



European Maritime Safety
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The Japan Association of
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Ireland — A scene along the River Liffey, which flows quietly into Dublin Bay

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Revision of the IMO–UNHCR–ICS “Rescue at Sea” Guide

– Practical Challenges in the Treatment of Refugees and Migrants –

As outlined in our previous report No. 2026-08, Europe continues to face significant challenges in responding to large-scale movements of migrants by sea, particularly in the Mediterranean and the English Channel. In such cases, when persons are in distress at sea, it may be a merchant vessel navigating nearby, rather than a coastal State’s rescue authority, that is first able to provide assistance.

However, once a merchant vessel has conducted a rescue, delays in identifying a receiving State or a place of disembarkation can require the vessel to keep the rescued persons on board and remain diverted from its intended route. This may lead to operational delays, economic losses, additional burdens on the crew, and difficulties in maintaining order on board. If such risks are anticipated, masters and shipowners may become concerned about the consequences of undertaking a rescue, potentially creating hesitation or delay in rescue operations.

The 2026 edition of the “Rescue at Sea” Guide, taking these problems into account, clarifies the roles of the master and crew, the Rescue Coordination Centre (RCC), coastal States, flag States, the IMO, UNHCR, ICS, and others. It is a practical guidance document that underlines the importance of relevant States and agencies cooperating swiftly, so that a merchant vessel is not left isolated after a rescue, and of coordinating a safe place of disembarkation in a predictable manner.

During the 111th session of the IMO Maritime Safety Committee (MSC 111), the IMO, UNHCR, and ICS held a launch event for the revised 2026 edition of the “Rescue at Sea” Guide. This report is based on the author’s attendance at the event and summarises the discussion and related issues.

《Key Points》

1 Introduction

- Attended the launch of the revised 2026 edition of the “Rescue at Sea” Guide at MSC 111.

2 International Framework

- Masters have a duty to rescue persons in distress, but they do not have the authority to determine refugee status or other legal classifications.

3 The 2026 Edition of the “Rescue at Sea” Guide

- The revised Guide strengthens its treatment of refugee protection, human rights, non-refoulement, and responses to migrant smuggling and human trafficking.

4 From a Japanese Perspective

- Japan-related vessels may also encounter rescue cases overseas.

5 Conclusion

- The significance of the Guide lies in supporting the effective fulfilment of the master’s duty to rescue.

《Main Text》

1 Introduction

During the 111th session of the IMO Maritime Safety Committee (MSC 111), a launch event was held for the revised 2026 edition of the “Rescue at Sea” Guide, a joint publication of the International Maritime Organization (IMO), the United Nations High Commissioner for Refugees (UNHCR), and the International Chamber of Shipping (ICS). The author attended the event.

This report organises the content presented at the launch event together with the related international framework, and examines the international rules and practical challenges relating to the treatment of refugees, migrants, and others rescued at sea.

The report first outlines the relevant international rules, and then focuses on the content of the 2026 edition of the “Rescue at Sea” Guide and the presentations delivered at MSC 111.

2 International Framework for Rescue at Sea

(1) Basic Structure of Rescue at Sea

The starting point for rescue at sea is the master’s duty to save life. Under the SOLAS Convention and UNCLOS, a master is required to proceed with all possible speed to the rescue of persons in distress, regardless of the nationality, status, purpose of movement, or legal position of the persons in distress. This duty is one of the most fundamental obligations under international maritime law, grounded in respect for human life at sea.

This duty applies not only to the masters of public vessels such as warships and patrol vessels, but also to the masters of all ships, including ordinary merchant vessels. Because the open ocean is vast, and because it is often a merchant vessel navigating nearby that is first present at the scene of distress, it is not uncommon for an ordinary navigating vessel, not a dedicated rescue ship, to become the actual first rescuer. In Japan, “rescue” may readily call to mind the Japan Coast Guard, but that reflects the national search-and-rescue system through which a coastal State organises and coordinates rescues in its own area of responsibility; it differs in nature from the individual master’s duty to rescue discussed here.

However, the master’s duty has its limits. The master has neither the responsibility nor the legal authority to determine whether a rescued person is a refugee, an asylum seeker, a migrant, or a stowaway. Refugee status determination, the handling of asylum claims, identity verification, immigration decisions, criminal investigations, and related matters are matters to be handled by the relevant governments and competent authorities.

Accordingly, rescue at sea cannot be completed by the master and crew alone. After a master has rescued persons in distress at sea, the Rescue Coordination Centre (RCC), coastal State, flag State, port authorities, international organisations, humanitarian agencies, shipowners, insurers, and other relevant actors must become involved and

coordinate disembarkation to a place of safety. Rescue at sea functions effectively only when the master's duty of immediate on-scene response is combined with subsequent coordination by States and relevant agencies.

(2) Relevant International Legal Frameworks

The treatment of refugees, migrants, and others rescued at sea cannot be addressed through a single body of law. It is a complex issue at the intersection of international maritime law, international refugee law, international human rights law, and international criminal law.

First, from the perspective of international maritime law, the SOLAS Convention, the SAR Convention, and UNCLOS are particularly important. These instruments form the basic framework for the master's duty to rescue, the establishment of national search-and-rescue arrangements, rescue coordination through RCCs, and delivery to a place of safety.

Second, from the perspective of international refugee law and international human rights law, the principle of non-refoulement under the 1951 Refugee Convention is important. This principle prohibits the return of refugees and asylum seekers to a place where their life or freedom would be threatened. The principle of non-refoulement is widely understood as having the character of customary international law.

Third, from the perspective of international criminal law, the United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol against the Smuggling of Migrants, and the Protocol to Prevent Trafficking in Persons are relevant. States are required to take measures against migrant smuggling and human trafficking, while also ensuring the safety of life and humane treatment of the persons concerned. Accordingly, the need to counter smuggling and crime does not displace the obligations to save life and to protect human rights.

In this way, the international rules governing rescue at sea constitute a complex framework that must reconcile safety at sea, refugee protection, human rights, border control, and crime prevention.

(3) Establishment of the IMO Institutional Framework: the 2004 IMO Guidelines and Convention Amendments

The duty to save life at sea has long been recognised. However, coordination over the place of disembarkation after a rescue was not always sufficiently clear. In particular, where a rescued person might be a refugee or a migrant, coastal States became reluctant to accept disembarkation, and cases arose in which the rescuing vessel was forced to remain diverted from its route for extended periods. This became a serious practical problem.

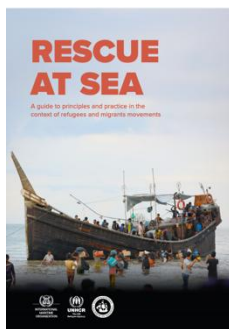
To address this challenge, in May 2004 the IMO adopted the "Guidelines on the Treatment of Persons Rescued at Sea" (Resolution MSC.167(78)). At the same time, amendments to the SOLAS Convention and the SAR Convention were adopted. These clarified the duty of governments to cooperate and coordinate so that a rescuing master can be released from the obligations arising from that rescue as quickly as possible, with minimum further deviation from the ship's route. The concept of the "Place of Safety" to which rescued people should be delivered was also given concrete form.

The significance of these amendments lies not in any fundamental rewriting of existing international maritime law. Rather, it lies in the supplementary clarification of States' duties of cooperation and coordination, so that the master's longstanding duty to save life can continue to operate effectively even amid modern situations involving refugee and migrant issues. In other words, it was made clear at the institutional level that simply ordering a master to "rescue" is insufficient, and that inter-governmental coordination is necessary to release the master appropriately after a rescue.

3 The Practical Handbook: the 2026 Edition of the "Rescue at Sea" Guide and the MSC 111 Launch Event

(1) Overview of the 2026 Edition of the "Rescue at Sea" Guide

As discussed in Chapter 2(3), the 2004 amendments to the SOLAS Convention and the SAR Convention clarified governments' cooperation and coordination duties at the treaty level, and the MSC.167(78) Guidelines set out the approach and practical guidance for their implementation. By contrast, the "Rescue at Sea" Guide is a practical handbook showing how masters, crews, and relevant authorities are to apply the international rules, including that framework, in actual rescue situations; it does not itself have legal binding force. The 2026 edition of the "Rescue at Sea" Guide is the third edition, following the 2006 and 2015 editions. At the MSC 111 launch event, it was explained that the first edition was created in response to cases in which persons rescued at sea later turned out to be migrants or refugees, to give masters and authorities practical guidance on legal obligations and rescue procedures. Thereafter, the 2015 edition updated the content to reflect new protection needs. The 2026 edition was produced primarily by UNHCR, through consultation with the IMO and ICS.



A key feature of the 2026 edition is that, in addition to the established principles on rescue at sea, it expands and strengthens guidance on international refugee law, the principle of non-refoulement, human rights obligations, protection measures during screening, the assessment of distress situations, the definition of a place of safety, and obligations under international law relating to migrant smuggling and human trafficking. Moreover, the Guide is not merely a document listing legal principles; it is a practical handbook intended to help masters, crews, shipowners, RCCs, port authorities, policymakers, and others understand what they should do in an actual rescue case.

(2) Report on the MSC 111 Presentations a Statements by Each Organisation



At the MSC 111 launch event, the IMO Secretary-General, Mr Arsenio Dominguez, stated that assisting persons in distress at sea is one of the oldest and most fundamental obligations embedded in the SOLAS Convention and the SAR Convention. He further commended the rescue activities carried out by coast guard

agencies, navies, search-and-rescue agencies, and merchant vessels, and characterised assistance to persons in distress as rooted not merely in a regulatory obligation but also in the traditions of seafarers and the essence of shipping. He positioned the guidance as translating legal obligations into concrete action at sea, giving clarity to governments and practical procedures to masters and crews.



The Director of UNHCR's Division of International Protection and Solutions, Ms Elizabeth Tan, described rescue at sea as a humanitarian and legal issue directly linked to the protection of refugees, asylum seekers, stateless persons, and others. She explained that, because dangerous movement by sea entails not only the risk of drowning but also

human trafficking, abuse, pushbacks, and denial of the right to seek asylum, protection at sea is extremely important. UNHCR also stated that, under international law, States must cooperate to rescue persons at sea and ensure safe disembarkation.



The ICS Secretary-General, Mr Thomas Kazakos, speaking from the standpoint of merchant shipping and seafarers, stated that rescue is not an abstract principle but a deeply rooted moral and legal responsibility. Merchant vessels normally carry the goods that sustain the global economy, but once a distress alert is

received, commercial considerations recede and human life takes priority. At the same time, ICS emphasised that shipowners and seafarers cannot bear this challenge alone, and that effective international cooperation among flag States, coastal States, RCCs, international organisations, and humanitarian agencies is indispensable. In particular, he stated that when seafarers act to save lives, they must be supported by effective coordination among States and by arrangements that make safe and swift disembarkation foreseeable in advance.

b Key Issues and the Chilling Effect

The issue emerging from these statements is that rescue at sea is a shared responsibility, and that in order for the master's and crew's duty to rescue to function effectively, it is indispensable that post-rescue disembarkation be coordinated swiftly and predictably.

Of particular importance is the concern about the chilling effect caused by the failure to secure a place of disembarkation after a rescue. Once a merchant vessel

has rescued persons in distress, if no receiving State or safe place of disembarkation is determined, the vessel may be required to remain diverted from its intended route. This can result in operational delays, economic losses, crew fatigue, difficulties in maintaining order on board, and additional burdens relating to food, medical care, and sanitation. If such risks are recognised in practice, they may become a source of concern for masters and shipowners deciding whether to undertake a rescue, and may, as a result, give rise to delays in, or a chilling of, rescue activity.

c Statements on the Need for Disembarkation Coordination

UNHCR stated, in substance, that when rescues are delayed, the reason is not necessarily that masters or crews do not want to help, but that they wish to confirm whether helping will lead to a good outcome and whether they will avoid being caught up in delays or difficulties themselves. This statement captures the essence of the present discussion: namely, that in order to maintain the duty to rescue in practice, there must be an institutional assurance that the vessel will not be left isolated after conducting a rescue.

ICS also stated that, in past cases, because the relevant States did not share a common interpretation of legal definitions or procedures, there were delays in disembarkation, financial difficulties, and challenges in managing the situation on board. On that basis, it emphasised that, as to what a “place of safety” is and how disembarkation procedures should work, what is needed is not mere coordination but a common interpretation and consistent implementation.

(3) Practical Issues Addressed by the Guide

The 2026 edition of the Guide provides concrete guidance on the practical challenges underlying the issues presented at the MSC 111 launch event. Below, three points are taken up: the meaning of “place of safety”; the principle of non-refoulement and related case law; and the reconciliation of law enforcement and border control with humanitarian protection.

a The Meaning of “Place of Safety”

A “place of safety” does not simply mean the nearest port or onshore facility. It must be a place where the rescued person’s life is no longer in danger, where basic needs are met, and where the person can access necessary protection and procedures, including the possibility of lodging an asylum claim. UNHCR likewise states that a rescue does not end at the point of taking people on board at sea; it is completed only when disembarkation to such a place of safety has been secured.

b The Principle of Non-Refoulement and Case Law

The principle of non-refoulement is particularly important in this context. Where rescued persons are, or may be, refugees or asylum seekers, they must not be disembarked in a place where they would face persecution, torture, inhuman or degrading treatment, or serious threats to their life or freedom.

Accordingly, the determination of a “place of safety” must take into account not only maritime safety but also the protection obligations under international refugee law and international human rights law.

A key case showing that this principle of non-refoulement can extend to responses on the high seas is the European Court of Human Rights’ 2012 judgment

in *Hirsi Jamaa and Others v. Italy*. That case concerned the Italian authorities intercepting a migrant boat on the high seas and returning the people on board to Libya, and it showed that, so long as a State's jurisdiction extends, the principle of non-refoulement and human rights obligations may be engaged even outside territorial waters. In other words, in deciding on a place of disembarkation or transfer, it is necessary to confirm, not merely as a matter of maritime convenience, whether there is persecution or serious danger at the destination concerned; it is not sufficient simply to send people back to their place of departure or to a third country.

c Reconciling Law Enforcement and Border Control with Humanitarian Protection

It cannot be denied that persons rescued at sea may include individuals connected to migrant smuggling, human trafficking, or organised crime, and that coastal States therefore also have legitimate border-control and law-enforcement concerns. That said, the mere suspicion of involvement in crime is not a reason to refuse to save life. As a rule, life must first be saved, and the competent authorities then carry out identity verification, screening, the handling of asylum claims, criminal investigations, and other necessary procedures.

That said, the master's duty to rescue is to be performed within limits that do not expose the ship, crew, or passengers to serious danger. UNCLOS Article 98 imposes the master's duty to rescue "in so far as he can do so without serious danger to the ship, the crew or the passengers," and does not compel rescue to the point where the safety of one's own ship or crew would be seriously threatened. In practice, too, when a small-crew merchant vessel takes on board a large number of rescued persons, maintaining order on board and ensuring crew safety become real challenges. Indeed, in the 2019 "El Hiblu 1" case, rescued persons taken aboard a merchant vessel were said to have pressed the crew to change course in order to avoid being returned to Libya; upon arrival in Malta, three of the rescued persons, then aged 15, 16, and 19, two of them minors, were prosecuted on charges including hijacking of the ship and acts of terrorism. Therefore, while giving top priority to saving life, the master must also secure the safety of the ship and crew, take necessary safety measures, and remain in close contact with the RCC and the relevant authorities.

It is also important not to characterise rescued persons from the outset as "illegal entrants" or "criminals". Even within the same boat, there may be people in need of protection, such as refugees, asylum seekers, and victims of human trafficking, alongside persons involved in migrant smuggling or organised crime. For this reason, life should first be saved, and the competent authorities should then assess the circumstances of each person individually, distinguishing in due course between those who require protection and those who may be subject to law-enforcement action. With such situations in mind, the 2026 edition of the Guide establishes a new section on responses to migrant smuggling and human trafficking, setting out practical points for authorities, such as the screening of the persons concerned, information-sharing among relevant agencies, measures to avoid causing harm to the persons concerned, and the protection of personal data.

(4) Division of Roles at the Rescue Scene

It is not uncommon for a merchant vessel to be the first to respond at the rescue scene. As seen in Chapter 2(1), the duty to rescue is imposed on the masters of all ships, and even a merchant vessel that is not a dedicated rescue vessel becomes the primary rescuer if it is first to arrive at the scene of distress. For this reason, the 2026 edition of the Guide clarifies, as practical preparation on the merchant-vessel side, the importance of adequate lifesaving equipment, rescue and communication procedures, swift contact with the RCC, record-keeping of rescue cases, and measures to ensure crew safety.

On the other hand, post-rescue disembarkation coordination cannot be handled by the master and crew alone. The RCC coordinates the rescue operation, while the coastal State coordinates disembarkation to a place of safety. The flag State provides support concerning its own vessels, and the IMO, UNHCR, ICS, and others provide support from the institutional, humanitarian, and shipping-practice perspectives, respectively, in accordance with their areas of expertise.

As stated in Chapter 2(1), masters should not be burdened with refugee status determination or immigration decisions. The master's role is limited to saving life, contacting the relevant authorities, and protecting the rescued persons as safely as possible. The legal status of rescued persons and decisions concerning reception are matters that should be handled by governments and the relevant authorities.

4 From a Japanese Perspective

Japan is not routinely confronted with large-scale movements of refugees and migrants by sea, such as those seen in the Mediterranean and across the English Channel, including the Strait of Dover. However, Japan is a maritime nation, a shipping nation whose merchant vessels operate throughout the world. It is also a coastal State with extensive surrounding waters. For these reasons, the international rules on the treatment of refugees, migrants, and others rescued at sea are by no means unrelated to Japan.

Specifically, where a Japanese merchant vessel conducts a rescue overseas, the master's responsibility is to save life, not to conduct refugee screening, and disembarkation coordination is the responsibility of the governments of the relevant States. Such an understanding is already shared among those concerned, and the relevant agencies, including maritime safety authorities, immigration and foreign-affairs authorities, ports, medical personnel, and welfare-related organisations, cooperate in responding; but the present Guide provides an occasion to reaffirm that shared point of reference, and may help support a smooth response when such a case arises.

Moreover, this issue is not new to Japan. From 1975 onwards, some Indochinese refugees, also known as boat people, were rescued at sea by cargo ships, tankers, and other vessels, came ashore at Japanese ports, and Japan ultimately accepted about 11,000 of them. This may be regarded as a case in which Japan itself once experienced the very issue dealt with in this report: rescue at sea by merchant ships and the subsequent reception of those rescued.

5 Conclusion

The 2026 edition of the “Rescue at Sea” Guide provides practical guidance, in the field where international maritime law, international refugee law, international human rights law, and international criminal law intersect, on the rescue of refugees, migrants, and others in distress at sea. Its significance lies not in weakening the master’s and crew’s duty to rescue, but rather in enabling that duty to be reliably fulfilled in practice.

The core issue lies not in the duty to rescue itself, but in post-rescue disembarkation coordination. Masters and crews bear a duty to rescue persons in distress. However, if no receiving State or safe place of disembarkation is determined after the rescue, and the vessel and crew are kept in that situation for long periods, that burden may delay or chill rescue activity by merchant ships.

For Japan, too, this issue is not a special problem of a distant region; the revision of the present Guide, by offering a perspective that grasps the related fields in an integrated way, is also instructive for Japanese practice.

Looking ahead, challenges also emerge from the discussions at the MSC 111 launch event. In particular, it is important to determine in advance which port is to be a place of safety after a rescue and who is to coordinate it and how, and to build a common understanding, through international and regional dialogue, of the interpretation of “place of safety” and of disembarkation procedures.

In short, the greatest significance of the 2026 edition of the Guide can be summarised as the following point:

In order to keep the duty to save life at sea functioning effectively, it is indispensable that it be foreseeable in advance that safe and swift disembarkation will be possible after a rescue; and for that, responsible coordination by the relevant States is necessary.

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1. Rescue at Sea
A guide to principles and practice in the context of Refugee and Migrant movements
<https://data.unhcr.org/en/documents/details/122425>
 2. IMO Resolution MSC.167(78)
Guidelines on the Treatment of Persons Rescued at Sea
<https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.167%2878%29.pdf>
 3. UNHCR General Legal Considerations
General legal considerations: search-and-rescue operations involving refugees and migrants at sea
<https://www.refworld.org/policy/legalguidance/unhcr/2017/119597>
 4. United Nations Convention against Transnational Organized Crime (UNTOC) and Related Protocols
United Nations Convention against Transnational Organized Crime and the Protocols Thereto
<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
 5. Protocol against the Smuggling of Migrants
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf