Implications of the migrant crisis on salvage law

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Salvage law is key to finding some solution to the crisis.
Outline

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What is salvage law

International Convention on Salvage, 1989

Conscious of the major contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the environment ...

Convinced of the need to ensure that adequate incentives are available to persons who undertake salvage operations in respect of vessels and other property in danger ...
US$775
Salvage of Property

As a *right* in law, salvage arises when a person, acting as a volunteer (that is, without any pre-existing contractual or other legal duty so to act), preserves or contributes to preserving at sea any vessel, cargo, freight or other recognised subject of salvage from danger. (Brice)
No cure, no pay

Article 12 Salvage Convention:

1. Salvage operations which have had a useful result give right to a reward.

2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
Duty to render assistance

Article 10 Salvage Convention:

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.

3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.
Salvage of persons

Article 16 Salvage Convention:

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.
‘By the practice of the Admiralty Court an award made in these circumstances is treated as being, and is in fact, an award for services rendered to the ship and cargo.’ *The Bosworth*(No 3)
Recourse for life salvage payment

Merchant Shipping Act 1995, Pt II, Sch 11, par 5, which reads, under the heading ‘Recourse for life salvage payment’:

(1) This paragraph applies where ...

(b) either—

(i) the vessel and other property are destroyed, or

(ii) the sum to which the salvor is entitled under article 16, paragraph 2 is less than a reasonable amount for the services rendered in saving life.

(2) Where this paragraph applies, the Secretary of State may, if he thinks fit, pay to the salvor such sum or, as the case may be, such additional sum as he thinks fit in respect of the services rendered in saving life.
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