Shaping the Discourse: How Search and Rescue NGOs Got Under Fire in the Debate on Migration

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Abstract: Following a drastic increase of migration from Libya towards Italy, the fatalities on this route increased, and members of the civil society founded search and rescue organisations to respond to the situation. The public discourse in Europe and Germany about migration and the role of search and rescue NGOs is heavily polarised. This research was aimed at understanding the causes for this polarisation by conducting a Qualitative Content Analysis of German national news articles. In the last years, the focus shifted from the necessity of a humanitarian response towards the necessity to secure the EU external borders. Search and rescue organisations have been framed as a threat to border security rather than as humanitarian actors.

Keywords: Maritime migration, Central Mediterranean route, search and rescue, NGO
Stichwörter: Maritime Migration, Zentrale Mittelmeerroute, Search and Rescue, NRO

1. From Search and Rescue to Protecting Borders

As early as 2011, the Mediterranean was referred to as the "most deadly stretch of water for refugees and migrants" (UNHCR 2012). Italy as frontrunner responded to the situation with the military-humanitarian mission *Mare Nostrum* focusing on saving lives at sea in October 2013. Facing an immense economic and political burden, it was able to set the agenda during its EU presidency in 2014 and pushed towards an EU operation co-ordinated by the European Border and Coast Guard Agency *FRONTEX*. The EU launched operation *Triton* on 1 November 2014, one day after the suspension of *Mare Nostrum*. However, due to opposing opinions of Member States it had a changed character compared to *Mare Nostrum* (Carbone 2015: 87; Fernández 2016: 100; Panebianco 2016: 16).

The replacement of the mainly humanitarian mission was heavily criticised, primarily due to the drastic reduction of the operational area and the number of assets. Authors like Tazzioli (2016) and Heller and Pezzani (2016) identified a resulting *rescue gap* or *SAR vacuum* causing numerous shipwrecks, including two unprecedented cases in April 2015 with an estimated number of 1.200 deaths. Several of the SAR NGOs[1] describe these large incidents as main motivator for their founding.

An important voice after the suspension of *Mare Nostrum* were ship owners whose ships increasingly had to render assistance to ships and crews in distress due to their obligations pursuant to the law of the sea (see article 98 United Nations Convention on the Law of the Sea). Under the growing public and political pressure, the European Council decided in June 2015 to launch a military operation *European Union Naval Force Mediterranean (EUNAVFOR MED)*, covering the affected area completely again.

Despite that some claim that the new EU mission's mandate constituted a shift from *search and rescue (SAR)* to *border control and surveillance* operations (Fernández 2016). Seehase (2013: 250, 261ff.) argues that the priority of *FRONTEX* is effective protection of borders and not protection of refugees or migrants. Therefore, the concerted strengthening of the border protection agency can be taken as an indicator for this shift as well.

Another effort taken by the EU since 2016 is the capacity building of the Libyan Coast Guard. This is criticised by civil society organisations for being aimed at intercepting boats before they leave Libyan territory rather than focusing on humanitarian assistance. Various aggressive confrontations of Libyan Coast Guard and NGO vessels, with gunfire from Coast Guard ships, are fuelling these critical positions (NY Times 2017).

The political response to migration into Europe after the so-called refugee crisis in 2015 was diverse and highly volatile. Schneider (2016) identified this lack of consistency as one of the triggers for the high polarisation of the public debate on migration. The reactions towards civil society search and rescue organisations where similarly in a state of flux and created an equally tense discussion. Heavy criticism from NGOs towards the European policymakers where answered by allegations from government officials. Today, there seems to be a deep trench between humanitarian actors and states, and the topic is dividing the European society.

This article analyses how and why the public discussion about saving lives at sea by civil society organisations has changed throughout the last years. This will contribute to a better understanding of the conflict between states and SAR NGOs. If the ambivalence between the necessity to manage the humanitarian crisis and the importance of fighting smugglers is accepted bilaterally, the discussion can be brought back to a constructive level. This would allow to address necessary steps towards the achievement of the common main target of not only tackling the symptoms but the root causes for the situation.

2. How Did Civil Society Organisations Step into the SAR Regime?

The main migratory routes towards Europe shifted from the Aegean Sea to the Central Mediterranean from 2015 to 2016. This is still valid in 2017, even though the flows from Libya

1 The SAR NGOs described in this article are humanitarian organizations doing Search & Rescue (SAR) in favour of migrants.

to Italy dropped significantly. In 2018, the downward trend on the Central Mediterranean route continues, while on a European perspective, arrivals to Greece and Spain are increasing.

This article focuses on SAR activities in the Central Mediterranean. The Italian Maritime Rescue Coordination Centre (MRCC) is handling the majority of operations in this area. While in 2015 Italian vessels conducted the majority of rescues, from 2016 on, the NGOs were the main actors in the area. In 2017, they conducted 46.601 rescues, which is close to the combined 53.571 by *EUNAVFOR MED, FRONTEX*, Italian Coast Guard and Italian Navy (Mediendienst Integration n.d.). Additionally the Libyan Coast Guard started operations in 2016 and increased its activity and share of operations until today.

Figure 1: Development of Search and Rescue Organisations; Sources: Dataset from IOM (2018)

In its 2016 annual report, the Italian Coast Guard (Guardia Costiera 2016: 6) states that NGOs were "coordinated by MRCC Rome with the goal to contribute to S.A.R. operations in favo[u]r of migrants." Still in early 2017, the Coast Guard publicly commented that NGOs were helpful and cooperative partners within the SAR regime (Giovinazzo 2017). The next annual report simply asserted a decrease of NGOs "due to various motivations" without further comment (Guardia Costiera 2017: 19).

In fact, in 2017 various steps by authorities put pressure on the NGOs. The Italian government presented a highly controversial Code of Conduct (COC) which was not accepted by NGOs as it was deemed to be "breaching the obligations states and shipmasters have under the law of the sea"[2] (Human Rights Watch 2017). Beginning in summer 2017, Italian authorities launched criminal investigations against NGOs.

Based on an expert survey, Irrera (2016: 30-34) describes that initially civil society engagement in search and rescue was considered very useful as a supplement to actions of governments and international organisations. Thus, NGOs have been regarded as embedded actors within the humanitarian crisis by other SAR actors as well as experts.

The following diagram illustrates the founding of SAR NGOs following a sequence of large events early 2015 (boxes indicate the time span of the operations, arrows indicate the time from founding until the start of operations). The numbers of fatalities are reported by the IOM, and it is difficult to estimate the actual numbers for unreported deaths, or figures for the departures from Libya due to sporadic data collection caused by the circumstances. When the NGOs started operating, the proportion of deaths resulting from large scale events fell from 63% in the first half of 2016 to 42% in the same period in 2017 (IOM 2017: 3). At the same time, it can be assumed that
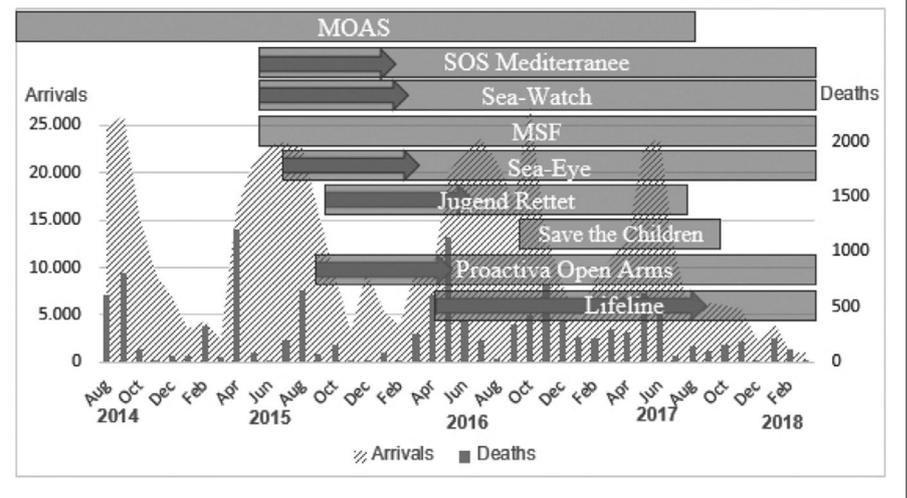
the number of unreported fatalities decreased due to a higher presence of vessels and better reporting.

Most of the operations are referring to basic humanitarian principles as the main motivation for their founders and supporters. Nevertheless, different shades of political motivation can be found in their agendas. While some describe themselves as unpolitical organisations, others share the opinion that humanitarian work cannot be separated from the causes that make the work necessary (Cuttita 2017: 9-10). Humanitarian NGOs, in general, are working in a context where emergencies require immediate action and it is difficult to address structural causes, while supplying aid (Ibid.: 5). Therefore, some of the NGOs, explicitly put effort into advocacy networks. A common political criticism is the lack of opportunities for legal migration into the EU. The UNHCR and policymakers also highlighted the necessity of channels for refugees to access territories where they can find protection (UNHCR 2013; European Political Strategy Centre 2015).

In addition, the organisations regard themselves as the eyes of the civil society at sea. As Refai (2017: 27-28) identified, they want to put pressure on European state authorities to adhere to their legal duties of assisting boats in distress within their responsibility, document human rights abuses and collect testimonies from the rescued persons.

Most of the organisations recruit their support from nationals of their respective countries. Yet, they are part of a transnational society movement. These movements are frequently described as organically growing networks formed in a bottom-up approach by individuals who react to humanitarian suffering (Bob 2010: 134). This is a characterising element for the concerned initiatives as well. Jünemann (2002: 90) describes a behaviour of civil society actors where the same actors are fluctuating between anti-system opposition and positive engagement with state authorities. For the SAR NGOs the primary aim is to serve the welfare, i.e. saving lives. At the same time, while standing in and fulfilling state responsibilities for them, they are arguing against this very fact and fighting for a complete change of EU migration policy.

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2   One major issue was an absolute prohibition to enter Libyan territorial waters, which could force shipmasters not to conduct a rescue against legal obligations when a vessel in distress would be sighted inside Libyan waters.

3. How Did the Discussion about Civil Society Search and Rescue Organisations Develop?

A qualitative content analysis of German media articles was conducted in order to identify and summarise main arguments in the discussion within two separate periods.

The arrivals to Italy jumped significantly in May 2016. Additionally, most of the NGOs started their operations in early 2016 and have been active in the SAR zone, off the Libyan territorial waters, in May. Therefore, the analysis for 2016 is based on a 14-days period from 16 May 2016 to 29 May 2016 covering one week before and one week after a series of events with at least 880 victims.

A definite indicator for criminal allegations against SAR NGOs was the arrest of the *Iuventa* on 2 August 2017. This event has been chosen to determine the second period for analysis from 24 July 2017 to 7 August 2017. This period also includes the public discussion about the COC proposed by Italy.

In order to cover a spectrum of German public discussion, articles from three national daily newspapers have been analysed: the *Frankfurter Allgemeine Zeitung (FAZ)*, a rather conservative outlet, the rather liberal *Tagesspiegel* and the tabloid *BILD*. All articles referring to the search terms "Seenotrettung" (Sea Rescue) and "Mittelmeer" (Mediterranean), as well as "Migration" and "Mittelmeer" within the two periods were retrieved for the analysis.

When analysing securitisation processes attention has to be given to clear securitising language as well as to the use of metaphoric language that connects the discussion about certain issues to other threats. Therefore, the following coding guidelines were used to objectivise and categorise elements that characterise the discussion.

Figure 2: Coding Guidelines

Category	Definition	Anchor Example
Focus on security	Reference to cross-border criminality or law-enforcement; Reference to the protection of borders or their integrity; Use of language focused on threats and security matters	„500 bis 1000 Soldaten sowie Schiffe, Drohnen und Hubschrauber sollen Schlepper bekämpfen und Flüchtlinge kontrollieren." (500 – 1000 soldiers, as well as ships, drones and helicopters are to fight smugglers and monitor refugees.)
Focus on Humanitarian needs	Reference to humanitarian principles or the duty to rescue at sea; Use of language focused on rescue or helping	„In den letzten Wochen wurden immer wieder erschöpfte Flüchtlinge von der italienischen Küstenwache aus völlig überfüllten Booten gerettet." (Within the last weeks, the Italian Coast Guard repeatedly rescued starved refugees from overcrowded boats.)
Signs for Cooperation	Cooperation between state and non-state actors and/or under supervision of MRCC Rome; no differentiation of actors	„Rettungskräfte und Organisationen mehrerer Länder hätten die Menschen teils aus kleinen Schlauchbooten aufgenommen" (Rescuers and organisations of several nations rescued the people from small boats."
Signs for Non-Cooperation	Non-cooperation between state and non-state actors and/or authorities	„Die Behörden werfen der NGO damit auch mangelnde Kooperation vor." (The authorities therefore also accuse the NGO of lacking cooperation.)

3.1 Media coverage in the first period (2016)

The security-related content within the period in summer 2016 was often referring to the EU-Turkey deal, which was rather described as a success for that particular region. However, various passages linked the rising number of arrivals in Italy to the deal: the *BILD* warned that consequently, Italy would be turned into the main gate for migrants. Another point included in various passages was the necessity for law enforcement operations against smugglers and traffickers. *FAZ* describes their methods as ruthless ("skrupellos"). Manfred Weber, Head of the conservatives in the European Parliament, argued that all possible means, including the use of force, had to be taken to destroy their business, if needed also in Libyan territorial waters.

The passages that have a humanitarian focus often related to the dangers of the route, the tragedy of the shipwrecks and the efforts to conduct SAR operations. The Tagesspiegel called the Central Mediterranean a death trap and despite the necessity to fight smuggling and trafficking, Counter Admiral Enrico Credendino, operation commander for mission *Sophia,* stated that at sea there is only one moral law that must never been forgotten: whoever is in distress needs to be rescued. Generally, the coverage moved around the humanitarian crisis with a focus on the victims and survivors, including detailed stories about individuals. The *BILD* reports at length about the birth of a child on board the *Aquarius*, the *FAZ* reports about Pope Francis meeting orphan survivors and praying for the victims. The then Italian prime minister Matteo Renzi calls for a coordinated development strategy for the countries of origin, in addition to search and rescue operations.

The only identified sign of non-cooperation was an apparent lack of communication between the EU navy forces and an organisation in one specific case. Reports about rescues frequently did not distinguish between rescues conducted by civil society organizations, commercial vessels and state-assets.

3.2 Media coverage in the second period (2017)

In the second period, there was a strong discussion of the role of the NGOs within the security related passages. Frequently, there were references to the criticism that they would be operating too close to the Libyan territorial waters and constitute a pull factor. The *BILD* goes even further and argues that some NGOs literally seem to take over people from the smugglers and traffickers. This criticism is quoted within the reports about the seizure of the German rescue vessel *Iuventa*. In this context, the Italian prosecution announced that there was evidence for encounters between crewmembers and traffickers or smugglers. Another focus of the coverage lay on the importance of EU external border security, through the strengthening of *FRONTEX*. According to a passage from the *Tagesspiegel,* due to the lack of support from the member states, Frontex was so underfunded that the external border was full of holes like a colander.The German State Secretary in the Ministry of the Interior, Ole Schröder, demanded to turn away economic migrants already in Africa, in order to reduce migration towards Europe.

In the humanitarian context, the arguments were moving around two main issues: first, the undisputed necessity to conduct

SAR operations from a maritime law as well as a humanitarian perspective; second, the human rights situation in Libya, relating to the questions whether the rescued people could be brought back to the places of departure and whether asylum-seekers could be registered and detained in Libya or other northern African states.

Another major topic in this period was the proposed Code of Conduct for SAR NGOs. The reporting was that the majority of NGOs were not signing the proposed set of rules, which creates a tenor of non-cooperation. However, for example, the *Tagesspiegel* also comments that the proposed COC might not have been in accordance with international law. In relation to the seizure of the *Iuventa* the Italian general attorney, Ambrogio Cartosio, stated that he believed in the humanitarian motivation of the organisation, however he said they were not rescuing but taking over people.

3.3 Summary

The content is fundamental for the evaluation of a securitisation process, anyhow, the related securitisation moves can also be identified by increasing numbers in media coverage as discursive features (Watson 2009: 31). The following tables give an indication of the shift from a focus on humanitarian needs towards being more concerned with security related matters within the specified periods. At the same time, there is an increased reporting of signs of non-cooperation of SAR NGOs.

Figure 3: Category Statistics, 1st Period (16 May 2016 – 29 May 2016)

Source	Number of articles	Coded Passages			
		Security Focus	Humanitarian Focus	Cooperation	Non-Cooperation
FAZ	5	7	18	3	0
Tagesspiegel	3	6	14	3	1
BILD	9	31	36	7	0
Total	17	44	68	13	1

Figure 4: Category Statistics, 2nd Period (24 July 2017 – 7 August 2017)

Source	Number of articles	Coded Passages			
		Security Focus	Humanitarian Focus	Cooperation	Non-Cooperation
FAZ	10	43	14	0	7
Tagesspiegel	7	49	23	3	7
BILD	3	14	7	0	1
Total	20	106	44	3	15

The qualitative analysis of main arguments showed that the discussion in 2016 was mainly about the situation itself and the large numbers of victims on the Central Mediterranean, whereas in 2017 the discussion was strongly centred on the potential measures to reduce the number of arrivals.

Pallister-Wilkins (2015: 54) describes an increased use of humanitarianism within the discourse and practice of European border policing. She identified the practice of humanitarian framing by policymakers and security actors in order to legitimate police activities like interceptions at sea or operational concepts.

The discussion in 2017 showed the same framing, for example, within Ole Schröder's call for hot spots in northern Africa. Emmanuel Macron used the same humanitarian framing when speaking out for the registration of refugees in hotspots in Libya in order to prevent them from taking the risk of the crossing. A measure to reduce the arrivals to Europe is put into the context of protection for the asylum-seekers, although at that time and still until today, it was commonly accepted that the human-rights situation in Libya would not allow protection for migrants at all. The proposed measure therefore rather seems to be a deterrent. Similar to Bigo's (2006: 89-90) paradox of protection, between the protection of the individual person and the protection of borders, Roos and Orsini (2015: 3) consequently argue that there is an EU border paradox: they stipulate that the actual border control policies are antagonistic to the principal EU commitment to the legal framework for asylum protection.

The pull-factor argument has a similar framing. The NGOs are blamed to be cooperating with the smugglers or traffickers and are therefore assumed responsible for the victims. Through this argument, they themselves are made responsible for the humanitarian tragedy, while at the same time there is the perception of them being a threat towards the integrity of the EU external border, which both legitimates initiative against them.

4. Conclusion

SAR NGOs in the Central Mediterranean have been facing a shift of their public perception. The Italian authorities have initiated legal steps against NGOs in various instances without any outcome. Nevertheless, these accusations were largely covered in the media, and members of different NGOs stated within background talks that they consequently observed a drop in support and especially in terms of plummeting donations. Since the new Italian government took office, the conflict between NGOs and state authorities escalated further and the European member states are still struggling to agree on a common direction in their asylum and migration politics. Migration is the key political topic in Europe today and the discussion about SAR NGOs has a prominent role. The latest escalations in Italy are clearly motivated politically. The newly elected government in Italy announced to close the Italian ports to NGO vessels, while Malta continued not to allow disembarkations and the governments of the EU member states fought conflicts over the obligation to take in migrants (Harlan 2018). By the beginning of July 2018 no civil society search and rescue vessel was operational. Therefore, one could argue that these measures are the escalation of political efforts to close the route following still unsuccessful criminalisation efforts. However, this latest escalation also hit the American warship USS *Trenton* and the container vessel MV *Alexander Maersk* who also were in limbo after they had conducted rescues (efe 2018; Tagesschau.de 2018).

There is undisputed legal obligation to assist boats in distress according to article 98 United Nations Convention on the Law of the Sea. It is also undisputed that the concerning boats are generally regarded as boats in distress due to the lacking capacity to reach a safe place without external assistance (Rah 2009: 102). Rah also elaborates, that neither the status of distress nor the fundamental right for protection of refugees are in any way

affected, even if it would be argued that the situation of distress at sea is created on purpose. Nevertheless, the public discussion increasingly disregarded the necessity for search and rescue and the focus shifted towards the necessity to protect borders. The content analysis showed that this was driven by securitisation efforts. Additionally, a practice of humanitarian framing by policymakers and security actors in order to legitimate police activities like interceptions at sea or operational concepts has been identified.

The NGOs find themselves in a moral dilemma: they are conducting a humanitarian action by rescuing people from boats that would otherwise die, on the other hand they became a part of the system and cannot just pull out (Schultz 2017). Anyhow, this fact, that from a humanitarian perspective it is not possible to simply stop the operations in order to stop the trafficking has not been represented in the public discussion. In the analysed speech acts, NGOs are simply blamed to be a pull factor and threat to European border integrity and therefore have to be stopped. As the latest escalations have shown, the death toll on the existing route rises in the absence of rescue assets, and furthermore smugglers and traffickers are moving to other routes. Different studies of periods from *Mare Nostrum* until today showed that the presence of SAR assets, did not serve as a pull factor but death rates decreased significantly when larger efforts for humanitarian search and rescue were made. Indeed, from November 2013 until December 2016 the highest numbers of arrivals were registered in "low-SAR periods"(Heller & Pezzani 2016) while mortality rates were substantially higher (Steinhilper & Gruijters 2017; Arsenijevic, Manzi & Zachariah 2017). Generally, if migration is analysed by push and pull factors, it has to be seen that there are more powerful reasons for migration: for example, drivers like wars and poverty and main attractors like welfare, work opportunities and respect for human rights (Heller & Pezzani 2018).

Obviously, there is no consensus on the topic of migration between the member states of the European Union and on the issue of solidarity. If solidary mechanisms would be achieved to take the burden of southern European states by relocating arriving migrants based on valid asylum claims or an immigration legislation, the current deterrence policies would be rendered obsolete. Although this would still not improve the situation regarding migrants not covered by the Geneva convention, a more effective focus could then be put onto the protection of migrants and the protection of borders (Roos & Orsini 2015: 4). At the same time, as long as people are trying to cross the Mediterranean, search and rescue efforts have to be taken, in order to guarantee the protection of migrants. The legal framework for search and rescue as well as the refugee law does also include the duty to disembark rescued people in a place of safety. As long as the situation in northern African states does not guarantee a protection of human rights, these ports will have to be in Europe (IMO, ICS, & UNHCR 2015). The establishment of protected areas in northern Africa could solve that issue, however it has still to be questioned why northern African states should want to be responsible for a European challenge. Extended development cooperation or financial compensation as within the EU-Turkey Deal could be a model, however several of the northern African states as well as the African Union already dissaproved such European plans (Euractiv 2018).

This research, however, was not able to explain why the criticism within the discourse is solely articulated against the civil society search and rescue organisations while state assets conduct search and rescue activities without being targeted. In fact, civil society vessels were constantly forced to gradually replace the retreating state assets and then blamed for the exact same operations. The popular claim to return rescued persons to northern African states as well seems to be only targeted against NGOs, although EU state vessels do also not hand over people to the Libyan coast guard and disembark rescued persons in EU ports due to human rights obligations. One explanation could be that the discussion is mainly influenced by state actors, while the same actors launch criminal accusations against the organisations. Future research could explore how this differentiation within the discussion is sustained.

In order to elaborate further on the identified securitisation tendencies, it would be worth to pursue continuative studies on a larger sample of media outlets, including other EU member states and an extended period of analysis. Future studies should also aim at identifying the effectiveness of latest policy measures to close European borders and their effect on the smuggling business. As Paolo Campana's (2016) analysis showed there is no unique model for the functioning of smuggling markets. Attempts to stop smuggling by disrupting one operational model do not seem to have good prospects. After the closing of the Balkan route, with the intention to fight illegal migration, actually the smuggling activity along the route went up (Achilli & Sanchez 2017: 3-4). It would be worth evaluating the effectiveness of closing maritime routes on the presence of smuggling markets.
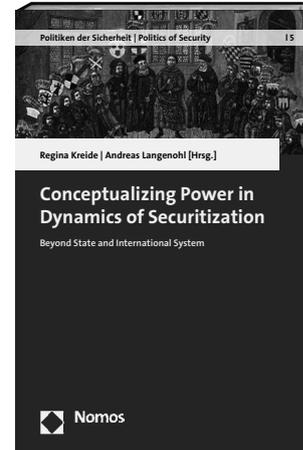
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