Badalona, 2nd of August 2017

The elaboration of a Code of Conduct for NGOs that protects the life of the people in the Central Mediterranean under request of the Italian government, has been a matter of analysis and discussion during weeks within Proactiva Open Arms. We have deeply studied its operational implications, as well as its humanitarian and legal ones.

We consider that the ambiguity in the wording of the text leaves much room for the interpretation by any interested party, but we understood it as the will of the Italian government to create a clear framework to be related with non-governmental organizations for search and rescue in the sea.

Proactiva Open Arms is a humanitarian organization specialized in saving human lives at sea, and that is why we consider that the legal framework where our activities are situated is already defined by, among others, the United Nations Conventions on the Law of the Sea (UNCLOS), the 1951 Refugee Convention and the International Convention for the Safety of Life at Sea (SOLAS). Hereby, we consider that there is not imperative need for the existence of this document.

However, those established written rules describe quite accurately the modus operandi performed in the last year by organizations such as Proactiva Open Arms, both in the Central Mediterranean as well as in the Aegean Sea. Hereby, we consider it will either not imply a significant change in the development of our rescue operations, nor an impediment in the development of our rescue operations since we are still covered by the same legal framework.

After debating the text within the organization, we conclude to adhere ourselves at it with the following considerations:

1. The code of conduct does not imply a new legal framework, but a declaration of good will and cooperation with the Italian Authorities, and this is how we understand it.
2. There will never be any action from Proactiva Open Arms against the applicable international law, described in the conventions as follows:
   b. The International Convention for the Safety of Life at Sea (SOLAS).
   c. The 1951 Refugee Convention, especially
      i. Article 33: Prohibition of expulsion or return (‘Refoulement)
3. When it is described “situations of grave and imminent danger requiring immediate assistance”, understood as a distress situation, Proactiva Open Arms will operate as described in:

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