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Law and policy of maritime migration: The role of commercial shipping

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List of Acronyms

ANT	Actor-Network Theory
CSO	Civil Society Organisation
ECHR	European Convention on Human Rights
ECSA	European Community Shipowners' Associations
EU	European Union
FHAS	Foundation for Humanitarian Action at Sea
ICS	International Chamber of Shipping
IMO	International Maritime Organisation
IOM	International Organisation for Migration
JRCC	Joint Rescue Coordination Centre
MLC	Maritime Labour Convention
MRCC	Maritime Rescue Coordination Centre
NCG	National Coast Guard
NGO	Non-Governmental Organisation

OHCHR	Office of the United Nations High Commissioner for Human Rights
RCC	Rescue Coordination Centre
SAR	Search and Rescue
SOLAS	International Convention for the Safety of Life at Sea
STCW	Standards of Training, Certification and Watchkeeping for Seafarers
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNHCR	United Nations High Commissioner for Refugees
UNGPs	United Nations Guiding Principles on Business and Human Rights

Authors' note:

To secure the paper's academic integrity, it should be noted that AI was used for language assistance (grammar revision) as accepted by IHEID "Rules and Good Practices for Ethical Use of Artificial Intelligence in Academic Work."

1. Overview

Rescue operations in the Central Mediterranean involve a wide range of actors, including merchant vessels, coastguards, NGOs, states, and international organisations. Despite this diversity, coordination between them is often fragmented and inefficient. Traditionally, commercial ships have played an important role in rescuing people in distress at sea, but their involvement has often been under-recognised compared to that of coastguards and NGOs, and is only loosely regulated under international maritime law. This legal ambiguity contributes to recurring failures in coordination and delayed responses, also highlighting patterns of non-assistance (FHAS, 2025). Within this framework, the Foundation of Humanitarian Action at Sea (FHAS) supports this research by providing data, tools, and analysis to help address existing legal and operational gaps in maritime safety.

This poorly coordinated landscape is shaped by what Mann calls “de jure rightlessness” (Mann, 2018). In this context, the structure of international law itself creates a legal vacuum in maritime areas where state responsibility is contested, as is often the case in the Central Mediterranean. As a result, NGOs and other actors at sea operate in this legal grey area as “floating sanctuaries,” spaces of resistance where migrants can essentially claim and realise rights that are otherwise denied (Mann, 2022).

However, the combination of weak cooperation, combined with legal ambiguity and political reluctance, results in accountability gaps and reinforces inertia. Against this background, this research investigates how the fragmented and politicised system present in the Mediterranean impacts commercial ships, which increasingly find themselves on the front lines of maritime rescue.

Rescuing migrants is often complicated by the multiple constraints shipmasters from the maritime shipping industry face, such as the physical limits of their vessels, tight commercial schedules, and, importantly, the need to comply with complex legal obligations. On the other hand, the existing literature lacks comprehensive data about the topic. This research aims to contribute an academic analysis and to provide a set of policy recommendations addressing the question: “What are the challenges of merchant vessels’ involvement in the rescue of maritime migrants in the Mediterranean Sea maritime route?”

To understand the scale of commercial ships’ involvement, it is important to consider the available data. Between January 2014 and December 2015, 1,350 merchant vessels diverted from their planned route to rescue over 57,000 migrants (IMO, 2015), with figures showing that in 2014 alone, over 40,000 migrants were rescued off the Libyan coast by merchant ships. This prompted the establishment of IMO Resolution A.1093(29) in 2015, promoting the issuance of special certificates for any merchant vessel and its crew that participated in the rescue of people at sea. This act had mainly a symbolic significance: only a small number of commendation letters are awarded each year, and the initiative’s broad geographic scope prevents the collection of systematic and comprehensive data. Nevertheless, it marked a first step towards the recognition of the role of commercial ships. Following this peak, the involvement of commercial ships in rescue operations decreased. In 2016, 121 merchant vessels were diverted from their planned route, rescuing 13,888 migrants (ICS, 2024). This decrease was attributed to the increased presence of the coast guard and NGOs in 2016 and 2017, which reduced reliance on commercial vessels.

Geographically, the study focuses on the Central Mediterranean corridor, linking North Africa and Southern Europe. This route was selected because it is both one of the world’s busiest shipping lanes and one of the deadliest migration corridors (Gennari, 2025). Focusing on this

route, therefore, allows for greater data availability and provides a broader pool of potential interviewees.

While migrants are undeniably central to the dynamics of Search and Rescue (SAR) operations in the Central Mediterranean, this research focuses specifically on the actors involved in the governance and implementation of SAR activities. Migrants are those whose agency is most profoundly shaped by the network, yet their experiences, vulnerabilities, and levels of action differ fundamentally from those of commercial shipping vessels, NGOs, and Coast Guards. As noted by Heller and Pezzani (2020), migrants bear the consequences of fragmented policies and inadequate coordination, often with lethal outcomes. Acknowledging these realities, this research seeks to develop a comprehensive understanding of the interactions among SAR actors in order to formulate recommendations for more effective and coordinated future policies.

This analysis begins with a review of academic and grey literature before moving on to outline the theoretical and methodological frame, followed by a section on the legal and political contexts. The findings are divided into four chapters investigating the legal, operational, humanitarian, and psychological challenges. The report concludes with recommendations addressed to the different relevant stakeholders: international governance and coordinating bodies, the shipping sector, and the Governments of coastal states.

1.2 Use of terms

For the purpose of this report, the term “commercial maritime shipping” refers to a broad range of actors and types of ships. It refers to the industry at large, including shipowners - the legal entities that possess vessels and hold legal titles over them - and charterers, who hire vessels from a shipowner for specific periods or voyages. The terms “merchant” and “commercial” ships or vessels are used interchangeably in the report to refer to any ship or vessel employed to

transport various types of commercial goods. Lastly, the term “cargo ship” defines a specific commercial ship “designed primarily for the carriage of general cargo” (IMO 2026). In the research, these included containerships, tankers and bulk carriers.

2. Literature Review

This study analyses the role of commercial vessels in migrant SAR operations in the Mediterranean, situating them within a broader network of actors. Drawing on Italian, Greek, and English sources, the literature review explores both the extent of their involvement and how their role is understood and framed by other actors engaged in SAR operations.

To reflect this relational perspective, the review is structured around the three main groups involved in rescue activities: commercial vessels, NGOs, and coastguards. Using discourse analysis, this review is organised to first introduce the actors, and then examine how their roles in SAR operations are framed, and finally, for NGOs and coastguards, it connects their activities to those of commercial vessels. The review concludes with a synthesis of key insights across all actors.

2.1 Commercial Shipping Sector

This section is divided to reflect the different voices and sources on the commercial shipping sector’s involvement in SAR operations. Section 2.1.a focuses on academic literature, identifying common framings in peer-reviewed journals. It addresses the (invisible) role of commercial shipping vessels in migrant rescue operations and analyses challenges through four

lenses: legal, humanitarian, operational and psychological. These will also guide the findings later in the report.

Section 2.1.b turns to the maritime sector’s perspective, combining responses from international organisations with public statements from shipping companies. While the former provides a general framework, the latter illustrates how these challenges are addressed in practice.

Section 2.1.c. reviews media framing, analysing recurrent patterns of inclusion and exclusion. The table in the Annex supports this by listing rescue cases involving commercial vessels reported in Greek, Spanish, and Italian media. Although not exhaustive, it serves to show which cases received media attention and, importantly, how they were portrayed. Sources include national and international newspapers, reports, blogs, and the Italian Coast Guard’s press releases.

2.1.a Academia

Academic discourse provides important perspectives on the role of commercial vessels in migrant rescue operations, particularly regarding legal, psychological, operational and humanitarian challenges. At the same time, the literature highlights the limited availability of publicly accessible data on rescues conducted by merchant ships and the absence of systematic mechanisms to monitor such operations.

Academic discourse on the invisible role of commercial ships

The duty to assist at sea has historically been ingrained in maritime practice, forming a “code of honour” that applies to all seafarers. However, interestingly, the latter’s role remains underexamined in the current literature. Aarstad (2015) examines the role of commercial ships in the context of the European migration crisis, affirming that, while shipping vessels have a

legal and moral duty to rescue people in distress at sea, EU policies have rendered it largely invisible. This was done by systematically excluding the maritime shipping industry from consultations on mass rescues at sea. The focus of EU policymaking shifted away from private actors, despite their direct exposure to and involvement in migratory dynamics, to state-led operations such as *Mare Nostrum* and Operation Triton. Nevertheless, private companies remain crucial given their overlapping and conflicting interests and duties as economic, humanitarian, and security actors (Senu, 2021).

Academic discourse about different regulatory instruments

Similarly, Kilpatrick and Smith (2015) discuss international legal frameworks, including the duty to render assistance (UNCLOS), and analyse the interconnection between commercial and legal duties. While most scholars refer to UNCLOS, the SAR Convention, and SOLAS for their theoretical legal framework, Gauci (2020) introduces the UN Guiding Principles on Business and Human Rights (UNGPs), contending that commercial entities possess direct human rights responsibilities, including adherence to the principle of *non-refoulement*, existing independently from state obligations and requiring due diligence.

Academic discourse on the psychological burdens experienced by shipmasters

While the literature on psychological challenges faced by seafarers is limited, Maglić (2019) and Mamiya and Abu Sa'Da (2025) highlight that, in addition to legal grey zones concerning vessels' responsibilities, psychological burdens and safety issues constitute the main obstacles to vessels' involvement in such operations. Mamiya and Abu Sa'Da's study reveals that 28% of the respondents who called for more protection and support identified the provision of psychological support as a potential solution.

Academic discourse on the operational and security challenges

In addressing the operational challenges, Neri (2022) identifies among these both preparedness and coordination for disembarkation, and the management of security, safety, and sanitary risks in all phases of the SAR operation. Olaniyan and Adeniran (2019) proceed by detailing the equipment needed for rescue operations, such as lifeboats, lifejackets, signalling and medical equipment, and outline best practices for embarkation, management of rescued individuals, and disembarkation procedures. A survey conducted by FHAS in 2024 with 250 people from shipping personnel concluded that the shipping industry has safety concerns related to mass migrant rescues at sea (for vessels, crews, and migrants' safety), that rescue professionals are a humanitarian necessity, and that current training is inadequate (Abu Sa'Da and Mamiya, 2025). Importantly, seafarers also called for greater protection against the criminalisation of rescues.

Academic discourse on the economic and political disincentives faced by commercial shipmasters as constraints on humanitarian action

Aarstad (2015) and Abu Sa'Da and Mamiya (2025) present the disincentives faced by shipmasters in the Mediterranean Sea. Among these are economic and logistical pressures, which often lead them to re-route, avoiding areas of heavy migrant boat traffic, notably near the Libyan coasts.

Focusing on the economic disincentives, Kilpatrick (2017) and Olaniyan and Adeniran (2019) further investigate the cost of breaching the contracts between charterers and shipowners. By distinguishing between direct and indirect costs, the former including humanitarian provisions, additional wages, extra fuel, port charges, restocking, etc., and the latter the overall economic losses caused by delays, Kilpatrick highlights that responsibilities for covering these costs broadly fall on shipowners and charterers, rather than on states. However, it is equally important to note that, today, solidarity practices are not only challenged by economic factors, but also by their increasingly politicised nature (Scharenberg and Rees, 2024).

The need for a stronger cooperation between actors: academic discourse on future recommendations

Aarstad (2015), Neri (2022), and Kilpatrick (2020) advocate for stronger EU-led SAR operations, lifting the burden off of commercial vessels, and an optimisation of disembarkation, avoiding denials of access to ports. They also call for dialogue among stakeholders, including flag states, coastal states, IOs, shipping sector membership associations, and the IMO (Abu Sa'Da and Mamiya, 2025).

Importantly, Neri (2022) and Clifton (2021) draw a link between the increase in the proportion of merchant vessels' involvement in rescues and a decrease in states' and NGOs' interventions in recent years. A political choice, as the authors argue, coercing commercial vessels into a primary rescue role, only to subsequently penalise them for fulfilling their legal duties through disembarkation standoffs, as shown by the Maersk Etienne case, analysed in more detail below.

However, it is important to acknowledge the limitations of scholarly recommendations, given they are based on a very limited set of data that only superficially and fragmentarily covers the operational, psychological, legal and humanitarian challenges experienced by seafarers, and rarely analyses real rescue cases.

2.1.b The Maritime Sector Response

International maritime organisations' responses to commercial vessels' involvement in SAR operations

International maritime organisations are key actors in the common institutional response to shipping vessels' involvement in migrant rescue operations. This report specifically focuses on

the International Maritime Organisation (IMO) and the International Chamber of Shipping (ICS), which are involved in various regional, political and legal arrangements.

The ICS serves as the main non-governmental organisation representing shipowners at the IMO, and their collaboration aims at establishing a global regulatory framework for safe and efficient shipping. In 2015, the ICS published a non-binding document, supported by other international maritime organisations, outlining guidelines for seafarers involved in mass rescues. These emphasise safety for both rescued individuals and seafarers, provision of medical care, and strengthened collaboration with the Rescue Coordination Centres (RCCs). They also provide guidance on how to report rescues.

Beyond the IMO and ICS, several regional maritime organisations are addressing migration-related challenges. In September 2020, shortly after the Maersk Etienne case and the publication of the New EU Pact on Migration and Asylum, international social partners, including the European and International Shipowners' Associations and the European and International Maritime Transport Workers' Unions, contacted the European Commission to express concern that the Pact did not sufficiently address the need for support to the sector. The partners also agreed that the Pact would be insufficient without complementary incentives to ensure state compliance with the duty to grant safe disembarkation to people in distress. As noted by ECSA (2020), "there is still no guarantee that merchant ships will receive prompt and adequate assistance when fulfilling their humanitarian responsibilities," and coordination on burden-sharing remains limited. Overall, the regional discourse supports a more state-led approach with improved coordination between actors.

Public statements made by shipping companies on their role in SAR operations

While international organisations represent the institutional response of the maritime sector, this section reviews existing material produced by the individual commercial shipping companies. Table 1 identifies how the companies frame their role, interpret their legal obligations, and communicate the challenges faced in the context of maritime migration. The table aims to present different discourses used in corporate public relations by the main shipping companies in the Mediterranean. The companies were selected based on the publicly known cases presented in the Annex.

Table 1: Commercial Shipping Companies and Their Public Discourses on SAR Operations

Company	Type of Discourse (Corporate Approach)	Key Features of Discourse	Examples / Evidence	Source(s)
MAERSK	Duty to rescue but the primary responsibility is of the governmental actors	- Emphasises legal duty to rescue (SOLAS). - Attributes delays in disembarkation to governmental inaction. - Expresses frustration with “procedural ambiguity” between legal obligations and political responsibility. - Improvises solutions with NGOs to the best of its capabilities.	- Maersk Etienne incident (2020): rescued 27 people in the Mediterranean, remained stranded for 38 days as no authority granted permission for safe disembarkation. - CTO statement: “We are not legislators – international conventions exist to navigate such incidents; as a shipping company, it is not our job to enforce conventions” (Shaam, 2020).	Maersk newsroom and company article (Shaam, 2020)
MSC	Silence	- No official documentation or public statements on rescues. - Communication on politically sensitive rescues limited to external press coverage.	Involved in rescues, most recent on 26 October 2025: MSC Splendida cruise ship rescued migrants in Balearic waters.	Crew Mirror (2025)
GRIMALDI GROUP	Indirect mentions within the sustainability framework	- Rescue operations mentioned only tangentially in sustainability/CSR reports. - Limited detail; no substantive analysis of procedures, coordination with authorities, or humanitarian standards.	2021 report: crew training for “security threats related to piracy and illegal migration”. 2024 report: brief allusions to rescue operations without further analysis.	Grimaldi Group (2021, 2024)
CMA CGM GROUP	Indirect mentions within the sustainability framework	- Mentions rescues in CSR reporting but provides no further elaboration. - No information on procedures, coordination with authorities, or humanitarian standards.	2024 CSR Report: company’s vessels carried out sixteen rescues at sea.	CMA CGM (2024)
NEPTUNE P2P GROUP	Operational guidance	- Analytical and practice-oriented approach. - Stresses unambiguous SOLAS duty to rescue. - Highlights lack of operational readiness and significant safety and security risks in mass rescue operations. - Calls for SOPs, crew training, and international collaboration on a comprehensive approach.	2023 report for maritime operators on migrant rescue preparedness. - Provides pragmatic advice on crew training and Standard Operating Procedures (SOPs). - Urges international collaboration on a “comprehensive approach to migrant rescue preparedness”.	Neptune P2P Group (2023)

2.1.c Media discourses on rescues by commercial ships

Media coverage has been predominantly descriptive when reporting instances of the sector’s involvement with migrants’ SAR. Concerning the Italian press, notably missing from media

coverage are the CS Caprice case, when a Bahamas-flagged Campbell Shipping bulk carrier rescued 510 migrants and disembarked them to Italy in October 2014 (Saul, 2015), and the Deep Vision case, when 907 migrants were rescued by a commercial ship in five days in 2017, followed by disembarkation to Italy (Dearden, 2017). Across the media, similar patterns emerge while revealing broader gaps in the representation of commercial vessels' involvement in rescue operations.

Focus on the temporal and spatial features of rescues

The media analysis shows there is a strong emphasis on spatial and temporal features, with all articles being very descriptive regarding the ship's name and its owner, the rescue location, and the number of migrants rescued. This quantification treats crews and possible witnesses as almost non-existent, overshadowing their agency and concerns. A few exceptions occurred, in cases where migrants revolted against the crew out of fear of *refoulement* (Vos Thalassa, Vos Triton), or due to fears surrounding Ebola and Covid (CS Caprice, Asso 30, Maersk Etienne).

Dangerous conditions of the rescue

The distress situation is of particular importance to the press, which comments on the difficult conditions and the high level of danger. This is visible in descriptions using terms such as “under difficult weather conditions”, “dramatic”, “unprecedented” (Mito, Maersk Etienne, Deep Vision). In many cases, the media focused on the demographics of migrants: origin, presence of (pregnant) women, babies, and children.

Media discourse: heroic framing

A strong heroic framing is frequently observed in the Greek, Spanish, and English press, with articles praising the crew's competence and bravery for rescuing people. Thus, the crew is often portrayed as protagonists engaged in a moral action, excluding the underlying legal duties

behind the operations. Words such as “praised” (Antigone), “awarded” (Aristofanis), “heroic rescue” (Splendida – Cruisehive), “professionalism and dedication” (MSC Splendida captain), and “honoured” (Deep Vision) capture this heroic narrative. In the Italian press, the heroic framing was rarely employed, rather focusing on the factual description of the situation of distress, and on commenting on the exceptionality of circumstances that call for commercial vessels’ intervention.

Consequently, a gap emerges: there is little to no attention in media reporting on the challenges faced by the crew, nor on the legal, political, or humanitarian dimensions of the rescues. This sheds light on a lack of qualitative information about the uncertainties, operational dilemmas, and challenges that vessels face in encounters with migrants at sea.

Lastly, the media review showed a glaring inconsistency between the number of news articles and the frequency of commercial vessels’ involvement in such operations as estimated by the IMO (see above).

2.2 NGOs and Civil Society Initiatives

Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) play an important role in SAR operations in the Mediterranean. According to Mann and Permoser (2022), NGOs and CSOs’ actions at sea represent the third normative response, serving as floating sanctuaries enabling coordination and witnessing wrongdoing. This makes their reports of profound importance.

NGOs Involved in SAR Typology Table (Cusumano, 2019, p. 250)

Table 1. NGOs providing SAR off the coast Libya (August 2014–August 2017).

NGO	Capabilities	Starting date	Rescuing model
MOAS	40 m <i>Phoenix</i>	August 2014	Rescue and Disembarkation
	51 m <i>Responder</i>	October 2015	
MSF	50 m <i>Dignity 1</i>	April 2015	Rescue and Disembarkation
	68 m <i>Bourbon</i>	May 2015	
	<i>Argos</i>	March 2017	
	77 m <i>Prudence</i>		
Sea-Watch	27 m <i>Sea-Watch1</i>	April 2015	Patrolling and Rescuing
	33 m <i>Sea-Watch2</i>	March 2016	
	50 m <i>Sea-Watch3</i>	October 2017	
Sea-Eye	23 m <i>Sea-Eye</i>	May 2016	Patrolling and Rescuing
	26 m <i>SeeFuchs</i>	June 2017	
LifeBoat Project	23 m <i>Minden</i>	June 2016	Patrolling and Rescuing
Pro-Activa	30 m <i>Astral</i>	June 2016	Patrolling and Rescuing
	37 m <i>Golfo Azzurro</i>	December 2016	
	37 m <i>Open Arms</i>	March 2017	
SOS-Méditerranée	77 m <i>Aquarius</i>	February 2016	Rescue and Disembarkation
Jugend Rettet	37 m <i>Iuventa</i>	July 2016	Patrolling and Rescuing
Boat Refugee Foundation	37 m <i>Golfo Azzurro</i>	September–November 2016	Patrolling and Rescuing
Save the Children	57 m <i>Vos Hestia</i>	September 2016	Rescue and Disembarkation

Among the most significant sources of documentation is Alarm Phone, a civil society network that operates a hotline for people in distress at sea. Alarm Phone systematically documents distress cases and authorities’ responses, often involving merchant vessels. Its reports provide valuable monitoring data that help trace patterns of (non) assistance (Alarm Phone, 2025).

The role of NGOs at sea is highly debated and often criminalised. One notable case involved *Mediterranea*, registered as an Association for Social Promotion (APS), which played a direct role in the *Maersk Etienne* rescue. The organisation took aboard 27 migrants who had been stranded in a prolonged standoff aboard a commercial vessel for over a month, ultimately disembarking them in Italy. Six of their activists were later indicted on charges of “aggravated aiding and abetting illegal immigration,” which *Mediterranea* denounced as a “political-judicial fabrication” aimed at “criminalising solidarity” (*Mediterranea*, 2025).

Merchant vessels between rescue obligations and state repression

A joint statement produced by the NGOs Alarm Phone, Médecins Sans Frontières/Doctors Without Borders (MSF), and Sea-Watch (Sea-Watch 2023) documents a 2023 incident in which

Malta's MRCC instructed two merchant vessels not to rescue a nearby migrant boat in distress, against their duty to render assistance under maritime law. All three organisations condemn this as a deliberate policy of non-assistance, showing how merchant crews, bound by orders from coastal states, become unwilling witnesses to preventable loss of life.

Sea-Watch had already denounced the systematic nature of this phenomenon, not limited to Malta but also affecting other EU States. During a 2025 rescue case, when over 90 people remained on a merchant ship for days after states denied disembarkation (despite two deaths and an emergency birth), a spokesperson of Sea-Watch said: "It is shameful that it takes the courage of one merchant captain to uphold basic human rights" (Sea-Watch, 2025).

In 2020, Sea Watch also published an overview of merchant vessels' involvement in SAR operations that year, highlighting the financial losses of shipping companies, and a new trend of avoiding navigation in certain areas of the Central Mediterranean, describing them as "bad behaviours" (Sea Watch, 2020). In 2021, it submitted a report to the UN Special Rapporteur on the Human Rights of Migrants, where it detailed pushback practices in relation to similar episodes (Sea Watch, 2021). Similar criticisms were made by the NGO SOS Méditerranée (SOS Méditerranée, 2025).

National and EU policies contribute to merchant shipping's unwillingness to rescue

An Amnesty International 2015 report explicitly connects the *Mare Nostrum* operation with increased pressure on commercial ships to rescue migrants. This report constitutes one of the few sources to provide data on how the Italian NCG diverted commercial ships to search and rescue events during the operation Mare Nostrum. The report underlined the heavy financial losses, as well as the risks implied by their involvement, for crews and migrants. (Amnesty International, 2015)

This concern is echoed by other civil society initiatives like the De: border collective, which defines the process as “privatised pushbacks”: they maintain that EU states increasingly rely on private and commercial actors for border control, indirectly drawing merchant vessels into MRCCs-coordinated deterrence practices, thereby exposing crews to legal and ethical uncertainty due to the lack of clear rescue procedures (De: border collective, 2023). Human Rights Watch also delimited the dimension of uncertainty in 2009, stating that commercial ships, at least in cases concerning Malta, were “given conflicting instructions about where to disembark the survivors,” violating international law (Human Rights Watch, 2009).

2.3 National Coast Guards and Frontex

Maltese, Italian, and Greek NCGs are maritime authorities responsible for SAR, border surveillance, and maritime law enforcement. They have a dual mandate of humanitarian rescue and security-oriented border control.

Created in 2004, Frontex is the EU agency tasked with assisting Member States in managing external borders, irregular arrivals, rescues, and interceptions in the Mediterranean Sea (Frontex, n.d.). In operational terms, Frontex does not replace national authorities but works through close cooperation with them. While Frontex maintains coordination, surveillance, data analysis, and operational support, NCGs remain the first respondents in activation and coordination of SAR, designating ports for disembarkation, registration and identification of people, and processing asylum requests (Frontex, n.d.).

Frontex and NCGs discourse: the main role held by international maritime law and the non-recognised systematic role of commercial vessels

Frontex and NCGs have consistently emphasised that SAR is governed by international maritime law, obliging all vessels to assist persons in distress at sea (Frontex, n.d.). This framing positions merchant vessels not as exceptional actors but as integral components of a rescue system where any nearby ship may be called upon to intervene in distress situations (Frontex, 2016). While the Agency has commented on NGOs' involvement in SAR operations in the Mediterranean, this has not happened for the role of merchant vessels.

Similarly, academic research on cooperation between Frontex and merchant vessels remains limited and uneven, with most scholarship focusing on NGOs' involvement. Within this literature, merchant vessels tend to appear only peripherally, primarily framed as "obligated rescuers" rather than as coordinated partners. This has resulted in forms of interaction that are largely situational and reactive, with communication between commercial vessels and MRCCs occurring on a case-by-case basis. Consequently, coordination practices, such as the designation of a port of disembarkation or the mobilisation of national authorities to assist merchant crews, can vary significantly. This reflects in the absence of a formalised or transparent framework governing the role of commercial shipping within EU SAR systems. It is also mirrored at the institutional level, where such actors are largely absent from platforms such as Frontex's Consultative Forum, and remain marginal in broader European policy discussions, including those surrounding the New Pact on Migration and Asylum (Frontex, n.d.).

2.4 Conclusion

While academic literature covers legal uncertainties and disincentives for commercial vessels to conduct rescues, it rarely gives voice to the crews themselves or acknowledges the difficulties they encounter. However, this review remains essential as it portrays merchant vessels as

under-recognised humanitarian actors operating within fragmented legal frameworks, facing operational, psychological, economic, and political constraints.

Turning to the coverage from the commercial shipping sector, despite a few exceptions, notably, Maersk following the Maersk Etienne incident, companies maintain near silence on the issue, or frame it as a security concern rather than a humanitarian responsibility, reflecting its political sensitivity. Most available information is confined to corporate newsroom updates or filtered through media outlets, while the bulk of it likely remains internal or restricted. Despite the ICS's efforts to standardise guidance under SOLAS and related conventions, company-level discourse continues to reflect uncertainty regarding the obligation to rescue.

Contrastingly, NGOs consistently identify commercial vessels' involvement in migrant rescues as an under-addressed issue. Their concerns converge on two main gaps: the instrumentalisation of merchant vessels in state-led deterrence strategies, and the absence of coherent legal and procedural frameworks - echoing concerns also voiced by the maritime industry. There is general agreement across sources that, while maritime companies are bound by international law to assist vessels in distress, the associated costs and risks should not be theirs to bear alone.

Finally, Frontex's discourse confirms the underrecognition of merchant vessels' role. While Frontex and NCGs emphasise that international maritime law obliges all ships to assist persons in distress, they do not treat commercial shipping as a distinct actor. Their engagement with it is largely implicit and situational, as policy and academic attention remain primarily directed toward states and NGOs.

In conclusion, limited cooperation among actors is mirrored in limited research on how their roles overlap. This study addresses that gap by not only examining the involvement of commercial vessels in SAR operations, but also mapping the broader constellation of actors at

sea. Precisely because their interactions are fragmented and underexplored, Actor-Network Theory (ANT) provides a suitable analytical framework, enabling a relational approach capable of capturing this complexity.

3. Theoretical Framework

According to Latour (1996), Actor-Network Theory (ANT) does not conceptualise actors as operating within the boundaries of a predefined, organised network. Rather, the theory is also applicable to fragmented networks that lack a final and stabilised structure. These networks do not follow a compulsory path. Instead, in the social sciences, they can be understood as the sum of individual human (and non-human) actors, shaped by their frequency, distribution, homogeneity, and proximity. From an ANT perspective, the only way to make sense of these individual actors is to analyse them collectively within a network-like social theory.

The choice of this theoretical framework for analysing the actors involved in migrant rescue operations is therefore particularly appropriate. As Latour noted, “the first advantage of thinking in terms of networks is that we get rid of the ‘tyranny of distance’ or proximity. Elements which are close when disconnected may be infinitely remote when their connections are analysed; conversely, elements which would appear as infinitely distant may be close when their connections are brought back into the picture.” (Latour, 1996, p.371)

This notion of the network allows for a more nuanced understanding of the system, bringing together actors that may initially appear distant in nature, such as commercial vessels and NGOs, and enabling their analysis as part of a whole. Importantly, this approach does not aim to homogenise actors, but rather “to regain the sense of their heterogeneity.” (Latour, 1996, p.380)

The table below operationalises ANT, applying it to SAR operations of migrants in the Central Mediterranean. Its aim is to map how different actors interact across analytical categories, translating the abstract concepts discussed below into observable dimensions. The actors included are the main ones analysed in this research: commercial shipping vessels, NCGs and NGOs.

As remarked in the overview, migrants are not examined here as primary actors within the SAR governance network. From the perspective of ANT, no actor is excluded a priori, provided it exerts some source of action within the network (Latour, 1996, p. 373). Nevertheless, although migrants' agency is deeply affected and transformed through SAR operations and border control practices, their position within the network differs substantially from that of commercial shipping vessels, NGOs, and Coast Guards, which are directly engaged in the organisation, execution, and coordination of SAR activities. A fuller examination of migrants as active actors would require addressing broader dimensions of migration experiences, vulnerabilities, and trajectories that extend beyond the scope of this analysis. Consequently, this research concentrates on the institutional and operational actors shaping SAR practices, with the aim of contributing to recommendations for more coherent and effective future policies.

Drawing on Brass' (2016) concepts, the analysis is operationalised through four factors that explain how different actors intersect within the same network: territoriality, governance, capacity, and legitimacy.

The territorial, understood as geographical, dimension is particularly significant in this context. The sea, as a space without fixed boundaries and yet structured through SAR zones, creates a complex environment in which multiple actors with differing objectives interact. This complexity leads to equally complex maritime rescue operations.

The governance factor, however, differs significantly among the actors and is more clearly defined by their nature. Brass (2016) defines governance as “the patterns or methods by which governing occurs” (Brass, 2016, p.35). Therefore, when examining the actors individually, rather than in relation to one another, the focus of this factor is on what drives them. As anticipated in the literature review, while commercial vessels seem to be driven by economic considerations and benefits, and NGOs by humanitarian interests, NCGs are not only institutional but also political actors. However, as Brass (2016) argues, governing decisions are no longer made solely by states but also developed based on interactions with counterparts, “contrary to both the normative argument that government should ‘steer’ the ship of state (make policy) while private actors ‘row’ (implement policy)” (Brass, 2016, p.35).

Capacity is defined as “the ability to implement stated objectives” (Brass, 2016, p.35). In this case, SAR operations are a legal duty that often lacks proper training from the perspective of commercial vessels. In contrast, coast guards and NGOs generally have higher capacity and training, although they often differ in their interests.

Lastly, legitimacy, understood as “how actors are perceived”, is divided in the SAR context, as migration is a highly politicised issue. While commercial vessels are generally more accepted by States and public opinion due to their economic role, NGOs are often perceived more negatively because their humanitarian objectives often clash with states' and public opinion's interests against welcoming migrants. However, states remain the only authority formally recognised at the international level.

Table 1: Operationalisation of ANT applied to SAR Operations of Migrants in the Central Mediterranean

	Commercial Vessels	Coast Guards (National actors and Frontex)	NGOs
Territoriality	Operate across international waters	Enforce actions in the designed SAR zones and national territorial waters	Operate transnationally, based on the needs
Governance	Governance driven by economic analyses	Governance driven by States' interests and SAR-binding legislation	Governance driven by humanitarian principles
Capacity	Limited training and equipment to rescue mass influxes	High institutional capacity (navy, coast guard), but it varies by state willingness and resources	Specialised rescue capacity for migrants, humanitarian expertise
Legitimacy	Legal legitimacy in rescue operations, they may face economic issues/political contestations	Formal legal legitimacy, authority recognised internationally	Humanitarian legitimacy in rescue operations is often contested politically

In the following sections, these intersections are analysed horizontally, examining how each side of the challenges – operational, legal, psychological, and humanitarian – affects and is managed by the different actors. The main focus will be on the role of commercial vessels and on the circumstances under which NGOs intervene in rescue operations.

4. Methodology

4.1 Data Collection

To address the research question, the study employs qualitative research methods. It initially relied on desk research to produce a comprehensive literature review, which allowed for a broad understanding of the issue, clarifying its gaps and informing data collection. Then, qualitative primary data were collected through semi-structured interviews with a variety of stakeholders. Therefore, the study's main sources were primary data from interviews and secondary data from publicly available case studies, as mapped in the Annex.

In line with the ANT framework, the selection of interviewees aimed to reflect the heterogeneity of actors involved in the SAR network, representing the perspectives from the shipping community, civil society, and the views of professionals from IOs and NGO. Despite the closeness to the maritime shipping sector, the study includes the perspectives of ten respondents, whose profiles are mapped under Table 3.

A Code of Conduct was distributed beforehand to interviewees, ensuring voluntary participation, informed consent and anonymity, respect, dignity, and cultural sensitivity. All of the interviews were organised online and recorded with permission. Data collected and used within this research project served the sole purpose of supporting analysis and reflection relevant to the project's objectives, and all data was used in ways that respect confidentiality, protect sensitive information, and avoid harm to individuals or organisations involved.

Finally, all interviews were structured following the four main modules presented in the literature review: legal, operational, humanitarian, and psychological. The questions were re-adapted depending on the background of the interviewee and the specific roles they had taken on. This method offered consistency and a common framework for interpreting the findings.

4.2 Data Analysis

This research employs discourse analysis to examine how different actors perceive the challenges faced by commercial vessels in rescue operations. This approach is particularly suited to this study as it treats merchant vessels as agents rather than passive subjects, thereby challenging dominant perspectives in existing narratives. As reported by Van Hulst et al. (2025, p.74), discourse analysis aims to analyse how power is present within language and (re)produces those dominant social/relational structures.

Combined with ANT, it provides a relational perspective that views all stakeholders as interconnected actors, whose roles and agency emerge through their interaction. The key focus is not merely on the individual narratives of the various actors in the SAR network, but rather on their interconnectedness, and on how these narratives construct each other's roles, obligations, capacities and legitimacy dimensions that correspond to the operationalisation of ANT through territoriality, governance, capacity and legitimacy.

Discourse is understood as active, reinforcing or challenging relationships between actors. The discourses identified in the literature review are used as patterns that inform the creation of thematic codes to analyse the data, while through the interviews, new codes are developed based on emerging concepts, meanings, and opinions expressed by the interviewees (see Tables 2 and 3 for further details on the coding procedure).

Table 2: Codebook

Codebook		
CODE (Indicated by a different colour in each transcript)	DEFINITION	EXAMPLES
Legal	Legal uncertainties commercial ships face concerning their duty to rescue	Unclear obligations beyond rescue; conflicting state instructions.
Humanitarian	Lack of humanitarian training and preparedness	Fragmented cooperation between NGOs and commercial ships; diverging perceptions of NGOs (helpers vs “pull factor”).
Operational	Practical and technical difficulties are complicating the decision to rescue and its process	Limited onboard space; safety risks during night or rough sea rescues; lack of proper rescue equipment or medical facilities; delays after rescue.
Psychological	Mental health challenges experienced by crew members faced with situations of distress	Moral dilemmas, stress from witnessing life-threatening situations, and anxiety over responsibility for rescued individuals.

Table 3: Interviewee Codes

Interviewee Codes		
INTERVIEWEE	DESCRIPTION	ASSIGNED CODE
██████████	Disaster management expert with experience in the commercial shipping and non-governmental sector	Interviewee 1
██████████	20 years experience as a captain, and led a large-scale migrant rescue operation when covering this role	Interviewee 2
██████████	Expert in the field of maritime SAR and emergency response	Interviewee 3
██████████	Ports Manager with experience in maritime intelligence	Interviewee 4

Interviewee Codes		
██████████	Deputy Director of Operations at a humanitarian NGO, consultant at the Department of Operations at Sea	Interviewee 5
██████████	Representative and co-founder of a humanitarian NGO operating an emergency hotline for migrants and refugees in distress in the Mediterranean Sea	Interviewee 6
██████████	Chair of an Inter-Agency Group on the Protection of Refugees and Migrants moving by Sea, providing guidance on mixed migration flows, including protection at sea, human trafficking, and migrant smuggling	Interviewee 7
██████████	Advocacy officer in the NGO sector, responsible for strategic litigation and issues related to merchant vessels and aerial surveillance operations	Interviewee 8
██████████	Academic researcher specialising in complicity in crimes against migrants, focusing on governance and accountability frameworks, and with experience working for a humanitarian NGO operating in the Mediterranean Sea	Interviewee 9
██████████	Captain, Head of the Communication Office and spokesperson for the Italian Coast Guard	Interviewee 10

4.3 Strengths and Limitations

This methodology benefits from the use of qualitative data to shed light on the experiences and emotions of the different actors on the phenomenon, capturing its complexity and ambiguity. It also allows for flexibility to explore themes that emerge in data collection, which is of primary importance given limited data availability, and also the diverse backgrounds and experiences of interviewees. The findings can inform policymakers by highlighting gaps in legal frameworks and supporting more coordinated SAR strategies.

However, due to the limited sample size and geographic scope of the research, the findings may reduce generalizability, particularly as publicly available data is also fragmented. The restricted number of interviewees does not allow for definitive conclusions regarding the prevalence of certain opinions; however, it can still provide valuable insights into common patterns, support the development of hypotheses, and encourage reflection on perspectives within the sector.

While respondents from the NGO sector provided more comprehensive datasets of recent incidents in SAR operations involving merchant vessels, the Annex table was made exclusively from publicly available data.

Similarly, the International Registries of the Republic of the Marshall Islands, one of the world's largest flag states, maintains a public record of "letters of recognition" and "certificates of commendation" issued to Marshall Islands-flagged vessels that carried out rescue operations. An analysis of these indicates that 45 awards have been granted for rescues conducted in the Mediterranean since 2015; however, barely any of these were reported in the press. The registry includes details on the location of the rescue, the number of persons assisted, their profile (e.g. migrants, fishermen, or others), as well as descriptions of the incident and the port of disembarkation. While these letters do not provide insights into recurring challenges met by seafarers, this study employed them for an initial mapping of the scope of the phenomenon.

Lastly, it is also acknowledged that, due to the low number of participants from the maritime shipping sector and the possibility of socially desirable responses aligned with perceived research objectives or norms, the study may be subject to response bias that affects its internal validity. Additionally, the sample's limited representativeness of the industry reduces the external validity of the findings. Nevertheless, this research aims to engage with these limitations by encouraging further research on the topic, interactions among actors, and reflection on the social norms influencing them.

5. Legal and Political Context

Before moving to the findings, it is necessary to outline the legal and political context. This fragmented framework, shaped by maritime, refugee, and human rights law, along with domestic rules and private contracts, contains gaps and ambiguities that contribute to weak coordination among actors.

5.1 International maritime law

The first legal instrument on the safety of merchant ships is the 1974 International Convention on the Safety of Life at Sea (SOLAS). Chapter V, Regulation 33.1 provides that the “master of a ship at sea which is in a position to be able to provide assistance, on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance,” assigning rescue responsibilities to any actor at sea.

The second key legal instrument is the 1979 International Convention on Maritime Search and Rescue (SAR Convention). It structures global rescue efforts by dividing the world’s oceans into SAR regions, within which coastal states are responsible for coordinating operations through RCCs. Importantly, these regions do not confer sovereignty, meaning that vessels remain under the jurisdiction of their flag state even when operating within another state’s SAR zone.

Amendments adopted in 2004 clarify that the states exercise primary responsibility over their SAR region for ensuring that rescued persons are delivered to a “place of safety,” defined as “a location where rescue operations are considered to terminate, and where the rescued persons’ safety of life is no longer threatened; basic human needs (such as food, shelter, and medical

needs) can be met; and transportation arrangements can be made for the rescued persons' next or final destination" (IMO 2004, MSC.153(78)). Shipmasters nonetheless retain ultimate responsibility for ensuring that disembarkation occurs in such a place, creating potential tensions between states' coordination obligations and shipmasters' legal accountability. Notably, in 2018, Libya obtained a SAR zone. As a result, coordination of rescues that were previously handled by the MRCC in Rome, typically leading to disembarkation in Italy, has increasingly been transferred to the Libyan Joint Rescue Coordination Centre (JRCC). This implies that when a merchant vessel rescues migrants in the Libyan SAR zone, it is expected to follow instructions from Libyan authorities, who will coordinate disembarkation to Libya, remaining, however, legally bound to disembark to a place of safety.

The third instrument is the 1982 UN Convention on the Law of the Sea, which was almost universally ratified. Article 98 states that "every State shall require the master of a ship flying its flag, insofar as he can do so without serious danger to the ship, the crew or the passengers, (...) to render assistance to any person found at sea in danger of being lost".

The core principle of these three conventions insists that a rescue is only completed once survivors reach a "place of safety." As a baseline, the conventions also indicate that disembarkation should occur with minimum deviation from the rescuing ship's intended voyage. However, they stop short of specifying which state bears responsibility for providing that place of safety, and they offer no clear procedures for resolving disputes when states delay or deny disembarkation. This constitutes one of the most significant structural gaps in the existing framework. As a consequence, merchant vessels, which lack the capacity to host rescued persons for extended periods, often find themselves stuck in operational and legal limbo when states delay or deny disembarkation.

Lastly, outside the more publicly known Conventions, the International Convention on Standards of Training, Certification and Watchkeeping (STCW) serves as a binding instrument setting standards for internationally recognised safety qualifications required for working on commercial ships and yachts. The standards for qualifications set by the STCW, however, remain general and unambitious, mandating basic safety training, including elementary first aid, and personal safety and social responsibility (International Transport Workers' Federation, 2014).

5.2 Soft law

International organisations such as the IMO, UNHCR, and the ICS have tried to fill these gaps by providing non-binding guidelines. One of the cornerstones was the 2004 IMO Guidelines on the Treatment of Persons Rescued at Sea (Resolution MSC.167(78)), specifying the responsibility of governments and RCCs to assign a place of safety with minimum deviation from the ships' intended voyage. They also inform shipmasters regarding their humanitarian obligations and international law obligations. In parallel, the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, developed in 1999 by the IMO and International Civil Aviation Organisation, is considered the most extensive manual for operational guidance for coordinating maritime and aeronautical SAR activities (IMO, n.d.). It is technical in nature and includes practical procedures for rescue coordination, communication between RCCs and vessels, onboard rescue operations, and the treatment and disembarkation of survivors. It has become an important reference tool for commercial shipmasters involved in ad hoc rescue operations, particularly in situations involving mass rescue at sea.

Along the same lines, this was followed by the “Rescue at Sea: A Guide to Principles and Practice as Applied to Migrants and Refugees” (IMO, ICS, UNHCR, 2015), shorter and more user-friendly operational guidelines.

Other, more technical instruments were created in 2014 and 2015, when the ICS developed industry-specific guidelines on “Large Scale Rescue Operations at Sea: Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons” (ICS, 2015), and on “Recovery of Persons from the Water: Guidelines for the Development of Plans and Procedures” (ICS, 2014).

More recently, since 2021, UNHCR created the Inter-Agency Group on Protection of Refugees and Migrants moving by Sea, an informal discussion group which gathers participation from the IMO, the ICS, and other international entities with different mandates and expertise relevant to protection at sea. The group analysed SAR practices and identified gaps in existing responses to protection concerns in movements by sea in different regional settings, allowing different actors to bring the challenges they’re facing to the fore, to then establish normative standards that meet the different interests of the parties.

Concerned with the issue of non-compliance, the IMO passed Resolution MSC.528(106) in 2022, at the Maritime Safety Committee's 106th session. This reaffirms already established principles, particularly regarding state coordination and disembarkation practices.

5.3 Refugee law and human rights law

Refugee law and human rights law add a layer of protection. The 1951 Refugee Convention and its 1967 Protocol establish a set of rights and protections that refugees are entitled to, including the principle of *non-refoulement*, prohibiting pushbacks of individuals to a country in which their life would be endangered, as well as the right to seek and enjoy asylum (*Convention*

Relating to the Status of Refugees, 1951). It also outlines States' obligations to assess such claims. Although these obligations mainly bind states, they also have practical implications for shipmasters and crews, who must ensure humane treatment of rescued persons onboard, and avoid actions that could contribute to their unlawful return.

A second key instrument is human rights law. Article 14 of the Universal Declaration of Human Rights entrenches the right to seek asylum (*Universal Declaration of Human Rights*, 1948). At the regional level, the ECHR further strengthens protections, notably through Article 4 of Protocol No. 4, which prohibits collective expulsion (*European Convention on Human Rights*, 1950). These obligations apply extraterritorially, including at sea, as confirmed by the *Hirsi Jamaa and Others v. Italy* judgment. While these frameworks primarily bind states, they have practical implications for shipmasters, who must ensure that their actions do not contribute to unlawful returns.

5.4 Port State regulations

Domestic legislation also shapes the implementation of these norms. Italy's *Decreto Piantedosi* (15/2023) introduced the so-called "distant port policy," requiring NGO rescue ships to disembark migrants at assigned ports in northern Italy rather than nearby Sicilian ones, to intentionally cause delays in return to rescue zones, disproportionately affecting NGOs' activities. Indirectly, this also affects commercial shipping: given the reduced presence of civil society at sea, merchant vessels are more frequently exposed to being the first respondents to distress situations and the operational uncertainties associated with them.

5.5 Contractual obligations between charterers and shipowners

Maritime shipping companies also abide by contractual obligations between shipowners and charterers, which influence the way shipmasters respond and assess the distress situation in the

sight of expected delays caused by rescue activities, and consequent financial penalties or disruption of agreed shipping schedules (Kilpatrick, 2017). Similarly, insurance arrangements play a role in framing risk, including potential liabilities arising from disembarkation decisions or prolonged deviations (Saul, 2015).

If SAR operations continue to rely, even partially, on the involvement of the commercial shipping sector, industry actors have expressed concern that rising insurance premiums, linked to increased operational and legal risks, could increase the overall cost of maritime transport, with effects on the price of goods shipped by sea. However, given that contractual frameworks in the sector often take 10-15 years to be renegotiated, raising awareness of their role now and allowing the sector to participate in global platforms, including the IMO, remains crucial.

5.6 Political context

A full analysis of the political context surrounding Mediterranean migration governance lies beyond the scope of this report. Nevertheless, three political dynamics directly shape the operational environment of commercial vessels, and must be established: the politics of disembarkation in Italy and Malta, EU externalisation policies, and cooperation arrangements with Libya and Tunisia.

First, it is important to note that the end of *Mare Nostrum* in October 2014 – a year-long operation managed by the Italian navy which deployed unprecedented humanitarian means and led to the rescue of 150.000 migrants - was among the main causes for the increased burden faced by commercial ships. A report by Forensic Oceanography notes how *Mare Nostrum* left a big gap in SAR capabilities in the areas close to the Libyan coast, and that:

“The Italian Maritime Rescue and Coordination Centre (MRCC) in charge for SAR operation in the Sicily Channel sought to fill this gap by increasingly calling upon

merchant ships transiting in the area to carry out rescue operations. Between 1 January and 20 May 2015, commercial ships became the primary SAR actors in the central Mediterranean, rescuing 11,954 people (30% of the total people rescued). Frontex was fully aware of the excessive burden the retreat of its operational area from that formally covered by *Mare Nostrum* would put on the shoulders of the commercial shipping community, which it forecasted in its “Tactical focused assessment” for Triton on 14 January 2015, noting that “facilitation networks will continue to exploit the presence of civilian merchant ships in the central Mediterranean during 2015 to reach Italy” (Forensic Oceanography, 2017, p.8).

The end of *Mare Nostrum* also coincided with a broader shift in EU migration policy toward externalisation, outsourcing border control to third countries, most notably Libya and Tunisia, through cooperation agreements, widely criticised for enabling the return of migrants to unsafe conditions. This context is inseparable from the phenomenon of “*refoulement* by proxy” discussed below. Meanwhile, the recurring standoffs over disembarkation between Italy and Malta, both of which have oftentimes refused to designate a port of entry for rescued migrants, have been a direct and immediate source of the legal limbo experienced by commercial vessels.

Merchant vessels have been increasingly utilised within a framework defined as “*refoulement* by proxy” (Remote Control, 2020, 3), a trend driven by the fact that many military naval ships stopped operating in the Central Mediterranean at that time, leaving merchant vessels as the “only assets available to conduct rescues” (Sea-Watch, 2021, 5). In various instances, European authorities or aerial reconnaissance directed vessels to the distress case, then coordinated the return of migrants to Libya (OHCHR, 2021, p.22). According to human rights experts and CSOs, the process of “privatised pushbacks” functions as a means for states to avoid

international law obligations by ensuring they do not establish the direct physical control that triggers human rights jurisdiction. Since 2018, there have been around 30 confirmed cases of this nature (Flegal *pr* (Sea-Watch, 2021, p.5). In this context, as remarked by Mann (2018, 2022), NGOs serve as guardians of human rights, invoking international law to protect migrants' rights and documenting actions that might otherwise go unnoticed.

6. Findings

The following section presents the findings of ten semi-structured interviews conducted with professionals across multiple sectors engaged with the issues at the heart of this research. The interviews were designed to investigate the four main challenges identified through the literature review, probing how each is experienced and negotiated by actors operating in the field.

Brass's (2016) ANT framework offers a key for interpreting these findings. While the Mediterranean Sea constitutes a shared space in which actors converge, each brings distinct interests and varying capacities to pursue their objectives. This heterogeneity of drivers – what Brass conceptualises as "governance" structures – produces a fragmented operational landscape, in which different actors selectively adopt legal frameworks and operational approaches in ways that reflect their own institutional positioning and constraints.

Table 4 below operationalises the findings across the three main actors examined in this research: commercial vessels, NCGs, Frontex, and NGOs. Each is mapped against the four ANT dimensions of territoriality, governance, capacity, and legitimacy, as they emerged from the interview data. Rather than a static classification, the table is intended as an analytical anchor, a device for reading the relational tensions and alignments that structure the findings presented in the sections that follow.

Table 4: Operationalisation of ANT applied to the Findings

Factor	Operationalisation of ANT
Territoriality	The territoriality dimension helps explain why the distribution of responsibilities across the Central Mediterranean is structurally contested. Commercial vessels operate across international waters without a fixed humanitarian mandate, meaning their exposure to distress situations is largely incidental to their commercial routes. Coast guards, by contrast, enforce their actions within designated SAR zones and national territorial waters, while NGOs operate transnationally, positioning themselves where need is greatest. In the legal findings (Section 6.1), this territorial dimension surfaces directly in the fragmentation of SAR coordination, particularly in the Libyan SAR zone, where the allocation of responsibility for disembarkation remains deeply contested and where conflicting instructions from RCCs create legal and operational uncertainty for commercial crews. In the humanitarian findings (Section 6.2), territoriality re-emerges in the way Italy's distant-port policy displaces NGOs from the rescue area, thereby increasing the exposure of commercial vessels as default first responders.
Governance	The governance dimension – understood as the patterns and drivers of decision-making for each actor – cuts across all four frames. Commercial vessels are primarily governed by economic interests: charter agreements, insurance considerations, and commercial schedules shape how shipmasters assess and respond to distress situations, as documented in both the legal (Section 6.1) and operational findings (Section 6.3). Coast guards and Frontex are governed by a dual mandate combining binding SAR legislation with state-level migration control objectives, which in practice produces inconsistency between formal legal obligations and operational conduct, as discussed in the humanitarian findings (Section 6.2). NGOs, governed by humanitarian principles, occupy a more contested position: they fill the gap left by both states and the private sector, yet their legitimacy is frequently challenged, and their operational choices are constrained by their own governance structures, including ship ownership arrangements and flag state regulations, as explored in Section 6.2.c. Critically, Brass' observation that governing decisions are increasingly shaped by interactions among actors rather than by states alone is borne out by the semi-informal coordination structures documented in the findings, including the de facto coordinatory role assumed by Alarm Phone (Section 6.2.d) and the emerging inter-agency dialogue at the international level (Section 6.2.f).
Capacity	The capacity dimension – the practical ability to implement stated objectives – explains many of the operational and humanitarian challenges documented in the findings. Commercial vessels have the technical infrastructure (navigation equipment, communications systems, physical space) that often exceeds that of NGO vessels, yet they systematically lack the non-technical skills – crowd management, knowledge of refugee and human rights law, medical preparedness – required for large-scale migrant rescue operations.

	This asymmetry is documented in detail in the operational findings (Section 6.3), where interviewees consistently highlight the absence of standardised procedures and the reliance on improvisation. Coast guards and Frontex hold the highest institutional capacity, including naval and aerial assets, yet their deployment is subject to political willingness and resource allocation that vary significantly across states. NGOs compensate for their material limitations through presence, responsiveness, and specialised humanitarian expertise, including through aerial monitoring, rescue kits for commercial crews, and direct communication with shipmasters on scene.
Legitimacy	The legitimacy dimension – how actors are perceived by states, by each other, and by the public – shapes the willingness and ability of each actor to engage in rescue operations and informs the psychological challenges documented in Section 6.4. Commercial vessels enjoy relatively high legitimacy in the eyes of coastal states precisely because their primary identity is economic rather than political, meaning they face less criminalisation than NGOs when conducting or facilitating rescues (Section 6.1.a). However, this legitimacy is fragile: it does not insulate shipmasters from legal liability arising from operational decisions, nor from the commercial and reputational risks associated with political standoffs over disembarkation, as the Maersk Etienne case illustrates (Section 6.2.e). NGOs, by contrast, hold strong humanitarian legitimacy in rescue operations but are politically contested by states and, in some cases, by the commercial sector itself, generating the tensions around the “pull factor” argument (Section 6.2.d) and the criminalisation of solidarity at sea. NCGs and Frontex retain formal legal legitimacy as the only internationally recognised state authorities, yet their legitimacy is challenged in practice by documented patterns of non-assistance and conflicting instructions to commercial crews (Section 6.1, Section 6.2).

Taken together, these four dimensions reveal that the challenges faced by commercial vessels in maritime migrant rescue are not reducible to any single frame. Legal ambiguities shape governance; governance structures constrain capacity; capacity asymmetries affect legitimacy; and contested legitimacy feeds back into the legal and political environment in which all actors operate. The findings that follow are organised by the four thematic frames identified in the literature review – legal, humanitarian, operational, and psychological – but they are best understood as intersecting expressions of the network dynamics mapped above.

6.1 Legal Challenges

One of the main takeaways from the interviews was that “international maritime law was not designed [...] with a view to catering for large movements of refugees and migrants” (Interviewee 7). With this in mind, the following analysis examines the legal challenges, recognising that although the legal framework, as outlined in Section 5, is developed and supported by soft law and “best practice” guidelines, it contains grey areas that are both strategically exploited and subject to politicised interpretation in practice.

Despite the extensive explanations of the legal duty to rescue at sea, the research highlights that its practical application is marked by ambiguity. A central challenge lies in the indeterminacy of key legal concepts within maritime law, such as “assistance,” “distress”, and the condition of being “in a position to provide assistance.” As Interviewee 3 put it: “What does assistance mean? Well, that's a very broad term that could be open to scrutiny by all sorts of courts.” This allows for different interpretations, especially by commercial actors who may claim that rescue operations pose risks due to vessel design, hazardous cargo, or limited capacity to safely accommodate large numbers of people. As a result, assistance is often partial or indirect, ranging from monitoring situations to providing supplies rather than undertaking full rescues. As Interviewee 7 explained, the new guidelines that the Inter-Agency Group on the Protection of Refugees and Migrants is releasing soon are targeting the “failure to actually acknowledge distress or potential situations of distress” by adopting “a humanitarian and precautionary approach or interpretation to distress” to advocate for the activation of SAR operations whenever a vessel is moving in unseaworthy conditions.

A second major challenge concerns the coordination of SAR operations and the allocation of responsibility for disembarkation. While the SAR Convention assigns primary responsibility to

the state overseeing the relevant SAR region, in practice, this system is undermined by inconsistent coordination, particularly in the Libyan SAR zone. While the assignment of a safe port for disembarkation is a state's responsibility (9), interview evidence points to cases of inefficiency, absence of response, or conflicting instructions from RCCs, sometimes resulting in delayed rescues or shipwrecks (3, 6). The assignment of ports in Libya represents a key point of friction, as it conflicts with the obligation to ensure disembarkation in a place of safety. Interviewee 4 affirmed: "The Libyan authorities intervene and kind of blackmail, because if you don't give them the migrants, then it creates political problems to navigate those waters."

This leads to a third and more structural challenge: the tension between maritime, refugee and human rights law. Shipmasters may face situations in which compliance with RCC instructions risks violating the principle of *non-refoulement*. The findings suggest that many seafarers are insufficiently aware of these legal intersections, particularly the implications of refugee law, increasing the likelihood of actions that could result in legal liability.

Domestic regulations, such as Italy's *Decreto Piantadosi*, further complicate this landscape and create additional uncertainty and pressure on shipmasters, as will be explored in more detail later. Commenting on the knowledge of soft law instruments by shipmasters, however, Interviewee 7 affirmed that "there is generally more awareness on the national normative standards that need to be respected among the shipping sector," and that while "on the path of UNHCR, we may want to be better at disseminating standards, especially when it comes to disembarkation in places of safety," there is also a "general acknowledgement [among seafarers] that determination of a place of safety is actually a state's responsibility".

Finally, economic and contractual factors play a significant role. Charter agreements, insurance considerations, and the risk of financial penalties for delays or deviations can discourage proactive engagement in rescue operations (2, 4).

6.1.a Legal prosecution

On the issue of legal persecution, interviewees have diverging views. On one hand, Interviewee 10 notes: “all public or private actors who become aware of persons in distress at sea must immediately notify the competent SAR authority and provide assistance; failure to do so constitutes a criminal offence”. This obligation is echoed amongst respondents (2, 5). However several interviewees highlight a divergence between legal obligation and perceived or actual legal risk (3, 4, 5, 8). Interviewee 8 points to a differential treatment of actors, arguing that “commercial ships generally would face less criminalisation and opposition from a coastal state to disembark rather than a[n NGO] vessel.” Similarly, Interviewee 5 affirmed that “rescuing people at sea is criminalised by European authorities, while your merchant vessel doing your rescue is part of the basic application of maritime law.”

Nonetheless, Interviewee 3 pointed to how commercial vessels are not exempt from legal prosecution: “if somebody hurts themselves or drowns because of your intervention...masters have been charged and prosecuted for that. There’s a general lack of understanding in the sector about the legal implications of SAR as well. I’ve spoken to numerous masters who have said, yeah, well, if I run down a life raft trying to rescue somebody and they die, I won’t be prosecuted for that,” indicating the misconceptions within the sector about legal prosecution. Interviewee 3 further clarifies that prosecutions have arisen in relation to violations of principles such as *non-refoulement*, indicating that liability is more likely to emerge from operational decisions during or after rescue rather than from inaction alone. The table in the Annex indeed indicates cases where legal proceedings were filed against the shipmaster and crew members with regard to disembarkation to Libya. On the other hand, omission of rescue, intentional rerouting, or not responding to distress calls, trends that are referred to in this report as “bad

behaviours,” have, to the best of the authors’ knowledge, never led to prosecution in the Mediterranean (1; see Annex).

6.2 Humanitarian Challenges

As presented, the potential humanitarian role of any ship is an intrinsic feature of the law of the sea, and interviews show that the legal obligation to rescue at sea is clear despite its uneven application. The following part will therefore look at how the humanitarian imperative is perceived by the various actors and, most importantly, at the role of NGOs and their cooperation (or lack thereof) with commercial ships, as the gap left by state authorities is what opened up space for non-state actors to intervene in the first place.

6.2.a Perception and framing

Interviewee 5 insisted that “maritime law is quite clear, for everyone,” with NGO action being framed as the most straightforward application of existing norms at a time of urgency. However, Interviewee 3 highlighted how this humanitarian perception is not present in preparedness within the commercial sector, noting that throughout their entire training in the commercial sector, “I never once was taught anything about the Refugee Convention, about *refoulement*, none of that was there,” (3) despite migration being a known issue.

Within this gap, NGOs are consistently framed as political actors filling a role that should otherwise belong to states: “they exist usually to plug a gap that some would argue should be provided by the state” (Interviewee 3). Voices from the humanitarian field go further, presenting NGO action and civil disobedience not as exceptional but as legally grounded, and almost as a moral imperative: “what we’re doing as an NGO rescuing people at sea, is really just applying the right law.” (Interviewee 5)

Importantly, both Interviewees 5 and 8 were notably pragmatic and realistic when discussing possible cooperation patterns and the broader structural problem. Both ultimately grounded their analysis in the same observation: none of this would be a topic of discussion if states simply took on their responsibility. As Interviewee 8 put it, “we could imagine policies and so on, but it's all a matter of just state implementing the law and rescuing people... if we just had a program like *Mare Nostrum* in 2014, then we would not be in this situation” – also noting that Sea-Watch was “supposed to exist only for one year until *Mare Nostrum* was activated again,” but that ten years later, it is still there. Despite identifying contested state responsibility as the root of the problem, Interviewee 8 also comments that, thinking realistically and strategically, “maybe we can cooperate more, and maybe it doesn't make sense to really be ‘the annoying NGO.’”

From a commercial perspective, NGOs are described as a “safety blanket” for captains by Interviewee 4, making difficult decisions easier and being “very responsive, very reactive.” Yet, the interviewee also made a political critique, noting that “the NGOs are exacerbating the problem,” reflecting the persistence of the so-called “pull factor” argument, the recurring debate that NGOs’ rescue activities encourage Mediterranean crossings.

This argument appears as a key point of contention. Interviewee 4 again presents it as a widely circulated narrative: if NGOs were absent, “would as many migrants take to the sea?” This framing of NGOs as potentially influencing migration dynamics is instead strongly rejected by humanitarian actors. Interviewee 6 emphasises that Alarm Phone does not encourage crossings, as they “don't tell people ‘you should take a boat,’ but rather tell everybody that it's really dangerous.” Interviewee 5 similarly dismisses the idea that NGO presence affects commercial ship behaviour or legal obligations. NGOs thus have an ambivalent position, as, despite their

being politically contested, they are still widely recognised as operationally useful and often valued.

6.2.b Merchant vessels' perception of their humanitarian obligation

One notable development in recent years concerns the growing effort to ensure that commercial ships are aware of their humanitarian obligations under international law. Various international groups have been active in this space: Interviewee 7 notes that IOM and UNHCR have developed an e-learning course which has “some operational considerations, but is widely normative,” with the overall intention to ensure that the standards are “widely disseminated and understood.” UNHCR has also been trying over the last few months to reach out to the shipping sector more directly, and Interviewee 7 remarked that they have seen “more openness on the part of the shipping sector to establish a dialogue with humanitarian actors on these standards” in some private exchanges over the past two years.

Still, according to Interviewee 7, they “have not made use yet of the incentives that we could potentially create for the shipping sector to be more engaged when it comes to collaboration on rescue,” suggesting there is room for more leverage. On this point, they clarified that the focus should be on working on mutual interest with the commercial shipping sector: being associated as working with humanitarian actors, providing effective rescue, and potentially advocating for an interpretation of international maritime law standards in light of human rights law and refugee law, is “something that could potentially make advancements with states in ensuring that certain areas of where we see gaps are... perhaps addressed” (7).

From the NGO side, Interviewee 8 describes the relationship with commercial vessels as having started as “a huge question mark in Sea-Watch” (8), further underlining the historical lack of

communication channels between these two actors, and notes that Sea Watch has since developed a specific strategy for dealing with commercial vessels, including through strategic litigation.

6.2.c Differentiation and capacity asymmetries

A strong point emerging from the interviews, and one that had already surfaced in the literature review, is the insistence that NGOs are not homogeneous, and that internal differences shape relationships with other stakeholders. One key dividing line concerns ship ownership and dependence on commercial actors. Interviewee 5 explains that the NGO SOS Méditerranée rents their ship from a commercial company, with which they have a “money relation.” This arrangement creates constraints, as the civil crew “can’t change everything on board,” and even operational decisions can be affected, as they “had some issues with the marine crew that didn’t want to do a rescue because it was at night. So you have to negotiate.” By contrast, other organisations, such as Sea-Watch or Sea-Eye, which “bought their own ship” (5), are described as more autonomous, which allows them to operate differently and engage more openly in advocacy. Interviewee 5 characterises them as “more activists than just humanitarian,” also noting that, at the time when they worked at sea, “they were like, ‘we don’t speak to merchant vessels at all.’” In addition to ship-based assets, it should be noted that Sea-Watch also operates air assets, which Interviewee 9 notes are run by volunteers from the Humanitarian Pilots Initiative.

Differences also emerge in pragmatic strategies, particularly regarding ship size, flag state and capacity. While some NGOs prioritise large vessels capable of hosting up to 800 or even a thousand people, others opt for smaller, faster ships. Through an ANT lens, these material differences are not merely logistical: they shape the very identity and relational position of each organisation within the network. Vessel size, flag state jurisdiction, and operational capacity all

function as non-human actors that constrain or enable the range of actions available to an NGO, and in doing so contribute to producing distinct models of humanitarian action – on a spectrum from more “professionalized” and institutionally constrained ones to more activist and autonomous ones – with direct implications for how these organisations cooperate with other actors and how their legitimacy is perceived.

Another recurring theme is the material asymmetry between NGOs and commercial vessels, which shapes their roles in SAR operations. Interviewee 1 described NGO vessels as having “very minimal radars” and even recalled that one ship “had no permission to operate offshore because it was a ship that was not able to withstand wheel waves”. In contrast, “the commercial ship has much more opportunities... They have a radar and so on.” At the same time, this asymmetry does not translate into a simple hierarchy of effectiveness, as NGOs compensate through presence and responsiveness, which Interviewee 4 emphasises when noting that they can “arrive quicker” and are often more immediately engaged in rescue situations. Interviewee 9 also highlights how civil society aerial assets have been particularly valuable in monitoring and documenting changes in patterns over the last year: the deployment of massive state assets (cf. *Mare Nostrum*), their withdrawal by EU states, NGOs’ first interventions, and their increased criminalisation.

6.2.d Fragmented cooperation at sea

Rather than operating in isolation, NGOs appear embedded in a dense, semi-informal network. Interviewee 1 describes this environment as “a small community” where “everybody knows everybody,” historically driven by “Italian, German, and Spanish” actors but open to diverse participants, including even private security providers.

Within this ecosystem, one of the actors which emerges with the most central role is Alarm Phone. Interviewee 4 notes that it “acts as a bit like a coordinator,” sometimes taking on roles that might otherwise be expected from MRCCs. Interviewee 6 confirms this role: Alarm Phone receives distress calls, reconstructs positions, and alerts both NGOs and authorities, while also attempting, though with difficulty, to reach commercial vessels. This points to how, over time, solidarity has led to the existence of a parallel coordination structure, partially compensating for perceived gaps in formal mechanisms. On this point, Interviewee 10 reminds that it is a legal obligation for “any public or private entity that becomes aware of information regarding a vessel or persons in danger at sea” to “immediately notify the competent maritime SAR organisation” (10). They further stress that since “sometimes the information may be incomplete or roughly collected,” it is “essential that whoever reports provides the most accurate and complete information possible and remains available for further clarification to reduce the risk of misunderstandings or false alarms” (10).

Cooperation between NGOs and commercial vessels is described in highly contrasting ways. Interviewee 4 characterises it as “good and constructive,” emphasising that NGOs “don’t get in the way” and are appreciated by captains. Interviewee 1 also recalls concrete instances of effective collaboration, such as a tanker that remained “for three days in the operation area as a kind of a base camp,” with NGOs providing tents and equipment to host rescued individuals. On the other hand, Interviewee 5, coming from civil society, offers a much more critical view, pointing to “bad behaviours” and reluctance among commercial crews to engage in rescues, consistent with the information gathered in the literature review (Section 2.2). Interviewee 2 (a captain), on the other hand, does not recall any cooperation with NGOs at all, instead identifying coast guards and MRCCs as the primary interlocutors. When asked about cooperation patterns with NGOs, Interviewee 10 was similarly reluctant to engage, simply restating the legal obligation for private actors who become aware of persons in distress at sea to

notify the competent SAR authority. Interviewee 8 was more direct in their assessment, stating that “I think there is basically no structure.” This reality is heavily fragmented: cooperation does exist, but it is uneven, informal and differently perceived. Interviewee 1 stresses that “it’s not coordinated... ad hoc in this situation,” with outcomes depending heavily on context. Importantly, NGOs are often described as *initiators* of coordination. As they explain, “normally it’s the NGOs that call the cargo ships,” approaching nearby vessels when additional capacity is needed. This is also found in operational descriptions where NGOs identify ships in the vicinity and request assistance. Still, as the literature review highlights, this varies significantly depending on the type of NGO. Operational NGOs with dedicated patrol vessels, such as Sea-Watch, are more likely to actively initiate coordination, whereas those without them, such as MSF, engage differently with the coordination process (see NGO typology table in Section 2.2). This distinction connects with both the capacity and legitimacy dimensions described by the ANT framework: an NGO’s ability to initiate or sustain coordination is shaped not only by its material resources and operational mandate, but also by how that role is perceived by other actors in the network. Different capacities to implement SAR thus produce different relational positions, and with them, different degrees of recognised legitimacy.

NGOs provide concrete material help to commercial ships during SAR operations as well. Sea Watch assists both with aircraft and ships “to really make it clear they are an NGO ship, SAR ship” and by asking whether they “need any support or any assistance” (8). This is confirmed by Interviewee 9, who adds that the SeaBird aircraft regularly offers help to commercial ships by sharing the location of persons in distress or asking whether they need it to “guide them to the vessel.” Interviewee 8 notes that “the aircraft (SeaBird) basically tries to involve merchant vessels almost all the time.” Sea Watch has also developed a short informative Rescue Kit for merchant vessel crews to keep on board, which is also available online, “just for them to be aware of the political dynamics... because also sometimes they just don’t know which

information is needed” (8). Interviewee 9 further points out that the NGO Civil MRCC has created a Rescue Kit for merchant vessels, which describes step-by-step how to carry out a safe rescue operation and how to bring rescued persons to a safe harbour. Interviewee 8 expresses how NGOs “really try to support them as much as we can with all our expertise and really try to be supportive,” while also underlining the need to remind commercial crews of their legal humanitarian obligations, including that Libya and Tunisia are not considered a place of safety.

The most consistent source of tension emerges in the relationship between NGOs and state authorities. Interviewee 5 expresses strong scepticism about any improvement, stating that they see “no major change,” particularly in countries such as Italy, Greece, or the UK, which they associate with increasing “oppression against migrants.” Legal frameworks such as the already mentioned *Decreto Piantadosi* are framed as directly constraining NGO activity, with Italian policies being framed as particularly adverse by actors from that world. Interviewee 4 explains that once a rescue is conducted, vessels are assigned distant ports like Ancona, effectively taking them “off task for six or seven days” (4) and “diminishing SAR capacity during that time” (7), preventing further rescues from happening. Interviewee 9 points to a very direct consequence of this distant port policy: the increased involvement of merchant vessels, as “most of the NGOs are often detained or sent away on these really long detours with very few on board, which means the only potential rescue assets that are left are merchant vessels” (9). From the perspective of Alarm Phone, cooperation with authorities is further limited by a lack of transparency, as “most coast guards don’t tell [Alarm Phone] what they are doing,” (6). This basic contrast between humanitarian necessity and state-led migration control is a structural limit preventing many other possible forms of cooperation from happening.

6.2.e Economic and legal factors in cooperation

Beyond operational interactions, the relationship between NGOs and commercial shipping also has an economic dimension, though an important distinction must be drawn between private companies that rent ships to NGOs and commercial ships as they are involved in rescues. Interviewee 5's description of SOS Méditerranée's model makes the former dynamic explicit: renting vessels creates a purely transactional relationship ("we pay a lot and they don't do anything") while simultaneously imposing regulatory and operational constraints. The dynamic stemming from this dependence is ambivalent: NGOs rely on commercial actors materially, while also criticising the lack of engagement and "bad behaviours" from commercial vessels they encounter at sea.

Interviewees diverge on whether NGOs clarify or complicate the legal environment. Interviewee 4 argues that their presence "clears up the issue," presumably by providing capacity and reducing ambiguity in emergencies. In contrast, Interviewee 3 suggests that NGOs "add a certain bit of complexity," particularly once people are rescued, pointing to health, safety, and legal risks during transfers between vessels. Interviewees 5 and 9 reject the premise altogether, reiterating that the law is clear and "it's just a matter of implementing the law".

Despite structural tensions, multiple examples show that cooperation is possible in practice, although it remains contested in meaning.

The Maersk Etienne case, already noted in the literature review, is emblematic of this interpretive gap. Interviewee 7 presents it as an example of promising cooperation and an outlier: a virtuous instance of "elements of solidarity that we would like to see more often" despite "the challenges that have been created by... the state system." Interviewee 8, by contrast, recalls it primarily as a case that "really stuck and really escalated at a political level,"

and rather than underscoring solidarity, stresses the unwillingness or incapacity of the merchant vessel to act: it “did not see the possibility to really put pressure also on Italy and that's why an NGO had to come at some point and to help with the situation.” This further underlines the perception of NGOs as the actors willing to take political risks and use their leverage and the strength of international law against states.

Other examples – Interviewee 1’s “base camp” tanker, Interviewee 5’s example of a vessel that agreed to “stabilise the ship” while refusing to conduct the rescue, and Interviewee 6’s observation that direct communication with captains can be effective – all point to workable interactions. At the same time, these instances are only situational rather than institutionalised, heavily constrained by politics and mutual mistrust. As a result, cooperation often depends on individual decisions rather than stable structures.

6.2.f Cooperation at the international level

While cooperation at sea between individual actors remains ad hoc and informal, Interviewee 7 provided the most substantive account of efforts at the international level. When asked about patterns of cooperation in this domain, they described the activities of the Inter-Agency Group, an informal platform created in 2021 and led by UNHCR, with the aim of information sharing and “identifying potential gaps and promising practices in rescue.” This group represents one of the few structured spaces in which international humanitarian and maritime actors attempt to address the systemic gaps documented throughout these findings, and points to an emerging, if still limited, institutionalisation of cooperation beyond the operational level.

6.3 Operational Challenges

This section builds on the operational framework to identify the practical challenges commercial ships face in rescuing migrants. These challenges include logistical difficulties and safety uncertainties. The ANT concept of capacity, understood as the practical ability to act, highlights how operational realities often differ from formal expectations. Despite binding obligations, ships confront complex and uncertain situations. This section aims to reveal logistical difficulties and emerging patterns among various stakeholders.

6.3.a Initial phase

When deciding whether to assist migrants in distress, crews face serious considerations that affect their decision-making. The initial interaction and decision-making have been described as the most crucial phase for commercial vessels encountering migrants at sea. Interviewee 1 highlights that “the first phase, the initial approach, the assessment, the interaction, is the most important because that's where it can go wrong.” An initial pattern emerging across all interviews is the lack of standardised procedures to guide merchant crews when encountering migrants during their voyages. An emerging issue across all interviews affecting decision-making is the lack of standardised procedures to guide merchant crews when encountering migrants during voyages. “Situation awareness and the process of decision-making” are identified as crucial challenges in vessel intervention (3), “it's rather an operational concern that they do not want to have the people on board...they are all overwhelmed by the situation” (10). In particular, the captain interviewed (2) clearly emphasised the absence of training for such specific situations: “Even the decision was taken on the spot... we had to discuss as a group, nothing was laid down as a standard... just common sense, we did not have any kind of checklist... everything was improvised.” Within this framework, Interviewee 4 confirms the *ad hoc* nature of such encounters: “It's not part of

STCW... just ad hoc,” and emphasises the importance of training and preparedness. This is reflected in their work assisting commercial vessels with training programs in facilitating such operations, including “handling distressed migrants, fatalities, health risks, and offering supplies.” In addition, disruptions to vessel operations have been identified as a dominant challenge, carrying significant commercial pressures and disincentives for merchant ships. Route deviations, delays, and prolonged operations are highlighted as the main logistical difficulties in responding to distress situations. Uncertainty regarding the duration and progression of such events is a major concern for captains and crews, who operate under fixed schedules: “We don’t know how many days they’re going to be on board” (2). The Port Manager reinforces this perspective, noting that rescues take ships off-task and can be both prolonged and costly, amounting to “hundreds of thousands of dollars per day to run a ship” (4).

The humanitarian sector has also identified the commercial pressures and operational disruptions faced by commercial vessels, particularly by NGOs involved in SAR operations. Interviewees note that “if you have to change your route to disembark people...that completely changes your own schedule” (5) and that “there is a kind of reluctance...it is an economic burden” (10). Interviewee 6, from a humanitarian NGO, reaffirms that these challenges may create serious disincentives for crews, potentially leading them to “avoid these rescues” due to the “fear that if they do not comply, they will be delayed.” Overall, it appears that commercial pressures stemming from operational disruptions constitute a dominant disincentive for crews when encountering migrants at sea.

6.3.b Rescue phase

The above challenges refer to the uncertainty and operational concerns vessels face when deciding on a rescue. Beyond these, when vessels choose to assist, several logistical constraints also impact crews. Limited onboard capacity, including safety and resource constraints, constitute a significant concern raised by interviewees. Interviewee 2 emphasised that “crowd management is not easy...we have to provide them with food, water...a few had injuries,” while an academic researcher substantiates this constraint through an empirical example stating that “twelve crew members do not have the capacity to rescue a hundred people” (9). In particular, the primacy and impact of non-technical skills have been explicitly highlighted by Interviewee 3, who underscores the structural challenges for commercial vessels: “The core operational challenge would definitely be the non-technical skills; that is the basis for everything they do.” Commercial vessels are described as typically not prepared beyond technical compliance due to the “often focus on technical competencies and technical skills” (3), “they are not equipped to conduct them” (9). As a result, critical soft skills are often described as neglected, creating a systemic imbalance in training across the sector. Managing crowds, addressing their needs, and establishing “a camp at sea” (1) appear to be practical difficulties mentioned by many actors, challenging crews tasked with assisting people in distress.

The NGO Officer also reaffirms the capacity constraints these vessels face in responding to migrants’ needs: “These merchant vessels, they don’t have doctors on board, they don’t have translators on board” (6). The Port Manager (3), responsible for assisting merchant vessels in preparation for such encounters, emphasises the necessity of “asking ships to have space blankets, bottled water, nutrient grain-type bars as well as offering training to manage tension for a few hours.” Contrastingly, one of the two NGO Officers interviewed maintains that commercial ships do have the capacity to run such operations: “They’re trained for that” (5).

This contrast offers insightful points for discussion, shedding light on the differing positions stakeholders may hold in the field.

6.4 Psychological Challenges

As Mladenović (2025) highlights, one limitation of ANT is its limited critique of social determinants, power asymmetries, systemic perceptions and structural inequalities within networks. This is particularly evident in the often-overlooked psychological challenges faced by seafarers. Migrant rescue operations, especially when they involve shipwrecks, fatalities, and critical injuries, can lead to acute trauma exposure on seafarers, who are often unprepared for these emergencies. Pressures to maintain commercial schedules and limited access to psychological counselling, on the other hand, can result in long-term effects, including Post-Traumatic Stress Disorder symptoms (PTSD) and burnout.

This section investigates the psychological challenges faced by the merchant vessels' crews in instances of rescue of migrants at sea. To gather information on seafarers' access to psychological counselling services, two prominent international organisations dedicated to supporting the welfare and rights of seafarers were contacted: Stella Maris and Mission to Seafarers. Both organisations operate in major commercial ports along key shipping routes. In the Mediterranean, Mission to Seafarers maintains a presence through chaplains in Gibraltar, Athens (Greece), Izmir (Türkiye), and Limassol (Cyprus), while Stella Maris is present in Augusta and Catania (Italy), in Gibraltar, and Valletta (Malta). Both organisations, including their respective chaplains, have reported not encountering seafarers seeking support specifically in relation to migrant rescue operations at sea. Similarly, Interviewee 9 highlighted that while

their NGO provided, beyond legal and operational assistance, also psychological support, this had never been requested.

The following sections offer perspectives on seafarers' attitudes towards psychological counselling, which may help explain the absence of reported cases.

6.4.a Availability of psychological counselling for seafarers

Psychological support for seafarers, specifically after conducting rescues that result in casualties, is not addressed in any international legislation. The Maritime Labour Convention (MLC) only mentions in broad terms rights to health protection, medical care, and welfare for seafarers, implicitly including mental health support in a general sense (MLC, 2004). Commenting on the effectiveness of the MLC to protect seafarers' mental health, Interviewee 3 stressed that it isn't migrants' rescues which cause burnout or trauma amongst seafarers, but rather the working practices common in the sector, and from which little to no safeguards are implemented.

Accessing counselling is therefore largely dependent on the shipping company's willingness to provide such services, or on seafarers themselves, to reach out to professionals after the occurrence of such incidents.

Interviewee 3 mentioned how the culture of shipping companies in the UK treats mental and physical well-being equally, offering company's psychologists and encouraging its employees to access these services. Similarly, Interviewees 1 and 9 highlighted that while it is quite common amongst NGOs crews to have mandatory counselling sessions, the shipping industry's seafarers neither have such obligations, nor, in some instances, the opportunity. Interviewee 1 mentioned an exception being an instance in which the Libyan Coast Guard's intervention led to the death

of more than 30 people, after which the company imposed a counselling session for all those onboard. Yet, this was met with resistance from seafarers.

6.4.b Stigmas and taboos

When asked about whether they accessed psychological counselling after a specific instance of migrants' rescue, Interviewee 2 replied they didn't need it, explaining that "it was not a traumatic kind of situation" as everything went smoothly, no deaths occurred, and "generally, seafarers are very strong". Still, they affirmed that psychological counselling was made available by the company, and that "nowadays we have all these things (where) we can converse, we can (...) facilitate the person to go home, so he becomes (...) stable and then to get back to work."

They also mentioned that what convinced the crew to conduct the rescue, notwithstanding ebola-related health concerns, and ISIS-related security concerns, was when people raised the babies, and understood that they could not leave them at the mercy of the sea ("What convinced them was when they lifted up the babies (...) So then all the fear was gone. They were all okay.").

Generally, the decision on the extent of a commercial vessel's involvement in a rescue lies with the captain's background, experiences, but also the company's culture, the power hierarchies, and importantly, fear of economic and legal repercussions, especially if incidents occur. These factors can also influence the extent to which captains feel encouraged or discouraged to prioritise involvement in a rescue over operational considerations and commercial pressures.

Even where psychological support services such as hotlines or company-appointed counsellors are available, several respondents noted that these are often distrusted by seafarers. Concerns

about confidentiality are widespread, as some fear that disclosing mental health issues could reach employers and result in medical leave, reduced income, or career setbacks. Interviewee 3, reflecting on mental health challenges suffered 13-14 years ago, affirmed that despite improving attitudes, significant misunderstanding of psychological wellbeing and its degrees of severity persist. This is compounded by a pattern of under-reporting of medical conditions driven by fear of losing livelihoods.

Interviewee 1 noted that these cultural and structural factors result in the limited issuance of training and preparedness for situations involving the rescue of people in distress at sea: “They don't have current training”. While they may receive training to manage emergencies involving fellow crew members, comparable preparation for large-scale or complex rescue scenarios is often lacking.

Given these constraints, it might be expected that seafarers would turn to independent and confidential welfare organisations such as Stella Maris or The Mission to Seafarers: “I think they're the most trusted. I know that I always trusted them and the support, the provisions, and everything that they provided when I was sailing” (3). However, interviewees indicated that stigma surrounding mental health persists even in these contexts. For some seafarers, seeking psychological support remains stigmatised, while others may not recognise the need for such services, further limiting access to care.

7. Conclusion

To conclude, the study's findings can be summarised through the main analytical frames that have guided this research. Concerning the legal dimension, the findings demonstrate that legal

challenges in maritime rescue are not rooted in the absence of norms, but in their fragmented interpretation, uneven implementation, and the tensions that arise between overlapping legal regimes and practical realities. While the legal obligation to rescue at sea is legally recognised, humanitarian responsibilities are interpreted unevenly across the network of actors and are insufficiently integrated into the maritime frameworks and practice. On the humanitarian aspect, despite some notable exceptions, cooperation between commercial vessels and the humanitarian sector remains fragmented and shaped by asymmetries in capacity, political positioning, perceived legitimacy and tensions between humanitarian imperatives and state-led migration control policies. From the operational side, the findings highlighted the structural and practical gaps between formal legal obligations and operational realities faced by commercial vessels involved in maritime migration. The lack of standardised procedures, adequate training and resources to manage rescues on the ground, combined with major commercial pressures, complicates the environment at sea. Therefore, legal duties and responsibilities rely oftentimes on improvisation rather than established clear protocols. Finally, despite the exposure of seafarers to significant psychological strain and trauma-related experiences, access to tailored mental health support is not consistent and largely depends on the individual's willingness as well as the company's culture to implement it. Further limiting the use of mental health support are persistent stigmas and fears of professional repercussions, highlighting the need for the implementation of international safeguards and institutional support for crews involved in rescue operations at sea.

The findings of this study confirm that the challenges faced by commercial shipping vessels in maritime migrant rescue are not the product of a single legal gap or operational failure, but rather of structural fragmentation across intersecting legal frameworks, governance structures and incommunicability in actor relationships. Against this backdrop, the following preliminary

policy recommendations are addressed to three levels of actors: international governance and coordination bodies, the commercial shipping sector, and the relevant coastal states.

8. Recommendations

8.1 International Governance and Coordination Bodies

Integrated Search and Rescue Accountability and Coordination Framework (IMO)

A centralised, publicly accessible database should be established under the IMO to systematically record all SAR incidents involving merchant vessels, including the number of people rescued, delays encountered, disembarkation outcomes, and the coordination actors involved (MRCCs, NGOs, flag states). While a recognition channel already exists (the IMO's "Honours for Exceptional Bravery at Sea"), it is mostly symbolic, rarely used in the Mediterranean context and does not serve a monitoring function. The IMO should use its convening authority to make dedicated incident reporting semi-mandatory through soft-law incentives, and should ensure data interoperability with civil society monitoring actors such as Alarm Phone. Integrated data would not only improve trend analysis but also strengthen the shipping industry's capacity to advocate for more structural policy solutions.

Incentivised reporting framework through standardised guidance (IMO and ICS)

Complementing the database, a reporting incentive framework should be introduced, based on recognition and operational facilitation, rather than function. This database should aim at integrating SAR reporting into existing safety compliance frameworks, particularly those tied to SOLAS-related reporting obligations.

To support implementation, the ICS should develop and widely disseminate standardised guidance documents specifically addressed to commercial vessels. These should consolidate, in a single accessible format, the key contact information crews require during rescue operations, including relevant RCCs and NCGs, alongside template communications for reporting distress situations and requesting coordination support. Some NGOs have done this, but given the political debates, if it were done in a more standardised way, it would be more effective. While some NGOs have already produced materials of this kind, most notably Sea-Watch's onboard guidance pamphlet, their reach and perceived legitimacy remain limited by the political contestation surrounding civil society actors at sea. A standardised equivalent issued under the ICS's institutional authority would carry greater weight across the industry and would help address the knowledge gaps and reliance on improvisation documented throughout the findings.

Formalised multi-actor coordination platform (IMO and UNHCR)

The informal inter-agency dialogues that have emerged in recent years - most notably the UNHCR-led Inter-Agency Group on the Protection of Refugees and Migrants Moving by Sea - should be formalised into a permanent coordination forum. This body should include shipping companies and associations, NGO representatives, MRCC officials, and EU agencies, and should meet on a regular, structured basis to identify gaps, share best practices, and develop joint operational guidance.

8.2 Shipping Sector

Internationally recognised certification

A mandatory, internationally recognised certification framework for merchant vessels involved in SAR operations should be developed, building directly on the gaps documented by this research and other reports. Such a framework would make commercial participation in SAR more predictable and less legally uncertain. It should be agreed through a multi-actor international conference involving shipping companies, flag states, coastal states, the IMO, shipping associations, and humanitarian actors.

The framework should include training modules covering both technical SAR procedures and essential non-technical skills, including basic first aid, minimum required onboard supplies, crowd management, crisis communication, and onboard coordination under pressure. In this regard, the existing joint e-learning course developed by UNHCR and IOM – currently targeting both state and non-state actors – provides a useful foundation. Rather than developing entirely new training infrastructure, this course should be updated and reoriented to target commercial actors specifically, and expanded to include practical modules on *non-refoulement* as it applies to shipmasters’ operational decisions, psychological preparedness for crew, and coordination protocols with NGOs and MRCCs. Dissemination should be actively pursued through shipping associations and flag state registries, so that completion of the relevant modules can feed directly into the certification framework. Importantly, the certification should also include a clear delineation of the boundaries of crew responsibility, specifying which tasks fall within the expected scope of a commercial vessel’s involvement and which do not. This would reduce legal uncertainty and the psychological burden on shipmasters, while preserving their humanitarian obligations.

8.3 Coastal State Governments (Italy, Malta, Greece)

Enhanced multi-stakeholder cooperation at the national level

Drawing on the model of the multilateral coordination meetings held in Italy in 2013, which brought together national police, the navy, the coast guard, and NGOs, states should re-establish regular national coordination forums that include commercial shipping sector representatives (Campbell and D’Agostino, 2021). Giving shipping companies “a seat at the table” would help address the ad hoc nature of current SAR responses and enable more predictable, coordinated engagement across actors.

National databases on merchant vessel SAR involvement

Each coastal state (Italy, Malta, and Greece) should establish a national database recording instances of commercial vessel involvement in SAR operations in its SAR zones overseen by the responsible MRCC. Such databases would improve the understanding of the scope and frequency of the phenomenon, fill the data gap identified in the literature review, and provide an evidentiary basis for both national policy development and international-level advocacy. Such a framework would be instrumental and complementary to the Integrated SAR Accountability and Coordination Framework (see above).

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9. Annex: Reported case tables

Greece:

MERCHANT VESSEL/ CASE OWNER	DATE	DISSEMBARKATION PORT LOCATION S	VESSEL FLAG	NUMBER OF PEOPLE ON BOARD	VESSEL IN DISTRESS / SITUATION DESCRIPTION	CHALLENGES BY CREW	LEGAL/POLITICAL FRAMEWORK	EXTERNAL SUPPORT	MEDIA FRAMING

VLCC Antigone Euronav	4.08.22	Algeciras, Spain	France	8 Syri an refu gee s	out of fuel, water and food	contacting various harbours multiple times with the request to disembark the refugees. Eventually, the Spanish authorities confirmed that the rescued persons could disembark in Algeciras, although the rescue operation did not fall under their maritime jurisdiction . On June 3, the refugees could finally disembark.	SOLAS Ch.V regulations 33, which stipulates, among other things, that when a vessel is in a position to be able to provide assistance to a vessel or person in distress at sea, it is bound to proceed with all speed to their assistance, informing them or the SAR service that the ship is doing so. This obligation applies regardless of the nationality or status of such persons or the circumstances in which they are found.	RCC Malta, RCC Rome and the authorities in Malta and Italy	“A rescue at sea is always dangerous” “In 2021, Capital Group received an honourable mention during a gala dinner at the Tanker Shipping & Trade Conference, Exhibition & Awards in Athens” A rescue at sea is always dangerous, and the crew of Antigone has been praised for undertaking the operation safely and taking care of the refugees once they had been safely brought on board.
Egyptian cargo	31.08.2023	64 nautical miles (74 miles, 118 kilometers) southwest of the Ionian Sea island of Zakynthos	Egypt	76	a yacht in distress				Greece has seen an increase in the arrival of smuggling boats bringing migrants into the country over the last two months, mainly small dinghies heading to eastern Aegean islands from the nearby Turkish coast
Aristofanis Capital Ship Manageme nt's	23.09.2021	port of Palaiochora on the Greek island of Crete 70 nautical miles southwest of the Messinian	Greece	150	stricken vessel			The search was co-ordinated by the Joint Search and Rescue Centre at the Hellenic Coast Guard Headquarters	Greece is a common point of entry into the EU for many migrants fleeing the Middle East and Africa. The Captain and crew of M/T Aristofanis, managed by Capital Ship Management Corp., were awarded the

		island of Schiza in the prefecture of Messinia, in Greece's Peloponnese region.							Search and Rescue Award "recognizing an exceptional humanitarian effort" by the Association for Rescue at Sea (AFRAS)
Blue Ciment 4 Mastermind Shipmanagement	16.12.2024	six nautical miles off Cape Tainaron	Cyprus	28					In line with standard practice, Greek authorities arrested a few of the saved migrants to file people smuggling charges against them.
Achiever	16.12.2024	12 nautical miles southwest of Gavdos	UK	89 people from war in Syria					
Seabee Thenamaris	16.12.2024	40 miles off Gavdos.	Malta	47					
Mito container ship ocean network express	16.12.2024	12 nautical miles west of Gavdos	Portugal	a wooden boat and retrieved one body from the water.	wooden sank boat under difficult conditions	difficult weather conditions			a dramatic rescue
Blue Ciment Shipmanagement			Cyprus	28					
MAERSK BROWNS VILLE	20.01.2024	port of Kale Limenas Heraklion "13.7 nautical	Denmark	42					In the afternoon of Jan 19, 2024, the Port Authorities of Chania, Rethymno, Paleochora and Agia Galini were informed by the MRCC of a migrant boat

		miles southeast of the island of Gavdos.”							in a difficult position south of Gavdos.
commercial vessel	14.10.22	40 miles western of Paxoi island		87					Paxoi: Successful rescue of 87 migrants – They were transported to Igoumenitsa.
PortRisk								“MR Wilkinson stressed the necessity of thorough crew training and awareness to handle potential migrant encounters. Despite various state initiatives and substantial funding, effective measures remain limited due to political and legal hurdles, and widespread corruption.” Such training is essential, as operational delays and adverse reactions from migrants can complicate rescue missions.	A ship managed by the Greek company Capital Ship Management has rescued more than 150 people believed to be migrants from a stricken boat off the coast of Greece

Proteas tanker	27.08.14	60 miles off the Libyan port of Marsa Susa north east of Benghazi.	Greece	720 im mig rant s	over-crowd ed boats			italian coastguard	“the tanker’s 23 crew lifted to safety 221 men, women and children, all in apparent good health” “The rescued persons were provided with food and other necessities with medical assistance being made available”
M/T Rizopon	15.04.2015	MEditerrane an→ Cagliari port	Greece	300 +					“...with its crew saving at least 300 souls and giving hope once again to desperate people. The crew of the Greek ship offered them first aid, food, water, dry clothes, and of course psychological support.”
A merchant ship	27.05.2022	15 nautical miles (17 miles) off the southwester n village of Koroni							The route skirts eastern Aegean waters that are heavily patrolled by Greece’s coast guard for small migrant boats leaving the Turkish coast for the nearby Greek islands.
commercial vessels		27 nautical miles southwest of Crete						It was not clear what happened to their boat	The Greek government has pledged money and staff to help the ill-equipped islands handle the situation. A coastguard official said the migrants were rescued by commercial vessels and a Greek navy helicopter some 27 nautical miles southwest of Crete. Greece rescued 42 migrants
TMS Bonita	early August 2014	The rescue took place off the coast of Kaloi Limenes, Heraklion	Greece					framework of a long tradition of solidarity	The Porto Empedocle harbour master, Commander Massimo di Marco wrote to the master of the Bonita: “This successful event makes me proud of the activity performed with the precious help of the merchant vessel under your command, within the framework of a long tradition of solidarity, which is

									the most important pillar of [the] world maritime community.”
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Spain:

MERCHANT VESSEL/ CASE + OWNER	DATE	LOCATION OF RESCUE & DISEMBARKATION PORT	NUMBER OF PEOPLE RESCUED	VESSEL FLAG	VESSEL IN DISTRESS/ SITUATION DESCRIPTION	EXTERNAL SUPPORT	LEGAL/POLITICAL ISSUES	CHALLENGES BY CREW	MEDIA FRAMING
Hartland Point Foreland Shipping Ltd	30.12.23	185 km south of gran Canaria the port of Las Palmas	50+	UK	The merchant ship crew said shortly afterwards that the sea conditions were getting much worse and that the inflatable boat was 'taking on water', so they swung into action without any delay			They feared the Maritime Rescue vessel would not arrive in time. At the speed at which she was cruising, 22.5 knots, it would have taken a minimum of four hours.	British merchant ship rescues more than 50 migrants from an inflatable off coast of Spain's Canary Islands
Bitu Express	8.02.25	port of Arguineguín (Gran Canaria) 50 miles south-east of Gran Canaria	Some 59 people were rescued at around midnight, including five women. Most of the migrants were from Maghreb and sub-Saharan Africa	Panama	a rubber dinghy that had departed from Dakhla -- in the disputed territory of Western Sahara, administered by Morocco				Over 300 migrants rescued on five boats off Canary Islands
Teos MIA SHIPPING INC		just notified - 429 kilometres south of		Barbados	without an engine and adrift.			any other manoeuvre is too dangerous.	It secured a tow line to the cayuco and requested assistance, considering any

		Gran Canaria,							other manoeuvre too dangerous.
Bulk carrier Philipp Oldendorff	20.06.2024	440 nautical miles (815 km) south of the island of Tenerife	68 migrants and found five bodies		canoe-shaped boats, known as pirogues, are used by fishermen in Mauritania and Senegal. canoe-shaped boats, known as pirogues, are used by fishermen in Mauritania and Senegal.			first aid to those affected	"We can confirm that the Insignia rescued 68 people from a vessel in distress between Cape Verde and Tenerife, brought them onboard for medical assistance and provided food, drinks, clothing and a safe place to rest," Data from Spain's Interior ministry show a drastic increase of the number of migrants arriving by sea, especially to the Canary Islands.

Italy:

MERCHANT VESSEL/ CASE + OWNER	DATE	LOCATION OF RESCUE & DISEMBARKATION PORT	NUMBER OF PEOPLE RESCUED	VESSEL FLAG	VESSEL IN DISTRESS/ SITUATION DESCRIPTION	EXTERNAL SUPPORT	LEGAL/POLITICAL ISSUES	CHALLENGES BY CREW	MEDIA FRAMING
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King Jacob (OSM Maritime Group)	18/4/15	70 nautical miles from Libyan coasts, between 28 - 50 survived Disembarkation: Catania	between 700-900 (unclear)	Portuguese	Fishing vessel, as King Jacob was approaching, people moved to one side causing the vessel to capsize and sink	Other vessels in the area participated in the rescue operations	In 2016, operation to recover the fishing vessel and 169 corpses trapped in the cargo hold for autopsy and identification purposes. A Tunisian migrant (27) was condemned to 18 years of prison for “contributing to illegal immigration” and “multiple manslaughter and shipwreck”. A Syrian migrant (25) identified as deckhand, condemned to five years of imprisonment. King Jacob’s black box found with only 12 hours of recording.	Rescue operations went on for hours, unsuccessfully. The crew of the King Jacob asked for psychological support for the shock after disembarkation.	Deadliest incident in the Mediterranean Sea, tragedy. Not so much attention on whether there were mistakes by the King Jacob, or if it was an adequate choice to involve such a large vessel in a rescue operation. Sense of relief in having found two responsible for the incident.
Asso 29 (Augusta Offshore)	1/7/18	35 nautical miles from Garabli (inside Libyan SAR) Disembarkation: Libya	150 - 273 (uncertain)	Italian	Libyan CG intercepts a dinghy in distress with 150 people on board (amongst them women and children), rescues them, and breaks down. Italian navy based in Tripoli sends Asso 29 to rescue. Other sources state there were 3 dinghies, one had sunk. People refouled to		Legal Case against Italy and the shipping company. 5 Eritreans survived detention in Libya and made it to EU via RST/humanitarian corridors, asking for reparations. Shipping company + govt paid 15,000 euros reparations for each person		Only left-wing newspapers talked about the case, it only came out a year later through an NGO operating in Libya who was in contact with survivors of the operation. Breach of non-refoulement under Italian navy's instructions

Vos Thalassa (Vroon Offshore)	10/7/18	Libyan SAR Disembarkation: Lampedusa	67	Italian	MRCC in Rome gave instructions to send back to Libya. 2 migrants resisted trying to revert the direction; they were transferred to Italian CG's ship Diciotti.		Legal case against the "two Ibrahim" for mutiny, the two migrants that revolted against the crew.	Ship's crew was threatened (mimicking cutting the throat) and required assistance from the Italian CG	Limited media coverage but many legal sources about the case. Salvini claimed that it was Libyan CG's responsibility for the SAR, and initially refused to let the Vos Thalassa disembark to Italy. As tensions rose, the Minister of Transport Toninelli allowed the transfer on the Diciotti
Asso 28 (Augusta Offshore)	31/7/18	Near one of Eni's oil rigs (Sabratah), 57 nautical miles from Tripoli Disembarkation: Tripoli	108	Italian	Oil rig support vessel takes people in distress. Onboard of the vessel was a representative of the Libyan Authority, who instructs to disembark migrants in Tripoli (first illegal push-back, no possibility to request asylum)		2021: Court of Naples sentences the captain to a year in prison due to crimes of arbitrary disembarkation and abandonment of persons (among whom minors and a pregnant woman) to an unsafe port 2022: Court of Appeal confirms charges		Denial or unclarity surrounding whether the Italian CG was involved, and whether it was Eni or the Libyan CG to give instructions to disembark. First conviction of a private individual for the illegal landing of migrants in Libya. Lack of images and proofs of the identities of the migrants >> the case is different in that the victims are

									unable to access justice
Nivin (GMS)	7/11/18	40 nautical miles from Libyan shores Disembarkation: Misurata, Libya	79 (28 children)	Panama	First warning from EUNAVFOR MED IRINI, then Alarm Phone. The Libyan CG asked MRCC in Rome to conduct coordination of the SAR of the Nivin on its behalf, Rescued and stayed 10 days on the Nivin, before being forcibly disembarked in Libya.	Alarm Phone (monitoring), MSF (provided medical checkups onboard)		16 crew members (Lebanese captain, 12 Rumanians and 3 Ukrainians) Ship's crew told the migrants they were going to Italy, but when they saw the Libyan patrol boat, refusal to disembark. They proceeded towards Misurata, lying about going to Malta. In Misurata, crew members could not repatriate until the end of the operation, or they would not have received their salary	Little Italian media coverage, (mostly from NGOs) but Forensic Oceanography dedicated a report to describing this rescue. Il Fatto Quotidiano cited MEE and Libyan newspaper Al-Wasat.
Asso 30 (Augusta Offshore)	1/11/19 (distress call)	International waters Disembarkation: Pozzallo	151	Italian	SAR conducted by MRCC in Rome. Alarm Phone warns on Friday, Sat. afternoon rescue from 2 or 3 dinghies (unclear), appointment of Pozzallo as disembarkation port, Sunday morning	Alarm Phone			Case covered by several media news outlets RAI, national news, describes it as a quick operation coordinated by Italian MRCC, description of the migrants

					disembarkation				(pregnant ladies, children, scabies, burns). Mention that it was not an NGO ship but a support ship for oil rigs off the Tripoli's coasts. LaRepubblica publishes a publishes on Saturday stressing need for quick decision on disembarkation due to the nature of the rescue ship.
Vos Triton (oil rig tug serving Total, owned by Vroon)	23/2/21	Disembarkation: Porto Empedocle	77 and a corpse	Gibraltar	Boat carrying migrants broke down, migrants embarked and brought to Porto Empedocle after disembarking a woman who gave birth and her family in Lampedusa		Investigations about the tensions/revolts onboard	Revolt amongst migrants because the ship was going south, a woman gave birth	the articles connect this case with that of the Asso 30 February 2021 disembarkation in the same port, stressing the critical situation
Asso 30 (Augusta Offshore)	around 20/2/21, disembarkation on 22/2/21	Sicilian Channel Disembarkation: Porto Empedocle	232 (and a dead person)	Italian	Decked in Porto Empedocle. Tested for Covid, they were embarked on a different ship for quarantine			Covid-19 related concerns, presence of a corpse	Articles mostly detail disembarkation and embarkation on a quarantine ship.
Vos Triton (Vroon)	14/6/21 (distress call)	International waters, 6 nautical miles far from Maltese SAR Disembarkation: Libya	170	Gibraltar	Alarm Phone distress call for broken engine, after 10h cargo ship rescues migrants and hands them to Libyan CG. Attempts to	Sea-Watch and Sea-Bird (monitor)	Legal case for unlawful pushback of Sudanese 24 year-old Adam, who won the case and was flown to Italy. IOM and UNHCR reported the incident.	Operation lasted 1h, people had swam to the cargo ship. Crew tried to bring the wooden boat	Little media coverage, mostly from humanitarian organizations. Framing around the legal case and return of

					halt the transhipment failed.			closer by rope.	the Sudanese national.
Basilis L	11/3/23	international waters, outside Libyan territorial waters, but according to Italian CG, 100 nautical miles from Libyan shores, still in Libyan SAR Disembarkation: 2 migrants in Malta for emergency, then Italy	47 (17 survivors)	Marshall Islands	Dinghy carrying 47 people. Alarm Phone averted Italian, Libyan and Maltese CG, 2 commercial ships (AMEX AVENUE and GAMMA STAR) passed by. Basilis L went close but waited for a better equipped vessel. Italy was waiting for Libyan intervention. The boat sunk, and 30 people died.	Sea Watch and Alarm Phone (monitored)	Even if those waters were patrolled by Italian operation Mare Sicuro and EU EUNAVFORMED IRINI, none of their assets intervened	The crew waited for a better equipped vessel for the rescue operation.	Delay in answering to the emergency and delegation of responsibility. No information about how the rescue was conducted and where the 17 survivors were brought. The Italian CG frames it as life-saving mission, and 30 casualties due to reversal of the dinghy during rescue operations
P. Long Beach	24/5/23	Disembarkation: Marsa Brega, Libya	27	Marshall Islands, but Greek crew and left from Trieste	migrants sent the alarm, confirmed by Sea Watch's Seabird plane who then informed Malta, Italy and Europe. P Long Beach brought them back to Libya under Italian coordination	Sea Watch (monitor), Mediterranean (monitor)		The shipmaster was urged by NGOs not to bring migrants back to Libya	Very limited press coverage by national newspapers, one article cites international law to explain the unlawfulness of the pushbacks
Vos Triton (Vroon)	14/12/23	Disembarkation: Libya	25 (61 died)		Alarm Phone averts Italian and Maltese MRCC as the dinghy takes on water. After hours, FRONTEX confirmed the dinghy has almost sunk				Lack of media coverage

					and people are in the water, asking Vis Triton to intervene. Only 25 survive the stormy sea, 7 hours after the first interception.				
Vault (cargo for oil rig) (Vault Maritime and Trading)	25/5/24	Disembarkation: Lampedusa	139 (3 missing)					difficulties with transshipment, 3 people fell and went missing	Loss of three lives, which brings the count to 5 deaths in three days of rescues
Alexander Maersk	22/6/25 (until night between 25-26 June)	Unclear Disembarkation: Pozzallo	110 (uncertain)	Danish	dinghy in distress, the NGO Lifeline intervened to help migrants from the dinghy to the Alexander. It waited for days 3 nautical miles away from Pozzallo before docking.	NGO Lifeline, the mayor of Pozzallo appealed to Salvini to let the Alexander dock	Italian govt waited to disembark hoping to leverage Denmark and Brussels	Aid from Lifeline, presence of a pregnant woman onboard + dehydrated children > taken to the hospital, cargo with food reached the boat twice	Most of the attention to the participation of Lifeline in the rescue operations, and the requests of Malta and Italy to bring migrants back to Libya. Others: "End of a nightmare"
Maersk Etienne	4/8/25 (for 38 days)	70 nautical miles from Libya Disembarkation: Pozzallo	27	Danish	dinghy transporting 27 people in distress, among them a pregnant woman, storm coming	Mare Jonio, operated by NGO Mediterra nea	2025: 6 crew members that were on the Mare Jonio now on trial for facilitating illegal immigration	large vs small vessel, aggravated by sea conditions (storm); Covid-19 related concerns	Heroic captain of the Maersk, frustrations amongst migrants, unsustainability of the situation on board. Some articles, after the opening of the case, raised doubts about Mediterranean as it received a transaction of 125,000 euros from Maersk



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