to operate as a rescue vessel anymore. The response from the vessel's charterers was to state: "SOS MEDITERRANEE, charterer of the Aquarius and operated in partnership with Médecins sans Frontières, has satisfied for the last two years all regulatory requests arising from the competencies of the Gibraltar Flag State, and all technical controls regarding security and safety of the ship. No deficiencies were ever reported".²³

⁹ UN General Assembly, Convention on the Law of the Sea, 10 December 1982, U.N.T.S. 397, available at: <https://www.refworld.org/docid/3dd8fd1b4.html> (accessed 18 January 2019)

¹⁰ International Maritime Organization (IMO), International Convention on Maritime Search and Rescue, 27 April 1979, 1403 UNTS, available at: <https://www.refworld.org/docid/469224c82.html> (accessed 18 January 2019)

¹¹ International Maritime Organization (IMO), International Convention for the Safety of Life At Sea, 1 November 1974, 1184 UNTS 3, available at: <https://www.refworld.org/docid/46920bf32.html> (accessed 18 January 2019)

¹² https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹³ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> (accessed 18 January 2019)

¹⁴ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> (accessed 18 January 2019)

¹⁵ <https://www.bbc.co.uk/news/world-europe-44432056>

¹⁶ Ibid.

¹⁷ See more at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170704_action_plan_on_the_central_mediterranean_route_en.pdf

¹⁸ Supra note n7

Background cont/d

The vessel's owners subsequently responded to this notice by requesting the deletion of the vessel from the Gibraltar Bareboat Registry on the 20th of August.

On the 13th of August, Danino Tonilelli, the Italian Transport Minister tweeted that the UK should take responsibility for the 141 people who were on board and the rationale of this statement was that Gibraltar was overseas British territory.²⁴ On the contrary, a UK Government spokesperson made a statement highlighting the fact that 'It is well-established that responsibility for arranging disembarkation, at a nearby safe port, is assumed by the relevant regional Maritime Rescue and Co-ordination, and in accordance with the wishes of the ship's Master'.²⁵

On the 15th of August, the Government of Gibraltar issued a statement saying that GMA's decision on the termination of the Aquarius' operating as a rescue vessel was not a political one, but '[a] purely administrative process with decisions taken by technical maritime experts in which the Government has or had no involvement'.²⁶ It also added that the NGO's work shall be conducted in accordance to 'applicable international rules', so that it can be supported by the Government of Gibraltar.²⁷ Hence, it should be mentioned that the Government of Gibraltar, even for diplomatic purposes, wanted to take position regarding this matter.

On the 20th of August 2018 the process of Aquarius' registration under Panama started²⁸ and was completed on the 1st September of 2018 when the vessel was ready for its 44th mission.²⁹ On the 11th of September, following the completion of the survey regarding the fulfilment of Panama's regulation requirements, the vessel was ready to sail.³⁰ On the 15th of September, Aquarius left the port of Marseille.³¹ However, on the 21st of September the PMA issued a statement about the termination of Aquarius' registration, on the basis that it kept on assisting migrants and refugees in the Mediterranean Sea, contrary to its international law obligations.³² The statement also mentioned that "the main complaint comes from the Italian authorities, who have reported that the captain of the ship has refused to return the migrants and refugees assisted to their place of origin".³³

Additionally, the statement referred to (Translated) "investigations carried out by the Panamanian Ship Registry report that the vessel was expelled from the Gibraltar Maritime Administration, which did not give permission to the Aquarius to act as a rescue ship and that, in June and July of this year, formally requested it to "suspend operations" and return to its original registered status as an "oceanographic vessel".³⁴

On the 23rd September, the charterers issued a strongly worded rebuttal³⁵ where it was stated that:

"European leaders appear to have no qualms implementing increasingly abusive and vicious tactics that serve their own political interests at the expense of human lives," said Karline Kleijer, MSF's Head of Emergencies. **"For the past two years, European leaders have claimed that people should not die at sea, but at the same time they have pursued dangerous and ill-informed policies that have brought the humanitarian crisis in the Central Mediterranean and in Libya to new lows. This tragedy has to end, but that can only happen if EU governments allow the Aquarius and other search and rescue vessels to continue providing lifesaving assistance and bearing witness where it is so desperately needed."**

Issuing a further statement on the 25th September, the PMA declared that it never authorised Aquarius to operate as a search and rescue vessel under its flag. It pointed out that such responsibilities are the prerogative of dedicated State search and rescue services. The PMA reiterated the relevant national law under which it justified its decision.³⁶ The arguments offered up by PMA between the 21st and the 25th September statements appear to have altered.

Regarding Italy, the Interior Minister, Matteo Salvini noted that the Italian Government did not put any pressure on Panama so that the latter had to de-flag Aquarius. He even tweeted that he did not even know the dialling prefix for Panama.³⁷ Of course, one could wonder since when the knowledge of international dialling codes can affect diplomatic procedures. Yet, if we read between the lines, we could say that both Gibraltar and Panama refer in correspondence to Italian authorities in the justification of their decisions. So, judging by the public statements there is a clear correlation between Italy's stance towards the SAR operations in the Central Mediterranean, and the subsequent decisions of both the GMA and PMA.

¹⁹ <https://www.bbc.co.uk/news/world-europe-44441386>

²⁰ Ibid.

²¹ Ibid.

²² <http://www.guardiacostiera.gov.it/en/Pages/search-and-rescue.aspx>

²³ <https://sosmediterranee.com/press/sos-mediterranee-denounces-political-manoeuve-of-government-of-gibraltar-aimed-at-impeding-its-search-and-rescue-operations/>

²⁴ <https://twitter.com/DaniloToninelli/status/1028911651356127233>

²⁵ <https://www.theguardian.com/world/2018/aug/13/uk-should-take-migrants-stranded-rescue-ship-italy-says>

²⁶ <https://www.gibraltar.gov.gi/new/sites/default/files/press/2018/Press%20Releases/469-2018.pdf>

²⁷ Ibid.

²⁸ <https://www.timesofmalta.com/articles/view/20180828/local/migrant-rescue-ship-aquarius-getting-panama-flag.687824>

²⁹ https://en.wikipedia.org/wiki/Aquarius_2

³⁰ <https://onboard-aquarius.org/>

³¹ Ibid.

³² <http://www.amp.gob.pa/newsite/spanish/prensa/noticias/2018/septiembre/20180905.html>

³³ Ibid.

³⁴ Ibid.

³⁵ <https://sosmediterranee.com/press/italian-government-pressures-panama-to-stop-aquarius-rescues-on-worlds-deadliest-maritime-route/>

³⁶ <https://www.mire.gob.pa/index.php/en/noticias-mire/13443-comunicado-oficial-17>

³⁷ <https://twitter.com/matteosalvinimi/status/1043936716522967045>

De-Flagged

On the 29th October Aquarius was no longer under Panama's flag.³⁸ The following day, Jasmund Shipping, the owner of Aquarius, registered the vessel in Liberian Maritime Authority (LMA) for administrative reasons, however, the ship could apparently not operate as a SAR dedicated vessel anymore.³⁹

Since then, SOS Méditerranée along with MSF sought a country that would register Aquarius under its flag.⁴⁰ At this time, there was a pending flag request to Switzerland as well as some requests to other states.⁴¹ However, Swiss Federal Council unfortunately denied the registration of Aquarius under the Swiss flag.⁴² Tweeting on this decision, the SOS Méditerranée stated that 'Swiss Federal Council halts SOS Méditerranée return at sea: The humanitarian organisation regrets the incoherence of this decision.'^{43,44}

On the 6th December 2018, Vickie Hawkins, the MSF UK Executive Director, tweeted that **"This is a dark day. Not only has Europe failed to provide dedicated search and rescue capacity, it has also actively sabotaged others' attempts to save lives."**⁴⁵ MSF and SOS Méditerranée were both forced to stop their SAR operations in Mediterranean Sea with their, vessel Aquarius.⁴⁶

On the 18th December, SOS Méditerranée stated that **'the Charter party of the Aquarius will be terminated by the end of 2018'**.⁴⁷ At the time of review, the vessel is 'demobilized in the port of Marseille and it will be returned to its initial state to its owner. Specific material that was added to the Aquarius is being stored in order to be reused on the next ship'.⁴⁸



Photograph credit: SOS Méditerranée

³⁸ <https://onboard-aquarius.org/>

³⁹ Ibid.

⁴⁰ <https://www.theguardian.com/global-development/2018/nov/02/race-against-time-flag-revoked-for-aquarius-migrant-rescue-ship>

⁴¹ Ibid.

⁴² <https://www.thelocal.ch/20181203/no-swiss-flag-for-aquarius-migrant-rescue-ship-msf-refugees>

⁴³ https://twitter.com/SOSMedSuisse/status/1069624435458613248?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctterm%5E1069630777514762240&ref_url=https%3A%2F%2Fwww.thelocal.ch%2F20181203%2Fno-swiss-flag-for-aquarius-migrant-rescue-ship-msf-refugees

⁴⁴ <https://sosmediterranee.ch/communique-le-conseil-federal-enraye-le-retour-en-mer-de-sos-mediterranee/>

⁴⁵ <https://www.msf.org.uk/article/msf-forced-terminate-search-and-rescue-operations-europe-condemns-people-drown>

⁴⁶ Ibid.

⁴⁷ <https://onboard-aquarius.org/>

⁴⁸ Ibid.

⁴⁹ <https://www.theguardian.com/global-development/2018/nov/02/race-against-time-flag-revoked-for-aquarius-migrant-rescue-ship>

⁵⁰ <https://www.msf.org.uk/article/msf-forced-terminate-search-and-rescue-operations-europe-condemns-people-drown>

⁵¹ Ibid.



Photograph credit: SOS Méditerranée

Commentary

Eighteen months ago, ten civilian rescue ships were operating in Central Mediterranean Sea, where they managed to rescue ‘half of all migrants’ in 2017.⁴⁹ However, at the time of the current review, Aquarius was demobilised in the port of Marseille without being able to operate on any further SAR missions before being returned to her owner.

Nevertheless, one of the most important issues remains that there is still no dedicated European State-led SAR operation in the Central Mediterranean leading to the continued and increased risk for the loss of human life of those attempting the deadly crossing out of necessity. Vulnerable people will therefore continue to die in the Mediterranean as publicly reported by the likes of the UNHCR, while Aquarius has been forced to terminate its operations.⁵⁰

Yet, what lies beyond this practice? MSF has characterised it as a ‘smear campaign’ ‘spearheaded by the Italian Government and backed by other European States.’⁵¹ This is compounded by the continued criminalisation of civil society rescuers in both Greece and Italy.

It is clear, on the available facts, that in August 2018 the GMA effectively terminated Aquarius operations under its flag. The justification of their initial notice was that Aquarius’ SAR operations, as a rescue vessel, were in contradiction with its instructions and that it was not certified as such under the SAR and SOLAS Conventions. The GMA also noted that this was quite different from the operation of Aquarius as rescue vessel on an ad hoc basis. Further, GMA informed Human Rights at Sea that the removal of the Gibraltar flag was at the request of, and thereby driven by, the owners: “she was deleted from the Gibraltar Bareboat Registry (UK) on the 20th August 2018 following the owner’s request.”

Commentary cont/d

Reading the public GMA's statement, we assess that matters are still not clear and this should raise a number of further public questions.

Questions of the GMA Approach

To begin with, why was the GMA registering a vessel publicly known to be undertaking voluntary SAR operations in the first place? If it was certified as a survey ship all along, why was it ever authorised to conduct SAR operations whilst flying the flag of Gibraltar? And why was registration granted on condition that the Aquarius operated under the aegis of the International Maritime Rescue Coordination Centre (IMRCC)? This cannot be a sufficient condition for registration in and of itself. Indeed, it is queried where in the GMA ship registration criteria does it state that permission from another State to conduct SAR operations is a condition and/or consideration for registration? In the background, it appears that the Italian authorities have held some form and level of influence over the GMA decisions to seek to revoke the Aquarius's registration. This needs further investigation.

Questions of the PMA Approach

Meanwhile, the PMA noted that there was no authorisation by itself for the operation of the Aquarius as a SAR vessel. Alongside this, in reaching its decision, the PMA highlighted the fact that the GMA had terminated the Aquarius' registration. This is something which should be beside the point given that the PMA and GMA are separate ship registries and do not rely on one another in deciding which vessels they register. Indeed, the PMA registered the Aquarius subsequent to the GMA's de-registration so, if nothing else, it demonstrates a potential weakness in their due diligence procedures.

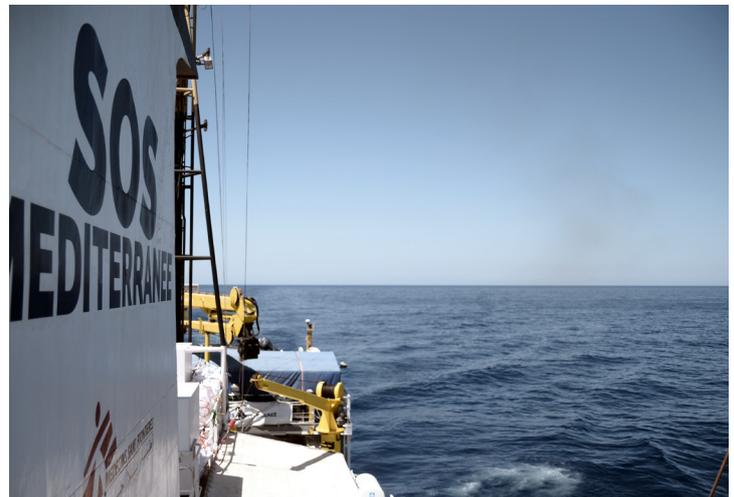
Further, the PMA has seemingly wrongly interpreted the obligations of the Master of the vessel under International law when rendering assistance to persons in distress at sea, as it is introduced in Article 98 of the UNCLOS (1982).⁵² It is not the duty of assisting vessels to return rescued persons to their place of origin, but to a 'place of safety'.⁵³ By place of safety is meant a place where the rescued people are safe and their basic human needs can be met. Under the current circumstances, this cannot be said to be Libya as often presented and invested in as viable alternative by European-Union Member States.⁵⁴ Besides, it is not the PMA's duty to act as the mouthpiece for the Italian authorities in promoting such a poor interpretation of established international maritime law.



Photograph credit: SOS Méditerranée



Photograph credit: SOS Méditerranée



Photograph credit: SOS Méditerranée

Commentary cont/d

Legal & Political Interplay

At the same time, the Italian Government stated that it did not put any pressure on the PMA so that the latter would take the decision of Aquarius' de-flagging.

Nonetheless, while manoeuvring politically and diplomatically, violations of international law and human rights law continue to occur today. To be more specific, the fundamental right of life, as protected in ECHR's Article 2, in Article 6 of International Covenant on Civil and Political Rights and other human rights instruments is at stake, if there are no dedicated SAR vessels operating in the Central Mediterranean Sea.

In the absence of monitoring and SAR operations in the Central Mediterranean, many more lives will be threatened without any hope of being rescued following an out-of-sight, out-of-mind approach, and unwarranted conflation with alleged human trafficking by civil society rescuers as if they were acting with and/or alongside organised criminal trafficking gangs.

Additionally, we should refer to Article 33 of the UN Convention Relating to the Status of Refugees (1951).⁵² Being the cardinal principle of international refugee law, the principle of non-refoulement, also part of customary international law, prohibits the return of any refugee to the territory of a State where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.⁵³ In the present review we refer to the rescued persons on board the Aquarius by using the all encompassing term 'migrants'. However, the legal status of the rescued being a 'migrant',⁵⁴ a 'refugee' or any other person in need of international protection, is irrelevant to the duty of a State to allow for disembarkation to a place of safety under the SOLAS Convention. Given that the rescued person could have been returned to Libya, had not Spain volunteered at the time of writing, Italy's denial of access amounts to unlawful refoulement under international refugee and human rights law. More generally, Italy's and the EU's cooperation with Libya in the context of external migration policy raises serious human rights considerations.

Bearing these points in mind, **the case of the Aquarius' de-flagging, allegedly voluntarily driven by the owner in the case of the GMA, then by the PMA in period of circa two months, is another dark moment in the history of SAR operations.**

Meantime, we note that the Central Mediterranean countries continue to 'pass the buck' between one another in order to avoid taking responsibility for those in need of assistance at sea. Italy shows flagrant disregard for well-established legal obligations under international rule of law. Apart from the toxic narrative of populist right-wing politics and the hostile migration environment, Italy's collective behaviour, as represented by its current Government, also reflects the worrying wider stance of some European Union Member States in relation to border management and migration. Collectively, the European Union is playing a dangerous game where the collisions of national policies have become the premeditated violation of international human rights principles and protections. This now needs to be addressed by the appropriate European courts.

Judging by these two incidents, it can be identified that economic and political pressures may well now be more influential in flag State commercial decision-making processes, than the established international rule of law and long-standing humanitarian principles of rescue at sea.

Further, in terms of the commercial flag state authorities, it is assessed that both GMA and the PMA narrowly and arguably conveniently interpreted their obligations, something that is not in parallel with the commercial success of their respective Registries, or their position as responsible flag States. The Aquarius met all the technical specifications set out by the administrations, and it would be incredulous to otherwise advocate that both flag administrations had not been aware of its previous or intended use.

Last; the Italian government's denial in a playing role in the de-flagging decision of Aquarius by both the GMA and the PMA, is far from persuasive.

⁵² http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

⁵³ Annex to the International Convention on Maritime Search and Rescue, 1979, Para. 1.3.2 (<http://nmsa.gov.pg/wp-content/uploads/2016/11/SAR-Convention-1979-pdf.pdf>); Annex 34 to MSC.167(78)

⁵⁴ <https://www.amnesty.org/en/latest/news/2018/11/stranded-refugees-and-migrants-must-be-immediately-allowed-to-dock-in-italy-or-malta/>

⁵⁵ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137. Article 33 (1).

⁵⁶ Ibid.

Conclusion

Political interference at the expense of lawful humanitarian actions abuses the fundamental rights of those in peril at sea, and it goes against the fundamental human rights principles evolved after the brutal excesses of the Second World War which was triggered by the then failure to curb and challenge far-right political movements in Europe. The drive for effective humanitarian policies and supporting actions in protecting individual rights is one of the core foundations at the heart of the European model, but at the time of writing and in the context of the Central Mediterranean Sea it is being eroded through appeasement, thereby undermining the established rule of law.



Photograph credit: SOS Méditerranée

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Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.

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