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## **COMMERCIAL SHIPS INVOLVED IN RESCUE OF MIGRANTS IN SOUTHERN MEDITERRANEAN**

In the past few months we, as P&I Correspondents, have been involved in dozens of cases of commercial vessels ordered by Italian Maritime Authorities to alter course to pick up migrants and ferry them ashore, usually to Sicily. Owners have been made to incur considerable additional costs - time lost/bunker if nothing else - without possibility to recover, because the intervention of commercial vessels is coordinated by the Italian Central S.A.R., who are empowered to divert the necessary number of ships to save lives at sea under the International Convention on Maritime Search and Rescue adopted by the United Nations. (rfr encl).

Malta is the European country closest to North Africa but so far their Authorities have declined to offer assistance, alleging that Malta is too small an island. When migrants are detected in Maltese waters or International waters close to Malta, the Authorities relay the position to the Italian Government and a Maltese patrol vessel just remains on stand-by in the area, promptly departing when Italian Navy vessels are about to arrive.

### BACKGROUND

The Italian Government had set up a massive operation, named 'MARE NOSTRUM', to deal with the problem, always hoping that the EU would step in because the issue should concern all Member States and not just Italy. Finally it was announced that on 31 October 2014 the Italian operation would come to an end to be replaced by the EU funded and run 'TRITON' operation as part of the FRONTEX agreement to safeguard European borders.

The Italian Government declared that from 1<sup>st</sup> November 2014, TRITON would replace the Italian operation, yet the EU Commissioner Cecilia Malmström promptly and officially counter-declared that the EU operation would not and could not replace the Italian operation. The Commissioner officially stated that Italy had decided 'unilaterally' to end MARE NOSTRUM and that the EU would not step in to intervene in what is the 'Italian obligation to protect their frontiers'

### FIGURES

#### MARE NOSTRUM

In 2014 alone the Italian operation, with the support of commercial vessels, have brought ashore 140,000 migrants rescued mainly in international waters between Lybia and Sicily up to 175 nm from the Italian coast. This military operation was unprecedented with the Italian Government allocating full-time 5 military vessels - one amphibian ship, 2 frigates, 2 offshore patrol boats - helicopters and airforce planes as needed, in addition to the fleets of Coast Guard and Frontier Police. Even so the mass-migration has been so huge that in 2014 over 100 commercial vessels had to be diverted to rescue migrants in peril and bring them ashore, usually to Sicily.

#### TRITON

On 7<sup>th</sup> October 2014 an official memo of the EU Commission emphasized that the monthly budget of TRITON would be one-third of the previous Italian budget. Italy spent Euro 9.3 million per month, whereas the EU will only allocate Euro 2.9 million per month. Furthermore when fully operational TRITON will have only 2 planes and 3 navy vessels to monitor the sea, and only within a 30 nm radius from the coast of Sicily and South Italy.

However up to now TRITON has not started properly because it is still not clear what resources the Member States are willing to allocate; the UK Government for example have not agreed to support the operation and the Commissioner has stated to be 'hopeful' that Member States will 'respond positively so that TRITON will be operative'.

#### CONCLUSION

Italy has therefore not succeeded to offload the problem onto to the EU or even to have the agreement of all Member states that they will support the modest TRITON operation.

The EU Commissioner has stated that 'Italy will have to carry on in their continuous and substantial endeavours to make use of their own national instruments in absolute coordination with FRONTEX' but has not defined what 'coordination' should imply.

It is reported that in Lybia there are up to half-million migrants waiting for a seapassage to Europe, at a cost of between USD 2,000 and 5,000 pro-capite.

Therefore unless a political agreement is found in Brussels or unless law and order are restored in Lybia the mass exodus is unlikely to end and will be temporarily curbed only by adverse winter weather.

Consequently it may be reasonable to assume that many more commercial vessels than before will be diverted to deal with the problem, because the Italian rescue operation has been suspended and the fleets of local Coast Guard/Finance Police will simply not suffice.

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