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Search and rescue NGOs as a focal point in debates on the reception of refugees in the EU: Research essay on an Italian and German case study

Abstract

After criticising a lack of rescue capacities and an increase in border deaths at the maritime EU external borders, search and rescue (SAR) NGOs have been sending out vessels since 2014. While the responsibility for SAR lies with the coastal states, we start from the assumption that these NGOs have now become part of the border regime. They pursue different activities to make the border regime, in their view, more humane and in line with European legal and moral obligations, and aim to mobilise a broader network supporting their activities. We observe a variety of actors – including churches, political actors, and civil society organisations – contributing to controversial public debates on their intervention. In our ZivDem project, we argue that various positions and conflicts around the reception of irregular migrants and refugees in Europe crystallise in the dissent on private SAR operations. In this research essay, we present a comparative research design to show how to analyse this dissent and how it plays out concretely in public debates in different member states. We focus – in a first approach – on recent events surrounding SAR NGOs and reactions in Italy and Germany to gain insights into the debates and reflect on emerging lines of conflict. Both national and transnational dimensions are taken into account. We conclude with the hypothesis that ultimately the debates are about different visions of European democracy.

Keywords: Search and rescue, public debate, border regime, European Union, refugees

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1. Introduction: SAR in the Mediterranean

After criticising a lack of rescue capacities and an increase in border deaths (Cuttitta & Last, 2020) at the maritime EU external borders, private search and rescue (SAR) NGOs have been involved in sending out vessels since 2014. With almost ten years of intervention, we assume that these NGOs are not merely external critics, but that they have also become part of the complex and contested EU border regime. Although the responsibility for SAR operations in the Mediterranean Sea lies with the authorities of the coastal states, private SAR NGOs operating under different

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flags take on responsibility for people in distress by offering "floating sanctuaries" (Mann & Permoser, 2022). We interpret this specific situation as a temporary result of the ongoing conflicts within the EU on how to respond to irregular migration flows including refugees (de Wilde, Koopmans, Merkel, Strijbis, & Zürn, 2019). Despite several attempts to jointly address the need to save lives, e.g. through the implementation of an EU SAR contact group in 2020, we currently observe a deadlock situation rather than efforts to implement an EU rescue mission. SAR NGOs have received both praise and serious criticism (Cusumano & Villa, 2021) for saving persons in distress coming from Africa, Asia, and the Middle East from drowning. The dissent that has emerged in debates about their involvement ranges from the claim that refugees should not be left to die (Gebhardt, 2020) to questioning the boundaries of the demos or the demand of a clear prioritisation of national security interests.

In our interdisciplinary research project "ZivDem" (Zivile Seenotrettung als Kristallisationspunkt des Streits um Demokratie), funded by the Gerda Henkel Foundation (2022- 2025), we conceptualise the heated debates on the involvement of private actors in SAR operations as a focal point, in which the political conflict over the reception of refugees and irregular migrants in the EU manifests (on the term "irregular migration" and the discourse around it, see: Düvell, Triandafyllidou & Vollmer, 2008, 24 ff.). We see the dissent on private SAR missions as an entry point, where broader conflicts crystallise and can be effectively analysed. The research component of the ZivDem project central to this research essay focuses on the debates surrounding SAR NGOs in three Member States, namely Italy, Germany, and Spain. Following a qualitative-ethnographic approach, we engage with actors who are not necessarily directly involved in the rescue of migrants crossing the Mediterranean Sea, but for whom the issue has become important. Specifically, we are interested in what motivates representatives of civil society organisations, the media, churches, academia, and politics, among others, to take a position on this issue, and what larger political and social issues and conflicts are associated with the activities of civilian sea rescuers. We conduct problem-centered and expert interviews, observe public events such as demonstrations, and take into account political and legal documents relevant for the context.

This paper serves as an initial exploration of the role of national settings and lays the groundwork for a comparative analysis of the debates on (civilian) search and rescue operations in the Mediterranean Sea. We expect to identify relevant differences in the debates of European countries in which we find an active civil society involvement in SAR activism, such as in Italy, Germany, and Spain. Our assumptions are based on extensive examinations of academic literature, insights from media discourses, and preliminary field observations. The aim of this research essay is to consolidate these first insights and to establish our working hypotheses for data collection within our ongoing research project. We focus here on the debates in Italy and Germany, where our data collection begins: Both Italian and

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German civil societies play pivotal roles in search and rescue in the Mediterranean, and the topic is quite prominent in public discourse (Cusumano & Bell, 2021; Funke, 2018). However, Italy, as a coastal state, is directly engaged in both search and rescue operations and in the initial reception process. This direct involvement points to a different set of circumstances that, among other factors, influence the national discussion.

The paper is structured as follows: In part 2 we start from the observation that the SAR NGOs pursue four main activities to change the EU border regime to make it, in their view, more humane and in line with European legal and moral obligations. These activities are based on the direct encounter between activists and refugees on the high seas (Mann, 2020) and gear towards the mobilisation of a broader (mostly European) network of supporters to advocate for the rescue and (in the case of some NGOs) reception of irregular migrants including refugees (Laube & Ullrich, forthcoming). In part 3 we identify five conflicts that research on the role of SAR NGOs in the EU border regime has brought to the fore. These serve as a basis for our qualitative analysis of ongoing debates stemming from recent SAR-related events and reactions by different actors in part 4. On the one hand, we ask for the specifics of the national settings; on the other, we draw attention to the interconnectedness of the debates in order to grasp the transnational dimension of the dissent on private SAR operations in the Mediterranean border regime. In the conclusion, part 5, we reflect on the potential of a comparative research design to unpack further dimensions in the broader conflict over the reception of refugees and irregular migrants in Europe. We conclude the research essay with the hypothesis that ultimately the debates are about different visions of European democracy.

2. Activities undertaken by SAR NGOs and their potential to mobilise a discourse

In our ZivDem project, we identified four different areas of activities (Laube & Ullrich, forthcoming), in which SAR NGOs have been involved over the past almost ten years. The differentiation between these activities is based on our engagement with the academic literature on civilian SAR, as well as initial observations of how SAR NGOs participate in the discourse, for example on social media. At the same time, the conceptualisation of different areas of activities is a starting point for approaching the intervention of civilian SAR, which we argue causes major dissent in the EU.

First, SAR activists *criticise* the current EU border regime, along with many other civil society actors. In particular, the positions of SAR NGOs refer to the legal obligations that EU states have towards people in distress at sea, as well as towards people seeking asylum at their borders. These arguments are fed into the public debates. Second, – and this is partly a reaction to the limited impact of the

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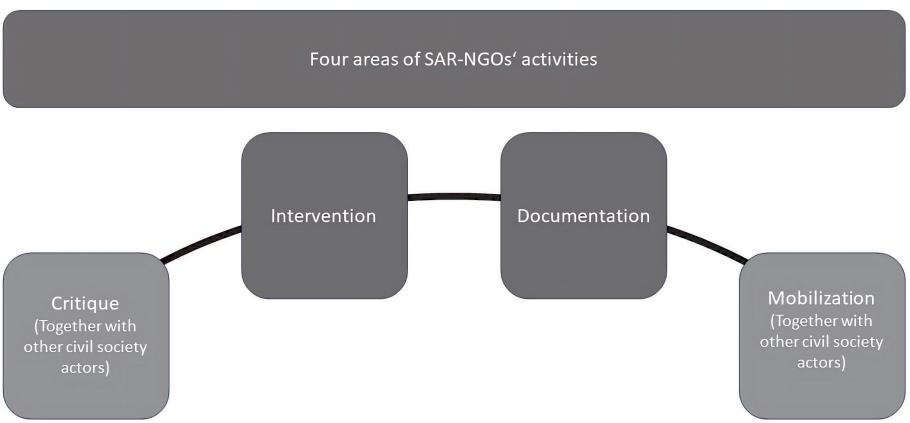
critique on state actors –, NGOs have started their own rescue operations. They *intervene* directly into the border regime and try to fill a gap in the perceived lack of rescue capacities. In terms of SAR practices, they themselves become part of the EU border regime. At sea, they facilitate first encounters of irregular migrants and refugees with European actors, acting on the basis of a legal framework for protection (Mann, 2020). Their presence in the Mediterranean allows them to observe and make visible the suffering and threats to people in distress. Third, their direct involvement allows them to *document* the situation of boat migrants and to observe the (lack of) action of state authorities, for example from Italy and Malta, as well as Frontex or the so-called Libyan coast guards. These insights then provide new evidence to criticise the EU border regime and put moral pressure on state actors. Through these activities on the ground, SAR NGOs gain legitimacy and expertise, which, they use, fourth, to *mobilise* other civil society and political actors, as well as national and transnational institutions.

Table 1: Areas of SAR NGOs' activities



Source: Own research.

In concrete terms, the mobilisation involves the politicisation and involvement of broader networks, based on the preceding activities. For example, several SAR NGOs use the documentation of failed assistance in distress cases or active push-backs in the Central Mediterranean to inform a wider media and political public and to exert pressure on political actors. Providing images or video footage further supports their legitimacy. As with the social media work of other civil society actors, it can be assumed that sharing visual impressions and documentation has a particularly communicative and emotionally mobilising effect (Sutter, 2017, 15). SAR NGOs also build strategic networks in order to attract relevant supporters. They need them in particular to raise the necessary funds and to support them in a

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political setting that is, especially in Italy and Greece, increasingly characterised by criminalisation (Cusumano & Villa, 2021).

At the same time, the SAR NGOs themselves have become a political issue (Paulitsch, 2023, forthcoming). Their public relations work is also a response to the controversial debates surrounding their activities. Thus, their active mobilisation goes hand in hand with various actors taking positions on private search and rescue operations. Around the fleet of Mediterranean border humanitarians (Stierl, 2018), we observe a network of supporters in churches, municipalities, academia, arts, certain political parties, other social movements, as well as media attention to the issue. Meanwhile, the NGOs have become a target of right-wing authoritarian and anti-migrant positions in the conflict over the reception of refugees and irregular migrants. The activities of SAR NGOs are repeatedly discredited by framing them as illegal or as human trafficking in order to legitimise not only nationalist but also racist policies (for the example of "Salvini's Italy": Cervi, Tejedor, & Dornelles, 2020). Even supporters are subject to political attacks and defamation.

In general, all SAR NGOs agree on the objective to save as many people in distress as possible from drowning. The legal obligation to bring these people to the nearest port of safety means that the migrants enter EU territory and can apply for asylum. The political inclusion of people on the move as refugees is in many cases not the explicit aim of rescue missions (see discussion of "strategic humanitarianism" in Schwenken & Schwiertz, 2021). However, this de facto consequence is observed and contested in the national debates we study. Based on the observation that broader social and political conflicts crystallise in the debates on (civilian) SAR, we use these debates as an entry point to identify underlying lines of conflict.

3. Conflicts crystallising in the dissent on SAR NGOs in the EU

Studies on search and rescue in the Mediterranean have brought to the fore several conflicts that have motivated actors to engage in this field (Cusumano & Villa, 2021; Cuttitta, 2017; Irrera, 2016; Stierl, 2018) or that arise from this intervention (Cusumano, 2017; Ehrmann, 2021; Farahat & Markard, 2020; Gebhardt, 2020; Laube & Eisleb, 2021). The following collection of conflicts serves as a starting point to approach the dissent on (civilian) SAR in the Mediterranean Sea. We want to find out which meaning actors involved in the debates on SAR attach to these conflicts and how they understand them.

Based on the literature review and supplemented by initial observations from our field research, we have identified five significant conflicts in research on the discourse surrounding SAR NGOs:

A *first* conflict unfolds between the politics of "letting die" and "saving lives" (e.g.: Gebhardt, 2020). The central question revolves around the implementation of humanitarian principles by states. Do they assume responsibility for individuals

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regardless of their resources and citizenship, or do they deny rights to othered populations? When European state authorities leave migrants to die, believing that this will prevent further irregular attempts to cross the sea, the fundamental idea of individual human and refugee rights is undermined.

A *second* conflict concerns issues of the disembarkation, reception, and distribution of asylum seekers among EU member states, which involves debates about responsibilities, fairness, and solidarity within the European Union (e.g.: Carrera & Cortinovis, 2019; Tazzioli & Stierl, 2021). Some member states are generally reluctant to accept a larger share of asylum seekers, while others advocate for a more equitable distribution. This conflict arises between positions that prioritise European solutions and positions that favour national solutions. The latter can lead to bilateral controversies. For instance, the declaration of former Italian Interior Minister Matteo Salvini to close ports to SAR NGOs in 2018 lead to conflicts with other member states such as France (Cusumano & Gombeer, 2020, 251).

A *third* conflict emerges between the ideal of refugee protection and political inclusion of forced migrants on the one hand and national security interests on the other. Supporters of refugee protection, especially in civil society, argue against the criminalisation of cross-border mobility and in favour of the rights and integration of forced migrants. Opponents often frame migration as a security threat and raise concerns about "pull factors" (e.g.: Cusumano 2019), although a recent study has (again) shown that the presence of privately-led SAR missions in the Central Mediterranean does not induce irregular crossing attempts by migrants (Rodriguez, Wucherpfennig, Rischke & Iacus, 2023).

A *fourth* conflict refers to the dimension of responsibility towards either the national or global socio-economic context. Advocates of the national approach emphasise the limited social and administrative capacity to receive and integrate irregular migrants including refugees. They are also concerned about (national) social security (Bauböck, 1997, 99ff.). Advocates of a more global approach to responsibility argue that European societies and their governments have a specific responsibility towards the citizens from the so-called Global South (e.g.: Ehrmann, 2021). Critical observers and NGOs are concerned about a reproduction of asymmetrical power relations, in which only certain citizens or persons with certain resources have access to global mobility and international rights protection. They draw attention to the role that existing inequalities and power imbalances between these regions play in dealing with migrants at Europe's external borders.

Based on first observations from the field research we see a *fifth* conflict between the executive power of the (democratically legitimate) government and the importance of a vibrant civil society that strengthens democracy by critiquing and observing state action. The controversial discussion here revolves around the legitimacy of the intervention by SAR NGOs (from different European countries) in the EU border regime (Catena Mancuso & Signorelli, 2022).

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The overview of these conflicts suggests that the dissent on civilian search and rescue operations in the Mediterranean is not only about the issue of refugee reception in Europe. Rather, fundamental notions of European democracy are crystallising in the dissent. When it comes to questions of belonging, the implementation of humanitarian principles, European cooperation, the relevance of civil society engagement, and the recognition of human rights in Europe, broader visions of the desired democratic society seem to come to the fore. Such an interpretation would also explain why a broad range of actors, including policy makers, NGOs, different civil society members, churches, media representatives, academics, and individuals feel compelled to take positions in this specific context. Here we can see that even topics from other social movements, such as ecological sustainability (see e.g. the public positioning of former *Sea Watch* captain Carola Rackete for *Fridays for Future*), find their way into the articulation of different visions of European democracy.

4. Debates on SAR NGOs in Germany and Italy and interconnections

Having identified five conflicts in the dissent on SAR in the EU, we now zoom in on national political contexts and thereby focus on Italy and Germany. While the above-mentioned conflicts clearly entail a European dimension, we intend to highlight differences between the Italian and the German context and meanwhile reflect on how the debates are connected. These debates refer to a common European and international legal setting, but are at the same time influenced by – among others – the respective geography of the country, its national politics, and civil society landscapes.

Many studies on private search and rescue have focused on the case of Italy, from whose ports most of the SAR NGOs operate. According to UNHCR operational data on arrivals in Italy by sea, the country has seen the arrival of at least 800.000 migrants at its shores since 2015. By October 2023, IOM's Missing Migrants Project counted more than 17.000 deaths or disappearances on the Central Mediterranean route since 2014. How to respond to irregular migratory movements across the Mediterranean Sea has always been controversially discussed. A momentous shipwreck occurred near the Italian island of Lampedusa in October 2013. In its aftermath, the Italian government launched an effective search and rescue mission, *Mare Nostrum*, but abandoned it shortly thereafter, because it was criticised for creating a pull factor for migration (Cusumano & Villa, 2020, 205). This assumption – as noted above – has been disproved by several scientific studies (a.o.: Aragno & Trasi, 2021; Rodriguez, Wucherpfennig, Rischke & Iacus 2023). Ever since, Italy has been a major destination for the rescue boats of SAR NGOs trying to fill this gap, and has coordinated more rescue operations involving civil society actors than other countries. At the same time, Italy has also been a forerunner in criminalising the practices of SAR NGOs and pressing charges against crew

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members of private SAR missions (Cusumano & Villa, 2021). Therefore, we need to consider different phases of public debates according to the respective actions of the governments at the time, meanwhile, we are interested in how to categorise the situation under the new Meloni government.

In this paper, we look at Germany as a second and contrasting case. The country is not a Mediterranean coastal state and is not responsible for the initial reception and registration of asylum seekers who enter the EU via boat through the Mediterranean Sea. Nevertheless, the issue of search and rescue in the Mediterranean has received much attention in politics and public debates, and the media coverage of recent incidents is comparatively high. About half of the European SAR NGOs are based in Germany and/or operate their ships under the German flag. In the current German coalition government led by Olaf Scholz (Social Democrats, Greens, and Liberals) we thereby see certain efforts to include SAR activists as relevant actors in the political realm.

4.1 New SAR law in Italy and conflicts around national sovereignty, member state relations and the role of civil society

With its long coastline, search and rescue has also historically been an important issue in Italy. On the one hand, the last decade has seen the implementation of the aforementioned state rescue mission Mare Nostrum from 2013 to 2014 and the experience of Italian border authorities cooperating closely with SAR NGOs between 2014 and 2016, which were praised as "angels of the sea" (Cusumano & Villa, 2021). On the other hand, Italian governments pursued a strategy of increasing criminalisation of SAR NGOs, leading, for example, to the implementation of a code of conduct for SAR NGOs in 2017, which since has obstructed SAR activism.

Two Italian SAR NGOs are active in the Mediterranean: *Emergency* and *Mediterranea Saving Humans*. The differences between them (for an overview of role conceptions see Cusumano, 2021) are relevant to understand the Italian civil society landscape and their impact as actors contributing to national debates. For example, the Italian government supports the work of Emergency in other conflict regions around the world, while Mediterranea actively challenges the role of government authorities in crisis areas (Ceccorulli, 2019). The latter is also particularly active in social mobilisation and openly critical of the current Italian government. Member of the organisation and researcher Sandro Mezzadra describes their work as a "donquixotesque endeavor" that represents an alternative and unexpected approach to resisting government policies (ibid.). Thereby, – like all SAR NGOs – both Mediterranea and Emergency are highly dependent on donations and given their specific roles and embeddedness opt for different ways to raise funds.

Within the current debate in Italy, the introduction of Law Decree No. 1/2023 is a crucial moment. It imposes various operational requirements on NGOs conducting SAR off the Italian coast. Already during the election campaign, the right-wing

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fraction supporting Giorgia Meloni had condemned their activities. The decree-law, introduced by Interior Minister Matteo Piantedosi in January and passed into law No. 15 in February 2023, also follows his involvement in standoffs in the fall of 2022 and repeated accusations that SAR NGOs are a pull factor for migration (Alagna & Cusumano, 2023, 7). The new law requires that shipmasters collect data from rescued migrants who intend to seek asylum (see Chianese, 2023), and prohibits NGO vessels from conducting multiple rescues before returning to a port of safety (POS). In addition, in 2023 the Italian authorities assigned distant Italian ports for disembarkation. These impediments impose considerable constraints on SAR NGOs:

> "These much longer disembarkation routes have kept ships away from the Central Mediterranean corridor for much longer periods than strictly necessary. This practice may ultimately have made SAR operations impossible for small organizations, unable to afford the large ships and facing the exorbitant fuel costs required for such long journeys. Moreover, the assignment of distant POSs has also created a further burden on rescued people, forced to spend many additional days aboard." *(Alagna & Cusumano, 2023, 7)*

Although the law is still under review for compliance with international humanitarian law due to NGO complaints, it already had real consequences. Among the first to be penalised was the MSF ship Geo Barents, which was detained for 20 days and fined 10,000 Euros "for failing to provide the voyage data recorder to authorities on arrival at Ancona on 17 February to disembark people rescued at sea" (MSF, 2023). The new law not only hinders SAR NGOs from conducting rescues due to the penalties, but also raises costs by requiring additional resources for travel, such as increased fuel costs. Consequently, there may be a heightened reliance on donations. Most importantly, NGOs are concerned that the number of deaths in the Mediterranean will increase due to their prolonged absence from the scene. While these measures are "only the latest iterations of a wider array of policy discourses, legal regulations and operational requirements aimed at restricting non-governmental sea rescue" (Alagna & Cusumano, 2023, 1), it also reveals a slight shift from criminalisation and confrontation to more subtle measures of restriction (ibid.).

Nevertheless, the intention of the Italian government to further obstruct the practices of private SAR NGOs, has led to public dissent in both politics and civil society, in Italy and beyond. The following selection of statements from political and civil society actors provides insights into their different positions and shows how they contextualise them. It is by no means a conclusive or complete overview, but a first attempt to identify the lines of conflict that have emerged in the debate. These include conflicts between national sovereignty and international law, conflicts between Italy and the EU/other member states, and conflicting ideas about the relationship between civil society and political institutions.

Piantedosi, the initiator of the law, stressed that private maritime rescue organisations should not undermine the state. The newspaper *Il Giornale* (2023; translation

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by the authors) quoted him saying that it was up to the state to decide on a regulatory framework for the rescue of migrants and that it could not be replaced by NGOs operating under foreign flags. He emphasises Italy's sovereignty over its borders and immigration policy – which he argues is in line with international law – and rejects the interference of other (EU member) states and private actors. Meanwhile, opposition to the decree came from the Italian Church, a highly relevant supporter of the SAR activists, as our observations from the field show. The president of the Bishops' Conference raised objections and urged the government to abandon the proposed legislation. "Effectively siding with the NGOs", as *Reuters* (2023) puts it, he expressed concern that the regulations would lead to more deaths at sea.

The decree has also been debated in Germany and elsewhere. A noteworthy position and action was taken by 65 members of the German parliament, mostly from the Green and Social Democratic parties, who sent a letter of appeal to the Italian parliament before the vote on the decree in February 2023. The letter highlights the role of European civil society and its contribution to the prevention of deaths at sea, and emphasises the fulfillment of a European humanitarian duty (Pahlke & Demir, 2023). In the European context, the *Expert Council on NGO Law of the Conference of International NGOs of the Council of Europe* (2023) strongly opposed the decree. They called for meaningful consultations with SAR NGOs, particularly those most affected by the (future) law. They also recommended the revocation of the decree until these consultations can take place, ensuring the safety of migrants and effective collaboration with NGOs. The relationship between the Italian state and SAR NGOs was also addressed by the latter. In a joint statement by 18 of them, including Mediterranea and Emergency, they stressed the responsibility of states in the asylum context and refused to get involved: "It is the duty of states to initiate this process [the facilitation of asylum applications] and a private vessel is not an appropriate place for this" (SOS-Humanity, 2023). This draws attention to the delicate relationship between state and civil society, reflecting their respective competencies and raising concerns about co-optation.

These statements illustrate the range of positions and mobilisations around the new Italian decree, now law, on SAR NGOs. They highlight the complex interplay between national sovereignty and international rights, with different positions claiming to be in line with international law. They also point to the dynamics between Italy and other member states, as they negotiate the role of EU standards and what these actually entail. In addition, they raise questions about civil society involvement, confrontation, and the boundaries between state and non-state actors.

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4.2 German financial grant for civilian search and rescue and initiative to include civil society into EU policy making

Considering the geographical distance to the Mediterranean Sea, the number of newly established SAR NGOs in Germany is remarkable (in September 2023, according to our research, there were fourteen organisations, ten currently operating). Several prominent SAR NGOs such as *Jugend Rettet, Sea Watch,* and *Sea-Eye* as well as alliances such as *United4Rescue* and *Seebrücke,* which support private search and rescue missions, have emerged from civil society. This widespread interest and involvement of Germany-based civil society actors in SAR in the Mediterranean makes it an interesting case for our comparative analysis. In consequence, we ask why the issue has such a mobilising effect in Germany. The case is also interesting, because the three-party coalition government – unlike the government before – has taken up on the issue of (civilian) SAR in the Mediterranean in its coalition agreement. It says that "civil search and rescue operations must not be obstructed" and that the government will strive for "state-coordinated and EU based search and rescue in the Mediterranean" (SPD, Bündnis 90/Die Grüne & FDP, 2021, 142; translation by the authors).

A recent measure taken under this government is particularly relevant for an insight into the current debate in Germany and Italy: In November 2022, the parliament announced to budget a total of 8 million euros for the alliance United4Rescue. While United4Rescue gratefully declared to accept the money, critical observers were astonished to see state-funded support for a civil society engagement that was legally challenged by EU member states – including Germany (on the legal obstacles initiated by the Ministry of Transport see Laube & Eisleb, 2021). United4Rescue stated that the grant was a "strong political sign and important support in difficult times" (see tweet by United4Rescue on November 11, 2022; translation by the authors). Derya Türk-Nachbaur, a member of the German parliament for the Social Democrats, referred to the grant by saying that it was "self-evident that saving lives is not a crime but a humanitarian duty" (Der Spiegel, 2023; translation by the authors). Other NGOs reiterated their concerns about the neutrality of humanitarian actors vis-à-vis European member states, which they consider responsible for the suffering and deaths at the external borders (Frankfurter Allgemeine Zeitung, 2023).

However, discussions about the disbursements continued, including the question of which projects (on land or at sea) should be funded. The Foreign Office was accused of withholding the money to maintain good relations with the Italian government of Georgia Meloni (Der Spiegel, 2023, June 14) during the decision-making process on the reform of the *Common European Asylum System* (CEAS) in 2023. Through an interview with SOS Humanity in September 2023 (2023, September 22, Siracusa) we learnt, that the Ministry of Foreign Affairs had finally decided to allocate the funds for 2023 directly to projects. SOS Humanity was

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among the funded NGOs with an amount of 790.000 Euros. According to SOS Humanity's press release of September 23, spokesman Lukas Kaldenhoff argues that this does not relieve the German government of its duty to find a more sustainable political solution. Nevertheless, it must be a relevant support for the organisation which was counting on the extra money and would probably have had to cancel rescue missions in the summer of 2023 due to the general decline in donations (see tweet by SOS Humanity on June 13, 2023). While the federal parliament's decision to fund SAR NGOs in 2022 generated little reaction from Italian media and politicians at the time, the approval of the application became a major issue. Many Italian newspapers carried headlines about the German government funding SAR NGOs, which was interpreted as interference in Italian affairs. Diplomatic tensions arose: Prime Minister Meloni sent a letter to the Chancellor asking for clarifications and emphasising that the increasing presence of SAR NGOs would lead to more departures (Ansa 2023). Transport Minister Salvini even spoke of a hostile act (ibid.). This behaviour, as well as a meeting between Meloni and Scholz, seemed to have an effect. Scholz later distanced himself from the financing of private sea rescue (Der Spiegel, 2023, October 10). In consequence, we find that even if single governments intend to use their leeway to support private search and rescue organisations, bilateral relations and concerns have the potential to affect the actual implementation.

Although less visible in the public debate, the initiative of an Expert Roundtable on "Search and Rescue in the Mediterranean: Perspectives from Civil Society" in May 2023 was an unusual political event. German Foreign Minister Annalena Baerbock hosted this expert roundtable together with the General Director of the International Organisation for Migration (IOM), Antonio Vitorino. The event took place at the German Ministry of Foreign Affairs in Berlin and was attended by nearly 100 participants from international organisations, NGOs, academia, and think tanks. The aim of establishing this dialogue was to channel the demands of civil society on SAR in the Mediterranean into the European processes: "Besides the coast guards, private search and rescue organisations make an important contribution to save lives […]. One of the aims of the event in the Federal Foreign Office is to ensure that civil society voices and proposals are heard in Brussels" (Federal-Foreign-Office, 2023). While the concrete impact of this event on the situation of refugees and irregular migrants left to die in unseaworthy boats in the Mediterranean remains unclear, the initiative can be interpreted as an attempt by the Foreign Minister to acknowledge the work of private NGOs and to recognise them as relevant actors in the context of SAR in the Mediterranean.

During the event, as well as in other contexts, representatives of the current German government emphasised their shared view with civil actors on their humanitarian demands and the claim to end the loss of lives in the Mediterranean Sea. They also present themselves as critical of the legal charges against crew members

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in Italy, as they have considered using the grant to support defendants in criminal proceedings.

It becomes clear that these measures taken by members of the German government stand in contrast to some of the policies of the Italian government. However, the bilateral relationship has the potential to influence the implementation and scope of these measures. Besides, the dissent is also among the German coalition members, as is evident in the case of the financial grant. At the same time, we see that the measures by members of the German government also (as in the Italian case) raise the question of the role of civil society and the cooperation between political actors and NGOs. Although some NGOs are sceptical about the grant and the roundtable, the initiatives indicate a symbolic effort to acknowledge SAR NGOs as relevant actors in the EU border regime and to include them to a certain extent in the political realm. However, it remains an open question to what extent these policies will be translated into concrete border practices, given the fact that Germany is not a coastal state and that there is a strong will for unity at the European level to implement further restrictive measures in EU asylum policy.

5. Conclusion

As these first insights into the public and political debates on civilian SAR in Italy and Germany have shown, the recognition of SAR NGOs as actors of the EU border regime is contested. The involvement of private rescue organisations in the Mediterranean can be seen as a temporary result of ongoing conflicts over the reception of refugees and irregular migrants in the EU. We assume that members of the German government take up on the role of civil society actors somewhat differently, as there is a specific history of civil society involvement and cooperation with state actors in the reception of migrants (Hamann & Karakayali, 2016).

The discussion of these two equally recent and different cases is not intended to draw general conclusions for "a German" and "an Italian" position. Rather, the insights into the debates strengthen our assumption that the way SAR in the Mediterranean is discussed differs between national contexts, while at the EU level researchers have observed broad agreement on border policies such as outsourcing (Farahat & Markard, 2020). It remains to be analysed to what extent different national approaches and local policies become an issue in bilateral disputes, but also in concrete border practices.

The interconnectedness of the cases shows that the transnational and EU dimensions are also relevant. The insights into these two cases of national debates illustrate the wide range of positions rallying around the SAR NGOs. In our further empirical research, we expect to find references to all five conflicts in problem-centred interviews with (civil) society actors taking positions on (civilian) SAR. Our ongoing study will shed light on the dissent on private SAR mission in Europe and clarify the underlying issues at stake.

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An examination of the different positions suggests that in the dissenting opinions over private SAR missions different key principles of what democracy is or should be are negotiated. These include the priority of human rights, refugee protection, or national security as well as different positions on the responsibility of the state and the role of civil actors for a democratic society. They also address the design of the European Union and (desirable) relations between member states. The tensions both between and among German and Italian actors, show that broader conflicts crystallise in the dissent on the (civilian) search and rescue in the Mediterranean proves valid. Over the next two years, the ZivDem project will continue to explore in more detail the conflicts that actors refer to in the debates on SAR in the Mediterranean, as well as their visions of European democracy. Our approach at the intersection of democracy and migration studies aims to complement the academic debate on SAR NGOs by examining the mobilising effects that the intervention of a small group of activists has on the discourse in the wider (civil) society.

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