

**Outline wine and discussion meeting**  
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## **Lives lost in the Mediterranean Sea: who is responsible?**

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Resolution and report of Tineke Strik,  
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The starting point for this report is that at least 1500 people are known to have lost their lives attempting to cross the Mediterranean in 2011. Many of these persons were refugees and asylum-seekers fleeing conflict in Libya or other parts of North Africa. Most of them were never found, but reported missing. The report focuses on one particularly harrowing case in which a small boat left Tripoli with 72 people on board and after two weeks at sea drifted back to Libya with only nine survivors. No one went to the aid of this boat, notwithstanding a distress call logged by the Italian Maritime Rescue and Coordination Centre, which pinpointed the boat's position, and a number of direct contacts between the boat in distress and other vessels.

From this story, a catalogue of failures became apparent: the Libyan authorities failed to maintain responsibility for their Search and Rescue zone, the Italian and Maltese Maritime Rescue and Coordination Centres failed to launch any search and rescue operation, NATO failed to react to the distress calls, even though at least two military vessels under its control were in the boat's vicinity when the distress call was sent (the *Mendez Núñez* and the *ITS Etna* which were estimated to have been 11 miles and 24 miles away, respectively, although this is disputed by Spain with respect to the *Mendez Núñez*). Two unidentified commercial fishing vessels also failed to respond to the direct calls for assistance from the boat in distress. Alongside these failures, a number of shortcomings contributed to the distress calls not being answered, including gaps in the maritime legal framework and a failure by NATO and the individual states militarily involved in Libya to anticipate adequately for an exodus of asylum seekers and refugees. Perhaps of most concern in this case is the alleged failure of the helicopter and the naval vessel to go to the aid of the boat in distress, regardless of whether these vessels were under national command or the command of NATO.

In this case many opportunities for saving the lives of the persons on board the boat were lost. The resolution demands for further information from NATO and relevant member states to identify or carry out an investigation into the identity of the helicopter and ship that allegedly failed to go to the rescue the boat in distress. Furthermore, a series of recommendations are made to reduce the likelihood of similar tragedies in the future. This includes: more uniform application of maritime law (f.i. responsibility sharing regarding Search and Rescue Zones, interpretation of the definition 'distress', agreement on disembarkation), abolition of national legislation which deters commercial or civilian vessels from responding to distress calls and European responsibility sharing regarding asylum seekers reaching (or trying to reach) Europe.