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on the Mediterranean Sea.
An Analysis of Key Actors' Discourse“

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I. Introduction

"We have to be humane without creating a pull-factor, and the only way we know of doing that is closing the borders and taking help (to those countries), and not let in people who bring trouble."

– Viktor Orban

"The soul of Europe is humanity and if we want to retain this soul and play a role in Europe with these values then Europe can't simply decouple from the need and suffering."

– Angela Merkel

Beginning arguments with numbers is rigorous. Yet for the case study of this paper they are indispensable: over only the last four years, 17,000 people have died in the Mediterranean Sea – with dark figures much higher. (Missing Migrants 2018) Migrants and refugees have been attempting to cross the Mediterranean for many years and deaths have been recorded since the 1990s, but recently the numbers of crossings and deaths have increased so dramatically that this has been termed a “crisis”. The Oxford Dictionary defines ‘crisis’ as “a time of intense difficulty or danger” and as “a time when a difficult or important decision must be made”. The “long summer of migration”¹ (Hess, Kasparek et al. 2016) combines both these indicators: crossing the Mediterranean has been a matter of extreme danger for migrants and refugees as many boats capsized and people drowned. Additionally, the European Union was and still is forced to adapt and restructure its approaches to migration – and particularly boat migration – which has led to intense debate over causes and implications of “border deaths”² in the public, political and academic arena. Irregular migration has thus been put in the spotlight in the most macabre way: the countless deaths of people have of course attracted attention and criticism.

The EU as the most important political actor in this matter has been struggling for years now to find viable solutions: various meetings of the European Council, dozens of proposals by the Commission and

The initiating quotes are taken from a press conference from July 2018, see: Cuddy 2018.

¹This term describes what is commonly known as the “refugee crisis” of the year 2015. Scholars have argued that describing spatio-temporally limited ‘events’ as a ‘crisis’ can be productive as well as limiting because it does not allow the time for more considerate or debated responses. (Pallister-Wilkins 2017: 20) I have decided to use it instead of the latter because it focuses on the failure of European mechanisms to accept and host arriving migrants and refugees in an appropriate and humane way, rather than on migration as a crisis per se.

²The term “border deaths” refers to the deaths occurring at borders. VU University Amsterdam established a research project on migrants’ deaths at southern borders of the EU in the years 1990 to 2013, and developed a working definition: “People who have died attempting to migrate irregularly to Europe by crossing the southern external borders of the EU without authorization, whose bodies were found on or brought to the territories of Spain, Gibraltar, Italy, Malta or Greece” (Last 2015: 1) which can be used for this master thesis as well.

several debates in the Parliament have not been able to find solutions that prevent these deaths. This – among other things – reflects the increasing internal split of the Union: while some member states are more open towards migration and its consequences, others neglect even the possibility of taking in small numbers of migrants and refugees. The occurring deaths on the Mediterranean are the result of this discordance because as long as viable joint solutions cannot be found, migration has to be hemmed altogether – the dialectic reason for deterrence mechanisms the EU has been using in the Mediterranean.

To understand the debate surrounding boat migration and these deaths, I am writing this thesis paper. It will offer an insight into the discussions and show the various approaches to migration across the Mediterranean that have been established by both political and societal actors.

For the first time since the First and Second World War, the number of forcibly displaced people reached a new record high in 2015. Globally, more than 68.5 million people have now fled their homes in conditions of extreme vulnerability, with one person displaced worldwide every two seconds. (UNHCR 2018b) The consequential mobility today concerns all states across the globe: spaces become sending, receiving, transit and host regions and thereby matters of migration management for local, regional and state governments. Questions such as *Who controls territory, and in which way? Who is granted access and can move into that territory, and under which conditions?* and *How can immigration be controlled?* arise.

In Europe, these questions have gained importance once again since the early 1990s when concerns about immigration grew, especially in connection with security concerns. Both the security of those heading towards the continent and those living in European countries was and still is understood to be threatened – a debate that has been cumulating particularly in regard to the Mediterranean Sea. The external borders of the European Union in the Mediterranean have been subject of great discussion.

Even though globalization and its effects do challenge the sovereignty of states by limiting their capacity to control cross-border movements of people, states still have the main regulation control over borders as well as the ability to determine the membership in their political community by categorizing individuals. (Singler 2016) ‘Managing’ the “irregular migration” across the borders in the Mediterranean region thus lies most importantly in the hands of the European Union and its member states. Over recent years, and particularly since the long summer of migration, the EU has established mechanisms that enable stricter surveillance and control of borders. Those are supposed to save the lives of those attempting to cross the sea, in the form of search and rescue (SAR) activities. (European Commission 2016a)

As “border deaths” have kept occurring in record numbers, civilian actors have begun engaging in independent SAR activities as well. Several NGOs have deployed vessels to actively search for migrants and refugees in distress and rescue them from the waters. Their approach is mostly based on

humanitarian reasoning – that no one should be left to suffer and die at sea when this would be preventable – but also often on a political critique of the EU approaches. This is embedded in the constructivist understanding of the world according to which situations do not have one single interpretation and solution but instead can be perceived and acted upon in various way. The Mediterranean Sea has become such an area of conflict in which one side – the EU border politics, practices of deterrence and security – are at odds with its counterpart – humanitarian sea law and the rights of refugees and migrants. (Klepp 2011: 16) This “ambivalence” (Hajer, Laws 2006: 252) can be structured in two opposing ‘camps’: the “securitizing” and the “humanitarian” approach to migration. The discourse surrounding SAR activities is thus characterized by stark controversies which have noticeably intensified with time. The EU operations have been criticized for not saving all lives and having the main goal of securing the external borders, while NGO and civilian engagements have been accused of i.a. creating a “pull-factor” for migrants and refugees.

In this thesis paper I want to show the discussion surrounding SAR missions. I have therefore developed research questions that I will answer in each sub-summary and the final conclusion:

- (a) How are SAR missions discursively constructed in different contexts, and what narratives are developed by the actors?
- (b) How are the SAR missions labelled and interpreted?
- (c) What are the outcomes of the narratives surrounding SAR missions? How are they used to justify action?
- (d) How are the arguments of different actors related and intertwined?

Through a discourse analysis based on the works of Foucault, Jäger and Hajer I will analyze the statements, arguments and narratives of several key actors. These will be the European Union as *the* key actor in European politics, UNHCR and IOM as important international organizations for refugee and migrant rights, as well as Sea-Watch and Médecins Sans Frontières, among the first and most prominent NGOs patrolling the Mediterranean. In the timeframe of the years 2015 to 2017, I will use the statements of the actors according to a timeline along three important ‘discursive events’ – the shipwrecks close to Lampedusa in April 2015 (as a concrete incident), Operation Sophia and the cooperation with the Libyan Coast Guards (as a policy decision of the EU) and the current phenomenon of “criminalization” of civilian activists and NGOs. Finally, I will embed the findings of my analysis into existing research on the topic to understand how it can complement or review it.

Additionally, I have developed two hypotheses to function as underlying points of discussion:

- (a) The actors consciously use different wording and rhetoric to describe migration across the Mediterranean Sea and its corresponding incidents and phenomena.
- (b) The actors can be described as arguing inside two opposing discourse coalitions – a ‘humanitarian’ and a ‘securitizing’ one.

This thesis paper as a scientific work analyzes language as the fundament and allegory for political action: no political action can be taken without language playing the key part as the explaining and justifying component. In the case study of rescue mechanisms in the Mediterranean language thus not only tells us the history of the debate and explains what is happening, but also shows viewpoints and (macabre) calculation.

i. Terminology

In the realm of migration, and particularly when doing a discourse analysis as I will, I personally find it extremely important to not only define the used terminology precisely but also to be conscious about the wording. I thus want to shortly give detail of my chosen terms and how I understand them.

Oftentimes, the words *migrants* and *refugees* are used rather carelessly. Yet there are several differences: A “refugee” is a person who is outside their home country due to fear of persecution for reasons of race, religion, nationality or membership in a particular social group. (Art. 1(A) (2), Convention relating to the Status of Refugees, Art. 1A (2), 1951 as modified by the 1967 Protocol) A “regular migrant” is one who has migrated through recognized, authorized channels. (IOM Glossary on Migration, 2nd edition) An “irregular migrant” is one who entered a territory without authorization, breached a condition of entry or has an expired visa and thus lacks legal status in the transit or host country.³ An “asylum seeker” is a person who seeks safety from persecution or serious harm in a foreign country and awaits the decision on their asylum application. (IOM 2011) An internally displaced person (IDP) is one who has been forced or obliged to flee or leave their country of origin or place of residence to avoid the effects of armed conflict, violence, violation of human rights or disasters, and hasn’t crossed an internationally recognized State border. (UN 1998)

For the following work I will in most cases use the term “migrants and refugees” (unless the mentioned person’s status is particularly clear), as it is impossible to know which status the persons aboard the ships crossing the Mediterranean Sea had, have or will have.

The principle of *non-refoulement* is based in international human rights and refugee law, in treaty, in doctrine, and in customary international law, as it expresses the prevention of forced return to a country where a person has to fear prosecution. It has been defined by several international instruments relating to refugees, e.g. the United Nations Convention of 1951 Article 33 (1) stating “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Therefore, it applies to any formal recognition of refugee

³ Persons with such status are often referred to as “illegal” but this term carries a criminal connotation and ignores the hardships of flight and lack of alternative.

status or entitlement to other forms of protection and to the action of states at land or sea borders. (Goodwin-Gill 2011: 444) Particularly in the context of maritime operations, the importance of non-refoulement must be stressed. (UNHCR Executive Committee 2003)⁴

ii. Positionality

Another matter of importance to me is that of my positionality. Foote and Bartell write that “the positionality that researchers bring to their work, and the personal experiences through which positionality is shaped, may influence what researchers may bring to research encounters, their choice of processes, and their interpretation of outcomes” (Foote, Bartell 2011: 46).

My approach to writing this thesis paper is undoubtedly influenced by the past few years of my life: I have a background in refugee support work and have been actively involved in refugee rights projects for several years. These personal experiences have continuously exposed me to the stories and explanations of countless individuals who have suffered through the experiences of persecution, flight and particularly crossing the Mediterranean Sea as an often traumatic experience. Through the ‘exposure’ to these very personal stories I am critical of the EU’s approaches to migration management in general, their engagement in the Mediterranean in particular. Nevertheless, I find it important – not only from a scientific standpoint but also out of personal interest – to understand the perceptions, premises, motives and explanations of those who create these policies. This is why I began working in the field of migration studies (embedded in the greater context of global studies) and chose the topic of search and rescue operations for my master thesis.

Throughout the process of working on this paper I have attempted to be aware of my biases and approach the material and topic as neutrally as possible.

⁴ For case studies on interception and refoulement at sea, see Goodwin-Gill 2011: 450 f.

II. (EU) Borders and Territory

In the field of migration studies, borders, borderlands and the dynamics surrounding them are among the key components of analysis. Geography lies at the heart of every approach to migration studies, as border constructs, routes, distances and proximity, location and accessibility feature in all migration processes.

In our continuously globalizing world struggles over space and power are more important than ever. (Tuathail, Dalby 2002: 1) Borders and borderlands as socially constructed spaces therein function as demarcation lines, as “both a temporal and a spatial experience” (Benedixsen 2016: 538) that are continually performed and (re-)produced. Traditionally, borders were understood as the “edge of the territory, marking the point where it ends” (Balibar 2009: 109), as the way to contain disasters and to keep dangers outside of the territory. (Pallister-Wilkins 2018: 5) After the Cold War, various demarcations and less bordering processes were witnessed in many countries of the Global North, yet already in the early 2000s many argued for a shift of the relevance of territoriality towards becoming “as important as ever”, as continuously changing in forms, structures and techniques. (Balibar 2002: 84 f.) Today, these are described as one of the effects of 9/11: the attacks led politicians and authorities worldwide to consider “the meanings of lines dividing societies, nations, states and even cultural realms” (Paasi 2011: 2).

This is based on the premise that borders are biopolitical spaces as they enable processes of inclusion and exclusion. They are experienced differently depending on one’s legal status, country of origin, ethnicity, race, gender, age etc. (Anderson 1991; Balibar 2002) and are designed to include those who “have the right” to access the territory and space, and those who do not. The decisions about rights to access lie with governments and their bureaucratic personnel, such as border police and immigration officers. Concerning migration, the role of (re-)bordering is therefore essential in a state’s attempt to ‘manage’ and ‘control’ migration flows. Today the process of increasing physical barriers and security control while simultaneously ‘externalizing’ and ‘internalizing’ border management can be witnessed all over the globe.

In the European Union questions of borders have drawn great attention over recent years. While member states promoted cross-border cooperation and agreed on abolishing internal borders with the Schengen Agreement of 2005, the external borders of the EU have been strengthened continuously. Immigration has thus revealed two “unexpected although predictable contradictions of globalization” (Fassin 2011: 214): The circulation of goods was progressively facilitated, yet the (transnational) circulation of people became increasingly restricted for the majority of the world’s population. This “wall around the West” (ibid) is thereby characterized by restrictive immigration policies that lead to overwhelming numbers of “illegal aliens” (Nevins 2002) – individuals attempting to migrate without

legal pathways at their disposal, turning them “illegal”. During and since the long summer of migration, several European states have rebuilt frontiers that had previously been taken down⁵, and a strong increase of surveillance and protection of the external borders can be witnessed through various politics and policies that show the “selective openness” of borders. (Pallister-Wilkins 2018: 3)

Bordering processes today are mostly enacted by border police forces such as Frontex, the European Border and Coast Guard Agency. Their work is meant to reduce “the inherent dangers of the circulation of populations through processes of capture that bring people under the sovereign control of the state” (Pallister-Wilkins 2017: 21). According to Foucault, the focus on the population as the subject of policing practices falls into the sphere of ‘security’ rather than traditional ‘defence’: the “problem [...] is no longer that of fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, sifting the good and bad, [...] but in such a way that the inherent dangers of this circulation are cancelled out.” (Foucault 2009: 65)

Geography plays a central role in bordering processes: techniques must be adapted to the territory they are supposed to control. In the case of the EU’s external borders in the Mediterranean Sea, countless individuals have died in their attempt to cross the sea borders. These borders have thereby become the deadliest border in the world. To prevent these deaths, search and rescue activities of people in distress at sea have become part of border policing methods of European forces and are operated in national and international waters. Not only ‘official’, state-led operations have begun operations in the Mediterranean but also patrols led by civilian actors such as NGOs, humanitarian activism has become a part of the discussion. William Walter argues that humanitarianism takes an interesting place in border regimes as it somewhat de-territorializes them – it is not bound to one territory or sovereignty and thus unsettles “certain norms of statehood” (Walters 2011: 138). Yet it also enables new spaces: it can redefine certain localities as “humanitarian zones” and crises as “emergencies” (Calhoun 2004), which produces specific times, spaces and types of care (Pallister-Wilkins 2018: 1) and materializes in various situations. (Debrix 1998)

In order to discuss SAR engagement and methods and their perception, the following chapter will first give an insight into migration patterns across the Mediterranean Sea.

⁵ (...) e.g. Greece built an additional razor fence in 2012, and both Serbia and Hungary sealed their borders inside the Schengen area in 2015), marking the efforts to, “if not control, then at least divert or deter migrants” (Benedixsen 2016: 538).

III. Migration across the Mediterranean Sea

The Mediterranean Sea has been one of the most dynamic places of interaction in the world shaped by the meeting, exchanging and trading of different cultures, ideas and societies. Migration to Europe accordingly is in no way a new phenomenon: for centuries people have migrated from, to and in Europe for various reasons, yet also often after persecution and conflict or looking for economic security.

The reasons for migration to Europe can be described as a reflection of a set of historical, economic, social and demographic dynamics. Since the world population has quadrupled over the 20th century greater migratory movements exist that consist of migrants, asylum seekers and refugees and make the Mediterranean basin not only an economic, demographic and geopolitical fault line, but also one of the world regions where migration pressures are “most keenly felt” (King 1996: 3).

As described above, many European countries have in turn “hardened” or even closed their land borders, for example through increasing surveillance, border guarding and fences. (Klepp 2011) In turn, those attempting to reach European soil have used several routes across the Mediterranean. Today, the most frequented routes are generally known as the “Central Mediterranean Route” (CMR) from Libya, Tunisia and Egypt to Italy, the “Eastern Mediterranean Route” (EMR) from Turkey to Greece and Bulgaria⁶, and the “Western Mediterranean Route” (WMR) from Morocco and Algeria to Spain.⁷



Source: The Economist, 21.04.2015.

Particularly crossing the waters of the Mediterranean Sea has been causing increasing death numbers as boats used by smuggling networks have decreased in size and security. Migrants and refugees are in most cases left alone on the boat without a member of the smuggling network, and the vehicles are old fisher boats or rubber dinghies. The Mediterranean has thereby become one of the spaces where

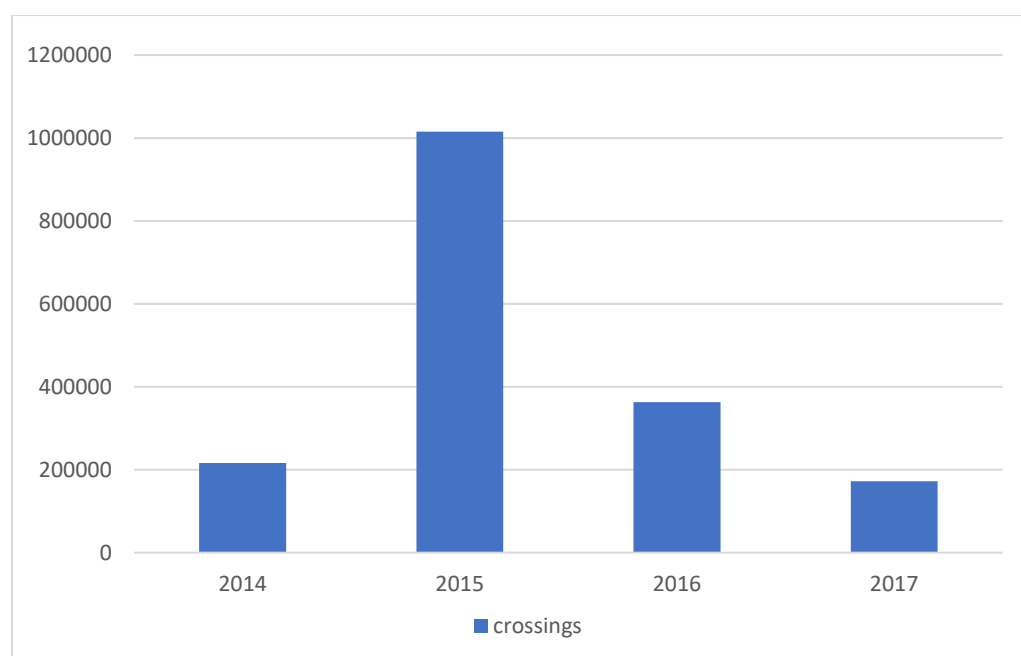
⁶ Since the implementation of the so-called “EU-Turkey deal” of March 2016 the Aegean route has been almost completely sealed.

⁷ Many short and less dangerous routes are not used anymore because of policing and military control, like that from Albania to Italy.

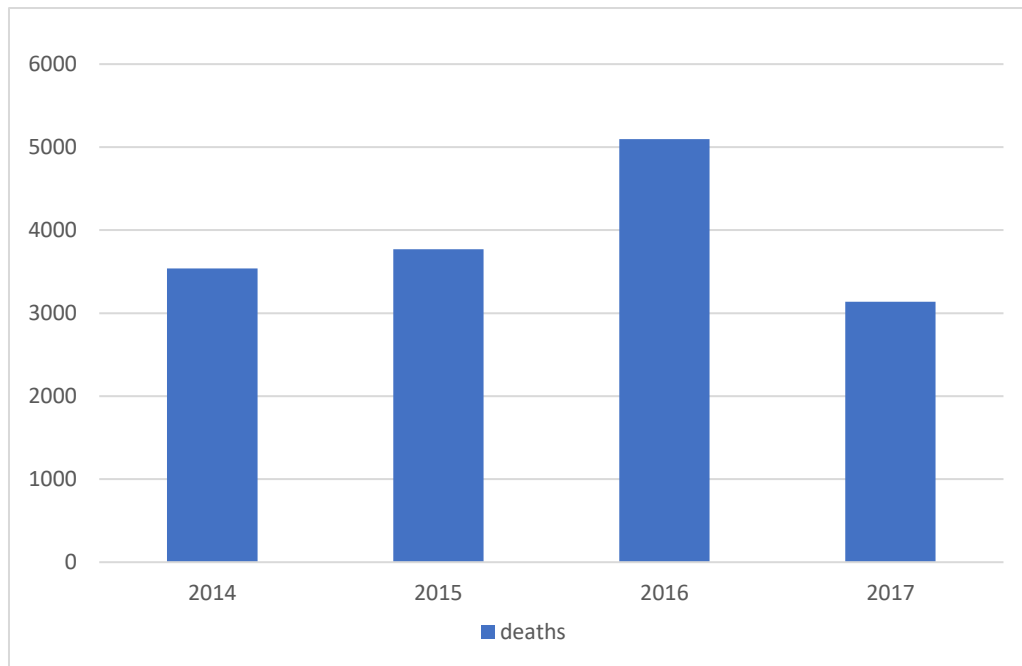
migrants and refugees lose their lives during hazardous crossings, turning it into the deadliest sea in the world. (IOM 2014)⁸

In 2015, the number of arrivals peaked, with more than a million individuals reaching the EU by sea and nearly 4,000 perishing en route. While the number of arrivals dropped to just over 356,000 the following year, the rate of dead and missing increased to more than 5,000. This is a significant proportion of the 7,763 total migrant deaths worldwide for the same period.

Visualizing the numbers in diagrams helps to clarify: while the numbers of crossings were by far highest in 2015 and dropped immensely in the years 2016 and 2017, the numbers of deaths of migrants and refugees have stayed almost the same and even rose in 2016 even though official and civilian SAR operations were already running.



⁸ According to the (relatively conservative) numbers of the International Organization for Migration, approx. 216,000 people crossed the Mediterranean Sea in 2014 while 3538 died; in 2015, approx. 1,015,100 crossed while 3,771 died; in 2016, approx. 362,760 crossed while 5,096 died; and in 2017, 172,300 crossed while 3,139 died. (<http://data2.unhcr.org/en/situations/mediterranean>)



Embedded in EU efforts to strengthen and secure its borders, initiatives were taken by EU institutions to hinder migrants and refugees from attempting to cross the Mediterranean or, if they were already on their way, rescue them from the vessels and bring them to the European coastlines. However, as rescue missions through European coast guards and other border policing initiatives were not sufficient to save all lives at sea – as the death tolls show – several civilian initiatives also began engaging in SAR activities in the Mediterranean.

For the analysis of this paper, it is important to understand the diversity of involved actors. The control over territory and the people that move into the territory of the European Union lies first and foremost in the hands of the lawmakers in the EU institutions and member state governments. These include most importantly the European Commission (headed by Jean-Claude Juncker) which proposes and enforces legislation and implements EU policies and budgets; and the European Council, consisting of the heads of states and governments of all member states and acting as the collective presidency of the EU, headed by Donald Tusk. Lastly, the position of High Representative of the European Union for Foreign Affairs and Security Policy is an important and influential position in the arena and has over the last years been taken by Federica Mogherini.

To ensure border controls, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, “Frontex”, was established in 2004 and has since provided additional technical support (in forms of equipment and staff) and led the coordination of joint operations and rapid border interventions. Its responsibilities include risk analysis, joint operations, rapid response, research, training, joint returns and information-sharing. (European Union 2018) In October 2016 it was renamed the “European Border and Coast Guard Agency” and has been receiving

increased budget and staff. (Frontex Annual Risk Analysis 2017: 7) Border surveillance herein remains the primary goal.⁹ While operations may contribute “to ensuring the protection and saving of lives”, their ultimate aspiration remains “to prevent unauthorized border crossings, to counter cross-border criminality and to apprehend [...] those persons who have crossed the border in an irregular manner”. (ibid: 1) Frontex is therefore the executive force of the official search and rescue missions of the EU operations. (European Parliament 2016: Art. 13)

SAR activities in European territorial and in international waters are coordinated through the Maritime Rescue Coordination Center (MRCC) in Rome. It connects emergency calls from vessels carrying refugees and migrants and establishes joint rescue operations with the help of cargo ships, EU vessels and the boats of civilian SAR missions.

While many human rights organizations and civilian activists have been highly involved in the reception of refugees and migrants upon arriving on European shores (UNHCR 2016), particularly UNHCR and IOM play an increasingly important role for SAR: both organizations support European law enforcement and immigration officers in EU harbors in their efforts to register and document migrants and refugees upon disembarkation, provide humanitarian care in detention and transit centers and – as will be shown in the following chapters – train security personnel and the Libyan Coast Guard on matters of human rights and refugee protection.

i. Policy Approaches to Migration across the Mediterranean

To “stem the migratory influx” over the Mediterranean over the years, many different approaches to migration have been developed by various actors. The following overview is an attempt to show the most relevant developments:

Since about 1990, European politics of border control have changed dramatically. The efforts of five EU Member States (Germany, France, the Netherlands, Belgium and Luxembourg) to expand the single market by abolishing the internal borders in the mid-1980s resulted in the Schengen Agreement, signed in 1985, which established common rules regarding visas, the right to asylum and checks at external borders. The special EU Council summit in Tampere (1999) initiated negotiations about the creation of a Common European Asylum System (CEAS) which was then succeeded by the Haage Program of 2004 and other actualizations. (Bendel, Petra 2009: 145 f.)¹⁰

⁹ As will be shown in the following chapters, a shift from humanitarian approaches towards more securitized responses by the European Union is clearly visible. There is a body of literature on the logics of care and control in policing of mobility (Albahari 2015; Fassin 2012; Williams 2015), as well as critical humanitarianism studies which focus on the contradictions of care and control in the practice of humanitarianism (Calhoun 2008; Weizman 2012).

¹⁰ These policy frames are embedded in larger approaches to the management of migration, such as the “Global Approach to Migration” from 2005 as well as cooperation agreements with non-EU states, such as the Rabat

Another approach of the EU to managing migration onto the European continent has been to increase cooperation with so-called “third countries” (non-EU countries) to support their efforts to regulate migration. This can also be described as a process in which borderlands were extended into the territory of these third countries and is therefore often called the “externalization of migration policies” (Morice, Rodier 2018). ‘Externalization’ describes the outsourcing of control mechanisms, e.g. surveillance and documentation. These co-operations or ‘externalization’ processes were included in European migration management efforts such as the 2008 “European Pact on Immigration and Asylum”, the 2010 “Memorandum of Understanding” between the EU and Libya, the increased Frontex cooperation with African intelligence agencies, the establishment of the “EU Emergency Trust Fund” in 2015 and the “EU Turkey Deal”. (ibid: 28)¹¹

Many have acknowledged the cooperation aspect and explained it to be necessary to structurally address the issue, while others have criticized it for pressuring said third countries into cooperation and burdening them with the main weight of ultimately surveilling the EU’s external borders. (ibid: 27) In many cases, these migration management procedures lead to the impossibility for refugees and migrants to reach European soil to ask for asylum.

The pressure on the European Union to adapt its policies for the Mediterranean increased when in October 2013 two catastrophic ship wreckages close to the Italian island of Lampedusa caused the death of more almost 400 migrants and refugees. The Italian government – without substantial support or funding by the EU and other member states – consequently established the navy operation “Mare Nostrum” in the same month specifically as a proactive Search and Rescue (SAR) mission to save lives at sea. After only one year of operation and the rescue of approx. 170,000 migrants and refugees from the high seas, however, Italy abandoned the mission due to lack of financial support and rising resentments, as it supposedly “created a pull-factor”. (Taylor 2015)

The EU then established the operation “Triton” in November 2014 – managed by Frontex and specifically declared not to be a substitution for “Mare Nostrum” – which functioned in a far smaller operation cruising radius and with even less budget than Mare Nostrum (see graphic below).¹² In the Eastern Mediterranean, the operation “Poseidon” which covered the Greek sea border with Turkey and the Greek islands was established to strengthen border surveillance and support Greece’s ability to save

Process (2006) and the Khartoum Process (2014, see http://europa.eu/rapid/press-release_MEMO-15-4832_en.htm).

¹¹ Recent focus has been lying mainly on so-called “migration compacts” with African states such as Niger, Nigeria, Mali, Ethiopia and Senegal which are designed specifically to ensure that these African states keep migrants and refugees from leaving their territory towards the European continent.

¹² One of the reasons for the smaller operation cruising radius is the ECtHR decision “Hirsi Jamaa and others v Italy” that once taken aboard European vessels, push-backs are not possible, and the passengers must be brought to European soil where asylum procedures must be initiated. (ECtHR Decision 27765709; Hess, Kasperek 2016: 10)

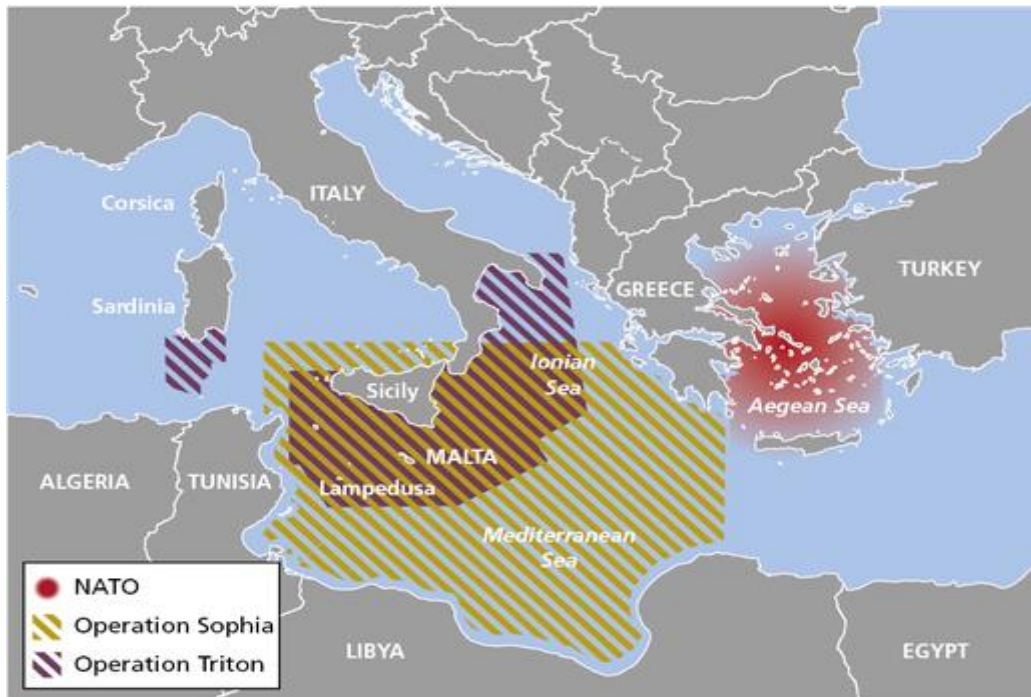
lives at sea. (European Commission 2016a)¹³ While according to the European Commission this led to a 250 % increase of rescues at sea (European Commission 2015b), shipwrecks nevertheless kept occurring leaving countless dead. (IOM 2015a)

In April 2015, the European Commission presented a ten-point action plan for migration “in response to the crisis situation in the Mediterranean” which included threefold financial support for Triton and Poseidon, joint action with third countries and methods against smuggling. (European Commission 2015a) While the initial Triton and Poseidon operations had not led to a decrease in deaths but instead migrant and refugee boats were still capsizing and causing deaths, the increased support for the missions showed immediate results: the numbers of drowned refugees and migrants fell to 68 in May (a quarter of the figure for May of the year before, 226) and to 12 in June (with the equivalent of 305 deaths in 2014). The Commission embedded this approach in the umbrella framework of the 2015 “European Agenda on Migration” for policies concerning migration due to the influx of the preceding years. The Agenda consists of four pillars: (a) “reducing the incentives for irregular migration”; (b) “a strong asylum policy”; (c) “saving lives and securing the external borders”; and (d) “a new policy on legal migration”. Concerning SAR particularly, the Agenda included the funding rise for Triton and Poseidon, information pooling by Europol and Frontex to “develop profiles of vessels traffickers could potentially use” and the “Common Security and Defense Policy” to capture and destroy boats. (European Commission 2015c)

Additionally, a navy operation titled “EUNAVFOR Med” (which stands for “European Union Naval Force – Mediterranean”; Council Decision (CFSP) 2015/778) was founded by the European Council in May 2015 to “identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers (...) and prevent the further loss of life at sea.” (EUNAVFOR Med 2018) This included boarding, search, seizure and diversion of all vessels suspected to be part of the human smuggling network, as well as supporting intelligence, surveillance and targeting activities. Saving lives should therein not be a priority, the Executive Director of Frontex declared. (Kingsley, Traynor 2015) Until June 2016, EUNAVFOR Med was mandated to operate in EU territorial and international waters only. In June 2016 its extension was approved through UN Security Council Resolution 2292 (2016) and renamed “Operation Sophia”. Member states of the EU were urged to combat, “by all means”, threats to international peace and security and thereby allowing the use of force (“to use all measures commensurate to the specific circumstances to carry out such inspections, in full compliance with international humanitarian law and international human rights law, as

¹³ For the Western Mediterranean, the operations “Hera”, “Indalo” and “Minerva” were established, but I will not look further into them for they are very rarely mentioned in official communiqués of European institutions or Frontex. An overview can be found here:
https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf

applicable”, §4, l.2). Operation Sophia was organized around four phases and supported by the training of the Libyan Coast Guard (“LCG”, agreed upon in the “Memorandum of Understanding” of August 2016) and the implementation of the UN arms embargo on the high seas off the coast of Libya.



Source: House of Lords: European Union Committee 2016.

Federica Mogherini also introduced the “Migration Partnership Framework” in June 2016 as an instrument of the EU member states, the EU institutions and third countries to “work together to better manage migration flows and strive for well-managed migration”. It consists of “short-term measures” (such as saving lives at sea and fighting trafficker and smuggler networks) and “long-term measures” (such as addressing root causes of irregular migration; European Commission 2016b).

In the EU, boat migration has thus become one of the threats identified as requiring a border security response. (ibid: 14) Search and Rescue in the context of EUNAVFOR Med is understood to lie in the realm of frontier / border control, “distilling a securitized understanding thereof, with the foremost concern being border management rather than the protection of life at sea.” (Ghezelbash et al. 2018: 12)

ii. NGO Approaches to Loss of Life in the Mediterranean

Because European coast guards and navy efforts were not able to cope with the influx of migrants and constant threat of ships capsizing, merchant vessels were increasingly forced to take over a large number of rescue operations. (Cuttitta 2017a: 114) Many human rights organizations also raised the

claim and critique that the European Union's policy decisions were focused on the security of European borders much more than on the right to live of refugees and migrants. (Hess, Kasperek 2016: 9) Cuttitta calls the actors involved in a "twofold process of humanitization and depolitization" (2017a: 115). As a result of these factors, two Maltese civilians established the "Migrant Offshore Aid Station" (MOAS) in 2014 to actively pursue SAR operations. In 2015, Médecins Sans Frontières (MSF) also developed SAR missions with their vessels "Bourbon Argos" and "Dignity". Two German families formed the organization "Sea-Watch" and purchased a vessel to search for migrants and refugees in distress in mid-2015¹⁴, and from 2016 on a number of NGOs followed suit so that a fleet of NGOs and private ships are now conducting 'civilian' SAR operations.¹⁵ They typically operate in a zone that is nowadays approx. 12 to 25 nautical miles off the Libyan coast in two different operating models: those with larger vessels (MOAS, MSF and SOS Méditerranée) conduct "fully-fledged SAR operations" (European Commission 2017a: 4) by rescuing migrants, taking them aboard and disembarking them in European ports. Those with smaller boats (i.a. Sea-Watch, Pro-Activa) reach the sites, distribute life-vests and assist the migrants and refugees until larger vessels arrive.

As the MRCC Rome is the responsible institution for coordinating the SAR missions in most of the Mediterranean Sea, all NGOs are in constant communication with it and each other, and 'diplomatic relations' have been established to other institutions as well. Frontex-coordinated EUNAVFOR Med for example has been organizing network meetings called "SHADE" – "a forum where representatives from nations and organizations interested in or impacted by the migratory phenomenon in the Mediterranean basin can meet to deconflict and coordinate their Maritime Security Operations" (EUNAVFOR Med 2018). The NGOs have thereby become part of the institutional SAR system and are recognized as important partners. (Cuttitta 2017a: 123)

It is important to state, however, that while the motives of the engaged civilian actors in the Mediterranean are all based on humanitarian values and understandings of migration, some have been more vocal and political than others. The Maltese organization MOAS has been open from the beginning of their engagement about the fact that they perceive themselves not as political actors, but as 'only' acting according to what they perceive their duty to provide aid and emergency relief. Sea-Watch, on the other hand, declares its work to be both humanitarian and political: In reaction to the second phase of EUNAVFOR Med, for example, it initiated its "Informationsoffensive zur Situation an Europas Außengrenzen" (information offensive regarding the situation at Europe's sea borders) by staging

¹⁴ In 2015, more than 22.000 of the total of 153,800 people who crossed the Mediterranean to Italy were saved by these three NGOs. (Cuttitta 2017a: 115)

¹⁵ This has been a dynamic process and various initiatives only recently joined the fleet, but some of the more renowned and often quoted organizations include SOS Méditerranée, Pro-Activa, Sea-Eye, Jugend Rettet, Refugee Boat Foundation and Save the Children.

political events in Berlin. (Sea-Watch 2015a) Sea-Watch and other NGOs have also harshly criticized the trends of externalization and increasing border security and surveillance, as well as the EU's approaches to migration across the Mediterranean.

Finally, it is important to mention that for the time frame of this analysis, NGOs and civilians were generally able to engage in SAR activities in the Mediterranean. Today (as of July 2018) this is not the case anymore which will be shown in the Conclusion chapter.

IV. Legal Conditions

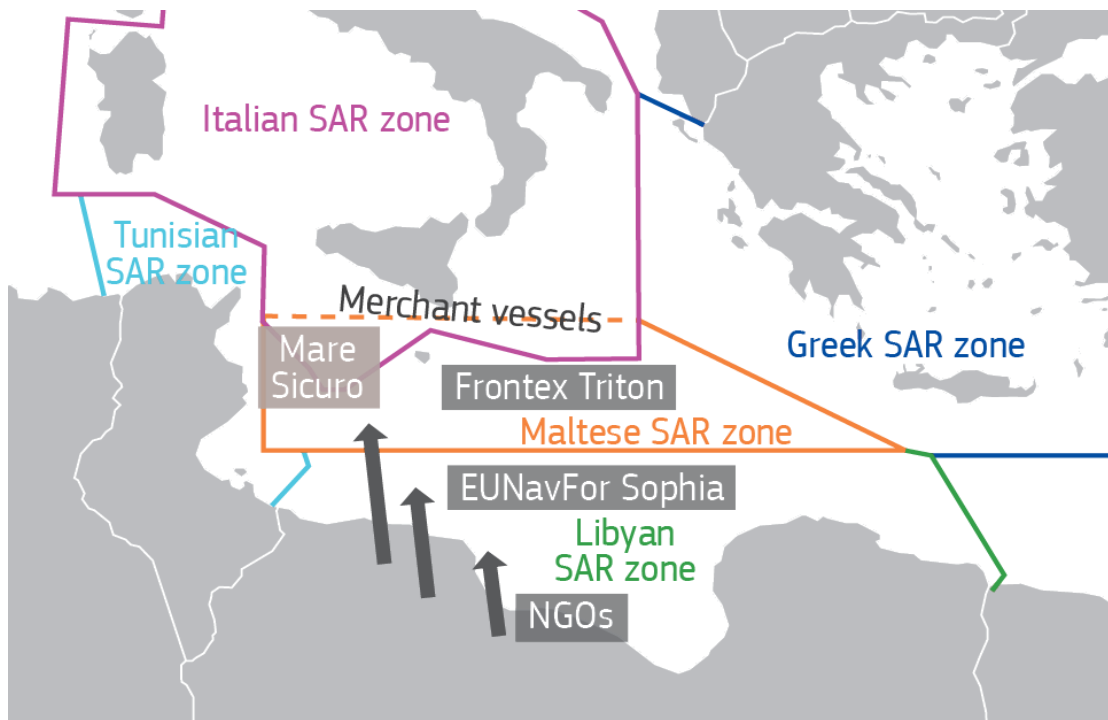
Even though a legal analysis of SAR missions is not the subject of this thesis paper, I want to give a short overview and insight into the legal status quo.

On a general note, migrants and refugees reaching Europe have the right to have their cases tried individually. European states are compelled to do so according to the European asylum system and international human rights and refugee law conventions (Geneva Convention, Dublin Asylum System, and others). The majority of those taking the sea route to Europe are refugees (UNHCR 2018a) and their numbers continue to rise rapidly. Most people arriving by sea are fleeing from war, conflict or persecution at home, as well as deteriorating conditions in many refugee-hosting countries such as Libya. EU States have a clear responsibility to offer them protection, and an obligation along with others to rescue people in danger at sea. (UNHCR 2015a: 2)

To avoid death at sea, the world's oceans have been divided into different search and rescue zones, wherein 'search' is defined as an operation to locate persons in distress, and 'rescue' is an operation to retrieve persons in distress, provide for their initial medical and other needs, and deliver them to a place of safety. (IOM 2018a) The responsibility for each SAR zone lies with the proximate coastal states. Additional to the century-old traditions of seafarers to assist persons in distress¹⁶, coastal states – in the case of the northern Mediterranean these include first and foremost Italy, Greece, Spain and Malta – are obligated to execute a functioning maritime rescue service in their own search and rescue area due to their membership in the International Maritime Organization (IMO) and the signing of agreements of maritime navigation and sea rescue. (Klepp 2011: 39; Trevisanut 2010)

Article 98 (2) of the "United Nations Convention on the Law of the Sea" (UNCLOS 1982) also requires coastal states to promote the establishment, operation and maintenance of an "adequate and effective search and rescue service" regarding safety at sea, as well as the cooperation with neighboring states where required. The entirety of the Mediterranean Sea has thus been distributed into SAR zones, as the following graphic shows.

¹⁶ Maritime Safety Committee 78/26/Add.2, Resolution MSC.167 (78) Annex 34 (2004): Guidelines on the Treatment of Persons Rescued at Sea. URL: [http:// www.mardep.gov.hk/en/msnote/pdf/msin0656anx3.pdf](http://www.mardep.gov.hk/en/msnote/pdf/msin0656anx3.pdf) (30.04.2008).



Source: European Commission (2017c).

More concretely, the International Convention for the Safety of Life at Sea (SOLAS) of 1974 states that masters of vessels must provide assistance if in a position to do so. Article 98 (1) of UNCLOS also requires masters of vessels sailing under the flag of signatory States to offer assistance to those in distress at sea. A ship captain is only relieved of this duty when the assisting vessel, the crew or the passengers on board would be seriously endangered as a result of rendering assistance to those in distress. (Klepp 2011: 40 f.) The International Convention on Maritime Search and Rescue of 1979 ensures that each individual involved in a shipwreck must be rescued without regards to their status or nationality, as well as receiving medical first aid and disembarkation in a safe harbor. (International SAR Convention, 1979) ¹⁷ The SAR Convention aims to create an international system to coordinate all rescue operations and guarantee their efficiency and safety. The MRCC Rome thus decides where rescued people are to be dis-embarked under consideration of the non-refoulement principle (excluding ports in non-participating member states unless they consent; Ghezelbash et al 2018: 19). ¹⁸

¹⁷ Even though the state in whose SAR zone the rescue operation takes place has the duty to provide a place of safety for rescued individuals, this does not entail any legal obligation to authorize the entry into port by the rescuing vessel. (Trevisanut 2010: 524)

¹⁸ "No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontier of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". In: Refugee Convention, Article 33(1). Further: Barnes 2004.

All of these conventions have harvested a broad acceptance: the SOLAS Convention presently has 162 parties, the SAR Convention has 107 parties, UNCLOS has 168 parties and the International Convention on Maritime Search and Rescue is signed by 91 states.¹⁹

Much discussion exists on the exact definitions of the terms and requirements in the conventions, particularly on the questions of whether a rescue operation is required and when it is completed. (Gammeltoft 2016; Komp 2016) Nevertheless, Sea-Watch states that “the law is (...) clear”: both states that have or have not signed the above conventions are in a position of duty to ensure that those in distress at sea are rendered assistance on a non-discriminatory basis. Whether vessels sailing under their flag operate in either a private or public capacity, the requirements incumbent upon the masters of the vessels are the same. (Sea-Watch 2015c)

In the discourse of sea migration today, human rights are one of the main aspects. In the “Convention Relating to the Status of Refugees”, also known as the “Geneva Convention”, of 1951 the right to international protection and the prohibition of are stipulated. Depending on the location of migrants and refugees – in the waters of the “target country”, in its border areas, in international waters or in the waters of a third state – the non-refoulment principle may apply or not. (Klepp 2011: 43) While in coastal waters or at the sea borders of EU states asylum seekers must be treated as equal to individuals seeking protection on land²⁰, the extraterritorial aspect of it is disputed. (ibid: 45 f.)²¹

What becomes clear in the research on SAR zones and the legal obligations of various actors is that perceptions about obligations and rights differ greatly and lead to controversial practices. Several actions that have been taken over the last few years in the Mediterranean Sea in terms of SAR have been discussed widely in media and particularly the political arena. They will therefore be highlighted and analyzed in terms of the discourse surrounding them in the following chapters.

¹⁹ All EU member states have signed the UNCLOS as well as SOLAS and “are thus respectively responsible for matters over which each has competence under EU law—which excludes SAR in relation to the Union”. (Ghezelbash, Moreno-Lax et al 2017: 3) All but three have additionally signed the SAR Convention.

²⁰ Council Directive 2005/85/EC, L 326/13, 01.12.2005.

²¹ Klepp offers examples of controversial SAR missions due to these disputes. (Klepp 2011: 241 f.)

V. Discourse Analysis

Political opinions and actions function in a dialectic of how we perceive the world surrounding us and the events and actions that we witness or hear about. In political debates it is therefore crucial to follow and understand the viewpoints of others to in turn understand their (motives for) behavior. The following chapter will therefore offer an introduction to discourse analysis – in this case the structural approach to analyzing the debate surrounding SAR operations in the Mediterranean Sea.

i. Introduction to Discourse Analysis

Discourse analysis is a research method that looks at discussions and dialogues with the aim of exposing patterns and (hidden) rules of how language is used and which narratives are created.

In the positivist tradition, language has been understood as a neutral system of signs, before continuously losing this neutrality and becoming “problematized” (Hajer 1993: 44). In today’s more constructivist approach, language is understood as a system of signification through which actors not simply describe but create the world, resulting in many different realities. It is therefore “an ensemble of concepts and categorizations through which meaning is given to phenomena” (Hajer, Laws 2006: 261).

Analyzing the usage of language in the structures of discourses can be approached in various ways. A narrower interpretation looks at discourse “as it is” and ignores its performative functions of shaping structures and practices. In a broader understanding, the analysis includes these resulting practices, such as but cultural norms, disciplines, identities and rituals that lead to social practices, relations, policy outcomes etc. (Campell 2013: 234 f.)

This broader approach is grounded in French post-structuralism, namely in Foucault’s, Bourdieu’s and Derrida’s works which suggest that language enables to look at deeply ingrained, well-embedded systems of ordering. Discourses are hereby “patterns of social life” (Hajer, Laws 2006: 61), often institutionalized in particular practices much like the understanding of “positionality”: individuals think and act in systems which they were born into, socialized by and now work in, leading them to argue along lines they have adapted over time. Discourse analysis is thus always political even when claiming to be purely descriptive, because reality is not individually given but unique to each individual’s socialization, perception and the broader context. (Jäger 2015: 10)

Discourse can thus be described as societal means of knowledge production; not simply an “ideology” but one’s version of reality that has its own materiality sui generis. (Jäger 2015: 33 f.) Foucault sees the often-contradicting perceptions of reality as a fight for truth which he understands as the ensemble of

rules that distinguish truth from falsehood. This truth is thereby equipped with specific effects of power. Therefore, there is no such thing as freedom from value judgements. (Jäger 2015:119)²² Discourses are created by the totality of all individuals („subjects”), with each individual being differently involved in lines of discourse (“Diskursstrang”), but no single individual can dominate a discourse – even though many try. Discourse instead is the result of many individuals trying to exist in a society and be recognized. (Jäger 2015: 37) Yet a discourse is not a collection of sentences and texts, but instead a chain of statements. Foucault therefore argues that the researcher must understand the context of what was said as a said chain and thereby attempt to understand the core of the knowledge. (Foucault 1972: 115 f.)

ii. The Chosen Approach: Critical Discourse Analysis

With many different approaches to the analysis of discourse, the one I chose for this thesis paper is that of “Critical Discourse Analysis” (CDA). Based on the epistemology of the Frankfurt School it argues against a realist and rationalist world view and instead aims at disclosing the implicit power effects of knowledge that are constructed through language. The goal is not simply to “describe existing realities” but also to evaluate them. (Fairclough 2012: 9) The main aims of critical discourse analysis can therefore be summarized as follows:

- a) To provide a detailed description, explanation and critique of the textual strategies writers (and other communicators) use to make discourses appear commonsense, apolitical statements. (Riggins 1997: 3)
- b) To evaluate texts in their contextual environment to establish possible links between discursive and social practices.
- c) To criticize existing structures and knowledge-power relationships with questions such as Who is benefitting from particular types of discourse? Which social groups are reinforcing their superiority by performing the discourse? Who is losing due to particular discourses? (Bilgic 2006: 9 f.)

CDA can thus provide opportunities to interpret language, dialogue and communication in the realm of international politics, and help to understand the process of policy change (Schmidt, Radaelli 2004: 84) as well as the interplays of power, identity and foreign policy. Wodak explains that issues of power, hegemony and ideology connect each perception to a larger orientation and system of meaning. (Wodak 2012: 528) The approach enables researchers in this field to “look at processes that render semiotic devices ‘objective’, and therefore provide the basis for logics to be mobilized,

²² For more on Foucault’s discourse theory concept, see Keller, Hirsland (2000)

(re)contextualized and made manifest through hierarchies, values, symbols, strategies and discursive as well as social practices within organizations” (ibid). Cebeci and Schumacher argue that it helps to see how the interplay between discourses and practices empowers and privileges certain actors while silencing or excluding others – “legitimizing certain acts whilst rendering others unacceptable or disqualified.” (2016: 8)²³ In the context of my work – my hypotheses and research questions – CDA thus enables me to identify possible inequalities.²⁴

By loosely following the working steps proposed by Siegfried Jäger (2015: 90 f.), I hope to understand not only what the statements I have chosen as representatives of the discourse include but also what they omit.

²³ Milliken (1999:236) calls this ‘discourse productivity’. In her view, “analyzing how policies are implemented (and not just formulated) means studying the operationalization of discursive categories in the activities of governments and international organizations, and the ‘regular effects’ on their targets of interventions taken on this basis” (Milliken 1999:240).

²⁴ “Hidden power structures should be revealed, inequality and discrimination have to be fought, the analyst has to reflect on his own position and make her standpoint transparent.” (Forchtner 2010: 18 f.)

VI. Analysis

1. Research Design

As a researcher doing discourse analysis, due to the character of discourse itself, it is never possible to cover the discourse in its entirety. I therefore have to make a distinct choice of which subject exactly, which strand of the discourse and which participants of that strand to analyze. The researcher must define their approach to searching for material but also understand it as an open concept because it is never possible to determine the material beforehand. (Jäger 2015) This is true for my approach: the original concept I had in mind for my analysis looked fairly different than what will be presented in the following chapter because of various factors: (a) I was planning on structuring my analysis along a timeline of several events. Yet I quickly discovered that many actors only publish statements on issues they are directly involved in (e.g. Frontex). This made me realize it would not be possible to only analyze actual events but that I should rather open the spectrum of analysis for other aspects of the debate as well; (b) My original list of actors consisted of four – EU institutions, Frontex, UNHCR and Sea-Watch. Again, I realized that I would have to adapt the list of actors according to the analyzed discursive events because not all actors are necessarily involved in or issue statements on all aspects of SAR but rather on those that “fit their profile” or directly affect them. The analyzed actors will thus slightly vary depending on the discursive event, while I attempt to use actors with similar capacity or function if the ‘original’ one has not published on the matter; (c) It is important to note that the data I am analyzing has been searched through particularly for mentions of SAR missions. The topics that are often mentioned “hand-in-hand” (particularly by EU institutions and UNHCR), such as resettlement programs, diminishing reasons for flight and other approaches they have developed or call for, will not be analyzed.

Furthermore, based on Foucault’s differentiation of discourse collections and comments, I have decided to analyze only press releases, statements, speeches and petitions instead of media articles with quotes and short comments, because the former represent the official discourse positions the actors have chosen to put out and publish - well thought-through and with direct purpose.

2. Discursive events:

My time line is the result of the research I conducted over several weeks: after my initial research I began to establish a structure for the thesis paper that would allow me not only to give an insight into the discussion but also to display different aspects of it. Collecting material without any points of reference, such as a specific event, made little sense as the discussion on SAR missions is so broad (not

only considering the variety of participants in the public discourse, but also in terms of time frames, policies and spaces). In order to not simply cite broader discourse strands but to actually analyze and understand the reasoning of the actors I decided to analyze three specific “discursive events” instead. Discursive events are those which are widely discussed within the discourse, and therefore shape the character of the discourse itself. (Jäger 2015: 82)

Nevertheless, I realized quickly how difficult it was to structure the analysis along a timeline because many involved actors, such as Frontex, only publish statements on operations or events they themselves have been involved in. I have therefore ultimately chosen to develop three discursive events: the shipwrecks close to the Italian island of Lampedusa in April 2015, EUNAVFOR Med, and the phenomenon of criminalization of NGOs involved in SAR. I also argue that this threefold analysis is logical as it creates a timeline: the shipwrecks in 2015 were one of the factors leading to the establishment of EUNAVFOR Med. During the operational timeframe of EUNAVFOR Med, more NGOs began engaging in the Mediterranean who in turn have been facing an increasing amount of accusations.

i. Shipwrecks in April 2015

In April 2015, a number of shipwrecks occurred in the Mediterranean that quickly moved into international focus because of the high number of deaths they resulted in. In the night of April 12th, an overcrowded boat capsized “due to its passengers’ excitement at the sight of platform supply vessels approaching to rescue them” (Forensic Oceanography 2016), leading to over 400 deaths. Less than a week later, on April 18th, another boat capsized after colliding with a cargo ship that had approached to rescue the passengers in distress. This left over 800 dead and only 28 survivors.²⁵ Both shipwrecks mark shocking and widely recognized incidents that resulted in extensive media coverage, public statements by politicians and other officials as well as the call for policy changes throughout Europe. (Kirchgaessner 2015; ZEIT Online 2015; RAINews 2015) Shortly after, in May 2015, the European Council published its decision to establish a navy operation named “EUNAVFOR Med” (renamed “Operation Sophia” in June 2016) to identify, capture and dispose vessels used to traffic migrants and refugees.

Analyzing the discourse surrounding the April 2015 shipwrecks enables me to show the state of debate at a point in time when civilian SAR operations had not been very active in the Mediterranean²⁶, and there was much discussion on the EU’s decision of not running an SAR missions to the extent of Italy’s Mare Nostrum, but instead at limited capacity. (Davies, Neslen 2014; Forensic Oceanography 2016)

²⁵ Exact numbers cannot be provided because the EU and its member states do not keep a centralized register of dead or missing migrants and it is thus impossible to establish “official numbers” for these incidents. It is unclear how many people exactly entered the boats and how many corpses could not be recovered. For further information on databases on the issue see Steinhilper, Gruitjers 2018: 518 f.

²⁶ Sea-Watch for example was just about to start their patrols.

For the analysis of the shipwrecks I chose to search for material in the time frame of two weeks after the incidents – from April 12th until May 2nd, 2015.

ii. Operation Sophia

“Operation Sophia” (originally called EUNAVFOR Med), was developed as an element of “a broader EU comprehensive approach to the migration issue” (EUNAVFOR Med 2018) in May 2015 with a two-fold focus of identifying, seizing and disposing of vessels suspected of being used in smuggling and trafficking, and preventing “further loss of life at sea” (ibid). It is structured in four phases, consisting of (1) detecting and monitoring migration networks by gathering information and patrolling the high seas; (2) boarding, searching, seizing and diverting suspected vessels and assets in the territorial water of the European coastal states; (3) the expansion of phase 2 to include operational measures against vessels and assets inside the coastal states territory; and (4) withdrawal of forces and completion of the operation.

The Operation moved into its second phase “International Waters” in October 2015, and in June 2016 its mandate was extended to include the training of the Libyan Coast Guards and Navy (LCG), and the contribution to the implementation of the UN arms embargo on the high seas. (EEAS 2018) In July 2017, the European Council (responsible for the operation’s assessment of whether conditions to move into the next phase have been met) decided on setting up a monitoring mechanism of the “long-term efficiency of the training of the LCG”. (EUNAVFOR Med 2018; Estrada-Cañamares 2016)

The website of the operation also highlights several times that all of its activities must adhere to and respect international law, including human rights, refugee law and the “non-refoulement” principle. (EUNAVFOR Med 2018)

iii. Criminalization of NGOs

Particularly during the “long summer of migration” 2015, many civilians decided to engage in the support for migrants and refugees in the Mediterranean Sea. This happened in various forms, e.g. taking refugees and migrants in cars across state borders, providing food along the routes, assisting in provisional camps and after their immediate arrival, or simply welcoming them at train stations. While in the beginning many welcomed the civilian engagement in the support of migrants and refugees, particularly many NGOs conducting SAR operations in the Mediterranean have been increasingly accused of producing a “pull-factor” for migrants and refugees and even of colluding with Libyan smuggling networks – a phenomenon which has been termed the “criminalization” of search and

rescue. (Bellezza, Calandrino 2017; Heller, Pezzani 2017) This term describes both the accusations made by several actors against NGOs and activists and the criminal prosecution of said NGOs and activists. The accusations were made in various news pieces – most prominently in an article in the Financial Times of November 15th, 2016, in which two confidential Frontex reports are cited which claim that NGOs had been colluding with human traffickers.²⁷ The Italian Parliament held several hearings and ultimately cleared the NGOs of all suspicions. Still, the work of NGOs and other activists became increasingly difficult after the vessels “luventa” of Jugend Rettet and “Open Arms” of Pro-Activa were impounded (Deutsche Welle 2018a), and investigations against the Captain and the Head of Mission of Pro-Activa were introduced.²⁸ The Italian authorities additionally established a “Code of Conduct” for NGOs operating in the Mediterranean which would require NGOs to allow police officers on board as well as returning the picked-up individuals to harbors instead of transferring them onto other boats. Five of the eight concerned NGOs refused to sign the Code, citing concerns over its operational effectiveness and neutrality.²⁹ Instead, ten organizations wrote an independent “Voluntary Code of Conduct” to coordinate responses and establish comprehensive working practices. (Human Rights at Sea, Sea-Watch et al. 2017)

The Protocol Against the Smuggling of Migrants by Land, Sea and Air³⁰ states clearly that the crime of facilitation of illegal entry must include the factor of “economic gain” which would exclude all NGO activities from the possible accusation. Nevertheless, most NGOs active in the Mediterranean Sea have now faced accusations and even legal charges.

This phenomenon is closely linked to the increasing securitization of the EU. (Ghezelbash et al: 28) Even though the term “criminalization” is not neutral, I have decided to pick up on the NGOs usage of it due to the fact that NGOs and activists are often described as “criminal actors” – a term which will be described in the chapter on criminalization.

3. Time Frame:

The time frame of the analysis are the years 2015, 2016 and 2017. Due to the limited space of this master thesis I will focus on these years and not include the preceding ones. Still, I attempted to give an insight into the important events and decisions of the preceding years in the chapter on “Status Quo on

²⁷ This part of the article was later revised and corrected by the author.

²⁸ Additionally, several civilian individuals assisting people on the move have been under investigation by law enforcement of various EU member states for human trafficking (e.g. the Spanish firefighter group “Proem-Aid” which had been working on the shores of Lesbos and have been officially accused of “attempted human trafficking” under Greek law. (Ortega-Dolz 2018).

²⁹ They argued that taking migrants and refugees to the harbors of the European coastlines would hinder them from staying in their operational area and thus pose a threat. (Sea-Watch 2017f; The Guardian 2017)

³⁰ This protocol supplements the United Nations Convention against Transnational Organized Crime.

the Mediterranean". The years 2015 - 2017 are particularly important in the discussions on boat migration and SAR because the numbers of migrants and refugees crossing the Mediterranean on boats rose continuously to reach a high of approx. one million people in 2015, dropped to approximately 363,000 in 2016 and again to approximately 172,000 in 2017. As mentioned, the death numbers nevertheless rose: While in 2015, approximately 3,771 died, in 2016 5,096 deaths were confirmed. (UNHCR 2018a)

Not only do the numbers justify an in-depth analysis of how boat migration was discussed, but more specifically the establishment of NGO SAR organizations must be recognized and included in the analysis of the surrounding discourse.

4. Actors:

Considering my choice of actors to be analyzed, I was careful to portray various sides of the discourse surrounding migration across the Mediterranean. I believe that the following actors have varying viewpoints and use differing arguments concerning search and rescue and can thus stand as examples for the broad discussions on the topic.³¹

The *European Union* is, in terms of European policy, undoubtedly the key actor, and my focus will lie on the following two institutions: The *European Commission* proposes and enforces legislation and implements policies and the EU budget through a consortium of Commissioners from each EU country.³²

The *European Council* (headed by the Polish Donald Tusk for the duration of this analysis) defines the general political direction and priorities of the Union and consists of heads of states and governments of the member states, as well as the President of the European Commission Jean-Claude Juncker and the High Representative for Foreign Affairs and Security Policy Federica Mogherini. Included in the institution of the European Council is also the European External Action Service (EEAS) and the European Defense Agency (EDA) which are both chaired by Mogherini and carries out the Common Foreign and Security Policies of the EU.

The *United Nations Refugee Agency* (UNHCR), is mandated through the UN to protect refugees, forcibly displaced communities and stateless people. It is the largest refugee protection organization

³¹ For a deeper analysis, it is important to be aware of who exactly speaks for the actors. Many press releases and statements used for the analysis have simply been put out by press teams, but when it is specifically stated otherwise (such as speeches by certain personnel) I will specify.

³² The reason I am not analyzing statements made in the European Parliament (the directly-elected body responsible for legislature, supervision and budget) or other institutions such as courts and the Council of the European Union is the lack of space: I selected the two institutions that are most directly involved in migration policy for the Mediterranean Sea. Additionally, in contrast to e.g. the Parliament, they release press statements for the institution as a whole which are supposed to give insight into the standings and viewpoints of the institution.

worldwide³³ and one of the most important intermediaries at the intergovernmental level as well as between official state actors and civilian humanitarian actors. During the time frame of this analysis, António Guterres held the position of UN High Commissioner for Refugees until 31st December 2015 and was followed by Filippo Grandi.

The *International Organization for Migration* (IOM, with U.S.-American Director General William Lacy Swing) is another UN organization providing services and advice concerning migration to governments and migrants alike with the mission to promote humane and orderly migration. IOM also developed the “Missing Migrants Project”, one of the most reliable sources for numbers of missing and dead migrants in the Mediterranean Sea.³⁴ IOM and UNHCR are two of the most involved and renowned organizations in matters of migration and flight, are highly involved in the management of migration surrounding the Mediterranean Sea (on the southern and northern coastlines and the adjacent countries) and can thus be described as key actors.³⁵

Sea-Watch, an NGO founded in late 2014 by its German CEOs Harald Höppner and Axel Grafmanns, engages volunteers in search and rescue missions on two vessels as well as a drone observation project. While other NGOs bring the rescued to mainland on their own boats, Sea-Watch “hands those over” (Sea-Watch 2018c) to other SAR organizations. Sea-Watch has also been one of the most outspoken and political NGOs patrolling the Med and frequently releases newsletters and press releases on various issues.³⁶

Médecins Sans Frontières is an NGO whose main focus lies on medical care for people caught in crises around the world, such as refugees and migrants in camps and detention centers. After Mare Nostrum was terminated, MSF initiated search and rescue activities in international waters on their own vessels and others which they operated in coordination with other organizations. (MSF 2018b) Even though MSF describes itself and is known as a rather ‘apolitical’ humanitarian organization (MSF 2018b; Pallister-Wilkins 2018), they have published various explanatory statements and press releases on the

³³ The UNHCR puts focus not only on refugees but also on migrants, e.g. through studies on numbers of missing “refugees / migrants” (IOM 2018b).

³⁴ “Missing Migrants” tracks incidents involving migrants and refugees who have died or gone missing in the process of migration to a country that is not their country of origin. Nevertheless, the real figures are most likely much higher because many deaths are never recorded and it is extremely difficult to collect the data, as IOM describes in “Fatal Journey, Volume III”.

³⁵ My decision to analyze UNHCR and IOM is based in my understanding of both institutions as important intermediaries that have historically been central actors in critically reminding states of their humanitarian and legal obligations. In the discussion surrounding boat migration and SAR, they have in many cases stayed close to this role, yet also increasingly cooperated in practices that have been widely criticized by other humanitarian organizations, e.g. trainings for the Libyan Coast Guard (as shown in the analysis below); e.g. a consortium of NGOs has only recently publicly denounced the UNHCR in an open letter. (Sea-Watch 2018a)

³⁶ For some parts of the analysis, the reports and statements of the blog of “Human Rights At Sea” will be included, as it “follows the experiences of the Sea-Watch project”, aiming at “providing a detailed account of the venture and the challenges faced in an independent and voluntary humanitarian project with aims to save lives at sea” (HRAS 2018).

issue of boat migration in the Mediterranean and their SAR engagement that are more direct and political than those of other involved NGOs.

It is crucial to mention that the most affected individuals in the process of search and rescue are migrants and refugees attempting to cross the Mediterranean in hope and search of a better life. Nevertheless, I have decided not to analyze their voices in this thesis paper, the reason being that I want to portray the discourse on 'the receiving end'. It would have been very hard within the time scope and research possibilities for this paper to comprehensively collect and interpret migrants' voices, as well as opening up a more extensive topic of analysis. I thus decided to focus on the "European side"³⁷ and not on the statements of migrants and refugees.

5. Approach to the material

I approached my material by pre-reading all texts to develop categories (according to Jäger 2015: 90 f.; Foucault 1972: 115 f.) Based on the preceding chapters and the first insights into the texts, I developed a set of questions to apply to my texts that handle the discursive fragments of migration, SAR missions and securitization:

1. *Who is speaking? Who is mentioned or quoted?*
2. *What is the overall aim of the statement?*
3. *What terms are used to describe migrants and refugees? Are distinctions made between various kinds of migration?*
4. *How is the discursive event framed?*
5. *Are SAR missions mentioned specifically? Is there a distinction made between official and civilian SAR efforts? In what context is their mentioning embedded?*
6. *Does the text contain notions of securitization, border control and surveillance? In which context are these notions embedded?*
7. *How are EU member states (as involved actors of the process) described?*
8. *Is the notion of smuggling mentioned? In which context is it described, and what is the relationship to the agency of migrants?*
9. *What action does the text demand or call for?*

In the second step of the analysis, I establish the discursive strands that these notions, mentions and framings are embedded in. Foucault calls these "discursive formations" or the core of the discourse – not statements or sentences per se, but the underlying "common denominator" (Foucault 1972: 115).

³⁷ This description is put in quotation marks because migrants and refugees arriving and settling in Europe also become part of "the European side" in a way.

My aim in doing so is to understand what is being presented as 'truth' or as 'norm', how it is constructed, which 'evidence' is used, what is focused and what is left out, which interests are being mobilized and which actions or practices are enabled by doing so?

VII. Lampedusa Shipwrecks 2015

i. European Union

The EU³⁸ issued several statements by different institutions. The most immediate statement concerning the shipwrecks were the remarks by Commissioner for Migration, Home Affairs and Citizenship of the EU Dimitris Avramopoulos, at a press conference in Malta in which he expressed “our deep sorrow and compassion” for the passing away at sea during the “tragic event”³⁹. He chose a rather passive description of migrants and refugees, as “innocent victims (...) guided by a simple dream to start a new life in Europe”. With no mention of SAR missions, Avramopoulos instead stressed several times that the active component of the tragedy were the smugglers against which “Europe is declaring war”. Smugglers were thus to be “hunted down and destroyed in their capacity” as they posed a death sentence for migrants and refugees. Yet Europe was “united in this effort” and would cooperate with partners outside Europe to bring into effect a response to this global challenge. (Avramopoulos 2015)

Shortly after the second shipwreck had occurred, Mogherini and Avramopoulos presented the European Council’s approach to the increasing influx of migrants and refugees into the EU yet did not mention either incident in their presentation. Their “ten-point action plan on migration” from April 20th, 2015 was part of a comprehensive European Agenda on Migration to make an “immediate difference” in “times of crisis”. Frontex operations “Triton” and “Poseidon”⁴⁰ were thus to be extended to “intervene further” in order for Europe to take responsibility and a “collective European sense of urgency”. Therein, the action against smugglers was considered the “top priority” in order to gain “control of the border”. The statement focused on the urgency of the migration influx and “persons in need of protection” but did not mention shipwrecks nor the role of SAR. (European Commission 2015d)

Commission President Juncker held a speech on “tackling the migration crisis” on April 29th in which he declared it a grave mistake to have ended Mare Nostrum and called the European Council response of the 10-point action plan of the EU an “inadequate” response. As “unfortunate people” were continuing to cross the Mediterranean and lives were destroyed, Juncker addressed the European privilege and

³⁸ This data was collected from documents that have been published on the websites of the European Commission and Council within a two-week period after the first incident (12th April to 2nd May 2015). The included press releases are a selection of the most important statements made on the topic, while ‘leaving out’ those that were related to the topic yet simply repeated the same arguments that are shown above.

³⁹ Polly Pallister-Wilkins makes the argument that framing incidents of capsizing as “tragedies” separates them from each other, frames them as ‘accidental’ whereby “casting them adrift from their structural causes and the politics of the border itself” (2017: 20).

⁴⁰ Both Operation Triton and Poseidon were established in 2015 to support similar efforts: Poseidon was meant to support Greece in border control and surveillance as well as “its ability to save lives” in the eastern Mediterranean, while Triton supported Italy with its operational area of Italian and Maltese territorial waters. (EU Commission 2016a)

described migrants and refugees as individuals with agency to cross, but with no other choice: “If we do not open the door, even if only a little, we should not be surprised when less fortunate people from across the planet try to break in through the window. We must open the door to stop people coming in through the windows.” The EU would thus need to find ways for legal migration as part of a medium-term solution in a manner of “shared solidarity”, as there was currently not enough unity in the efforts. Concerning search and rescue missions, he explained no need to expand and change the Frontex mandate but instead it would have to be ensured that it had the resources to operate on the high seas. (Juncker 2015)

The President of the European Council Donald Tusk spoke to the press after the special European Council meeting on “migratory pressures in the Mediterranean” on April 23rd, 2015. He explained that ‘saving lives’ included both the “equal importance of rescuing people, stopping smugglers and addressing irregular migration”. “Innocent people” were to be discouraged from “putting their lives at risk”. Policy-wise, Tusk announced the tripling of resources for Triton to enhance its operational capability with the top priority of capturing smugglers and destroying their vessels, without mention of SAR activities. The Commission, Council and the High Representative for Foreign Affairs and Security would thus need to “step up their work”. (Tusk 2015)

Tusk’s remarks were substantiated by the Report on the Special Meeting of the Council of 23rd April which declared the “tragedy” in the Mediterranean Sea to require a disposal of all efforts to “prevent further loss of life at sea” as immediate priority. Four approaches were announced: “strengthening our presence at sea”, “fighting traffickers in accordance with international law”, “preventing illegal migration flows” and “reinforcing internal solidarity and responsibility”. The statement explains that reinforcing the number of assets at sea (vessels and personnel) would allow the increase of SAR possibilities “within the mandate of Frontex”. (European Council 2015a)

Summary:

All publications stress the importance of European unitedness: Avramopoulos uses the term ‘we’ 18 times, Mogherini and Avramopoulos demand European unitedness and taking responsibility in times of crisis and urgency, Juncker calls for united efforts, Tusk describes the need to “step up [the] work” and the European Council report announces reinforced solidarity and responsibility. The message is thus clear: The European Union must act together. Yet the approaches to do so differ.

Differences can be seen in the understanding and framing of migrants and refugees: Avramopoulos describes them as rather passive, as “innocent victims”, and – together with Mogherini – calls them “persons in need of protection”. That can be read in two ways, either as protection on European soil as asylum seekers, or simply in preventing them from dying on the high seas. Juncker goes much further and frames them as individuals whose lives were destroyed and thus in dire need of legal pathways into

protection. Tusk however mentions them less explicitly and focuses rather on different aspects of the equation, while only referring to “migratory pressures” and “irregular migration”, whereby he frames them rather negatively.

This wording for migrants and refugees can indicate the intended approach to the issue and is thus important, as approaches vary quite a lot: While the Council’s statement depicts a concrete action plan to prevent further loss of life at sea, with a focus on preventing “illegal migration flows” and fighting smugglers, Juncker harshly criticizes the EU’s approach to the “crisis” and declares it to be inadequate and failing to act altogether. He instead demands the fighting of the causes rather than the outcomes and calls for legal migration paths rather than fighting those who have been illegalized. He thus frames the shipwrecks as the outcome of policy failures. Juncker predominantly focuses on the safety of migrants and refugees, criticizes the EU management of the situation harshly and demands the provision of more options and the awareness of Europe’s position. He doesn’t stress surveillance and border control matters, but rather a more humanitarian-focused response. Meanwhile, Mogherini and Tusk use a more securitizing approach: Both declare migratory “pressures” to cause smuggling networks, thereby creating a particular focus on smuggling and the needed efforts to fight it to in return prevent “illegal migration flows” which again prevent death at sea. Mogherini and Avramopoulos also literally stress the importance of fighting smugglers to control the external European borders. This securitizing frame describes a threat of smugglers and traffickers who must be fought to secure the referent object – in this case both the people on the move as well as the European citizens.

Even though all statements were published in the direct aftermath of the shipwrecks, SAR is only mentioned specifically by Juncker who criticizes the abolition of Mare Nostrum and the lack of substitute SAR operations; other statements do not mention SAR at all, except for the Council’s statement which includes “strengthening our presence at sea” yet leaves undisclosed whether that is to be achieved in terms of SAR or simply presence of European ships generally without active rescue missions. Nevertheless, the urgency of the matter which is described by all of the above individuals and institutions must be emphasized, as it led the way to policy approaches, particularly EUNAVFOR Med.

ii. UNHCR & IOM

UNHCR⁴¹ was quick to release a statement to the press on April 15th, 2015 in which the organization expressed its “shock” at the latest deaths on the Mediterranean. António Guterres described the “new and large-scale boat tragedy” as leaving him “deeply shocked” and immediately argued that the event

⁴¹ The analyzed data includes the findings from UNHCR’s website section “News” and “Media Center” from the period of April 12th to May 2nd.

“only demonstrates how important it is to have a robust rescue-at-sea mechanism in the central Mediterranean”. As refugees and migrants were “risking their lives to have access to European territories”, the priority would have to be the saving of life, “including by urgently expanding and upgrading search and rescue capacities”. He criticizes that Mare Nostrum was never replaced by “an equivalent capacity to rescue people” and not enough legal pathways into the EU existed for those in need. The press release then describes the Mediterranean as the most dangerous of the world’s four major sea routes in use by refugees and migrants, and Guterres thus demands again – “I repeat” – “an effective mechanism to rescue people at sea in the central Mediterranean.” (UNHCR 2015c)

A press release issued on the day after the second capsizing incident heads “New Mediterranean boat tragedy may be biggest ever, urgent action is needed now”. Guterres describes it as a “disaster”. “People seeking safety” otherwise would continue to “perish at sea”, and only through a comprehensive European approach which addresses root causes could the EU “rise to the occasion”. The press release describes Italian and Maltese naval vessels and merchant ships to be among the 20 vessels engaged in the rescue operation – coordinated by Italian authorities, leading to Guterres’ calling for the restoration of a “robust rescue-at-sea operation”. (UNHCR 2015d)

Some days later, the UNHCR published a Joint Statement of Guterres, UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, Special Representative of the UN Secretary-General for International Migration and Development Peter Sutherland and IOM’s Director General William Lacy Swing. The statement calls the previous events a “tragedy of epic proportions” and the signed “strongly urge the European leaders to put human life, rights, and dignity first” in the discussions on a response to “the humanitarian crisis in the Mediterranean”. They put the need in focus to act according to the European Union’s values, and that the member states would have to demonstrate a “moral and political leadership” instead of the “minimalist approach” of the 10-point action plan. While the approach stresses the need to stem the arrival of migrants and refugees, “the safety, protection needs, and human rights of all migrants and refugees should be at the forefront of the EU response”. Thus, the first “bold, collective action” the signing men call for is the “setting in place a State-led, robust, proactive, and well-resourced SAR operation, urgently and without delay, with a capacity similar to Mare Nostrum and a clear mission to save lives.” (UNHCR 2015e)

The same representatives issued a similar statement four days later, with the specific focus on the European Council decision of April 23rd, 2015. Due to the “intensification of boat movements and continued unbearable loss of life”, the Council’s decision is described as “an important first step towards collective European action” and framed rather positively: the approach will “help pave the way for further elaboration of a new EU Migration Agenda”. The included tripling of resources for Triton and Poseidon is “encouraging”, as it results in “increasing rescues of migrants and refugees in distress at sea now and in the foreseeable future”, as merchant ships are not equipped enough to undertake rescue

activities. Nevertheless, the measures on disrupting smuggling business and “stemming” movements must be accompanied by efforts to reduce the need for migrants and refugees “to turn to smugglers in the first place”. The signed also call for a distinction between smuggling and trafficking, and that those “falling prey to traffickers” are not criminals. Instead, “human beings” are transported across the Mediterranean who are “entitled to their human rights” and “in need of international aid and protection”. They also call for measures to “address overly restrictive migration policies in Europe”, such as “increasing the provision of safe and regular channels for entry”, and that all efforts on the issue must “scrupulously respect” International Human Rights Law, International Refugee Law, International Humanitarian Law, the Law of the Sea, and “ensure the dignified, safe and humane treatment of migrants”. Lastly, the international community is described to have a “shared responsibility” to ensure safety of migrants and refugees, and the “scale, complexity and sophistication of the response” must match the “scale and complexity of the problem”. (UNHCR 2015f)

IOM also responded immediately to the “worst tragedy in living memory involving migrants crossing the Mediterranean”. Director General William Lacy Swing explains that the world needed to react “with conviction”, as it was no longer possible for “all of us, especially the EU and the world’s powers” to “sit on the sidelines watching while this tragedy unfolds in slow motion”. While the press release lists numbers of crossings and “fatalities” as well as background information on the survivors and the earlier stages of their routes, the resulting demand for a solution is the support of “life-saving operations” on the scale of Mare Nostrum. It also quotes IOM Director and Coordinator for Italy Federico Soda who mentions Italian efforts that have been “incredible” in “trying to rescue as many people as possible”. Nevertheless, the number of fatalities is “unacceptable” and thus “search and rescue efforts must be more comprehensive and supported by the EU and its member states.” The situation is framed as a “humanitarian emergency that involves us all”, demanding more comprehensive responses. (IOM 2015b)

Summary:

Compared to the statements of EU personnel and institutions, the approach of UNHCR and IOM is fairly harsh and focuses immediately on SAR operations. In reaction to the “disaster” of “epic proportions” or even the “worst tragedy in living memory”, Guterres and the signatories of the Joint Statement created highly urging statements: their framing is much more based in the fact that events like this should never unfold and that measures have to be taken immediately and thoroughly. The solution that is time and again proposed in all statements is that of “robust, proactive and well-resourced rescue at sea mechanism”, embedded in a comprehensive European approach.

Reading these statements offers much more sense of urgency than those published by the EU, also because the EU’s approach is criticized for its “minimalist approach” and not acting with enough

conviction. To ensure an increase of resources and efforts, particularly for SAR, UNHCR and IOM put focus on human rights and dignity that are enshrined in EU values – a reference that no EU representative made –, and the fact that migrants and refugees who are seeking safety should thus be treated with these rights in mind.

iii. Sea-Watch & Médecins Sans Frontières (MSF)

Sea-Watch⁴² issued a press release on May 1st, 2015 in which Daniel Shepherd, spokesperson for Sea-Watch and Human Rights at Sea, begins by describing the incidents and explains that “record numbers of migrants”, “often fleeing persecution and conflict-ridden environments” were expected for 2015 to be attempting the “perilous crossing in a bid to better their lives and the lives of their families”. As *Mare Nostrum* had been perceived by Brussels to create a “pull factor”, Shepherd declared that hypothesis to be untrue as “significant cutbacks were made with respect to EU SAR policy”. European politicians were thus only “forced to act” when the “recent human tragedy” was “brought to us live on our screens and our radio waves”. The increased spending on SAR had, according to Sea-Watch, not yet been seen. Sea-Watch was thus founded to “set in motion their own response to the devastating loss of life at sea” in a civil rescue mission, with the aim to “help raise awareness” for the plight of migrants as well as the “duties incumbent upon European countries to protect the lives of vulnerable people”. (Sea-Watch 2015b)

MSF published a statement with the title “Words of concern, walls of deterrence” on April 17th, and even though it was not specifically tailored to the shipwrecks per se, it does offer insight into MSF’s decision to begin search and rescue activities which was connected to the increasing number of deaths due to shipwrecks. MSF’s Humanitarian Affairs Advisor Aurélie Ponthieu therein announced the beginning of SAR operations in the Mediterranean – even though rescue-at-sea lies “outside MSF’s usual business” – due to the worsening of the “humanitarian crisis” every year and the “unwillingness” of the EU to “change the very policies that have led to this crisis”. “Migrants and refugees searching for protection and a better life” are the results of several conflicts and phenomena that Ponthieu lists while arguing that Europe will be remembered for “how little it did to assist” those in need. With exclusionary policies that encourage other countries to “absorb even more refugees and building walls to keep people out”, EU states are reacting to what they perceive to be the “pull-factor” of possible “safe and legal channels”. In other words, she describes the trend as moving away from “saving lives” towards

⁴² At this point in time only MOAS and MSF had already begun with SAR activities in the Mediterranean, therefore the amount of statements issued on the shipwrecks by NGOs is very limited. MOAS identifies as “apolitical” and did not publish statements other than informational ones. The following analysis therefore ‘only’ includes the first official press release of Sea-Watch and a statement made by Médecins Sans Frontières (MSF).

“keeping people out of sight”. Particularly SAR activities are in focus of the statement: Europe’s increased efforts to fight “people-smuggling at sea” instead of the intention of rescuing people at sea will “only result in further suffering and death”. Ponthieu additionally criticizes the Italian proposal to externalize rescue-at-sea capacities to countries like Tunisia and Egypt, as this raises the risk of human rights abuses and refoulement. She explains that the EU measures ignore that “people in need of protection have no other choice but to flee” and that the “deaths of thousands” are “a policy-made humanitarian disaster”. (MSF 2015)

Summary:

Since, as mentioned above, most NGOs only started operations later and many perceive themselves as apolitical, only these two documents exist of NGOs that actively and openly describe their viewpoint on policies and approaches of other involved actors. Their response to the shipwrecks was indeed very much focused on a critique of EU policies: Sea-Watch announces its operations in direct response to their perception that European politicians only react to rather than prevent the death of people on the move. Surprisingly, their statement does not differentiate between “migrants” and “refugees”. Contrary to what I expected – as Sea-Watch can generally be described as very political and outspoken – MSF reacts much harsher than Sea-Watch: Ponthieu declares the EU to be unwilling to change its non-functioning policies and argues that the trend of “keeping people out of sight” leads directly to death. Both NGOs thereby criticize the EU for its minimalist approach to the immensely problematic situation and the fact that the incidents were neither singular nor unpreventable.

VIII. (Extension of) Operation Sophia July 2016

i. European Union:

The European Council⁴³ issued a press release in September 2015 on the agreement to start the active phase of the operation against human smugglers and renaming it “Operation Sophia”. The measure is described as part of the “EU’s comprehensive approach to migration” and focuses on the efforts against smuggling, as conditions to move to this stage of the operations “have been met” by the EU’s “proven capacity” to act “in a swift and united manner”. The next aim of the operation is thus to disrupt the “business model of human smuggling and trafficking” as well as preventing “further loss of life at sea”. (European Council 2015b)

As the mandate for Operation Sophia was extended in June 2016, the Council again focused on the efforts to disrupt smuggling and trafficking networks and described the new, additional tasks of “training the Libyan coastguards and navy” – which is described to be the result of an intense vetting process – as well as the implementation of the UN arms embargo on the high seas off the coast of Libya. The focus of the press release is put on the involvement of and effect on Libya: the training is meant to “increase the security of Libyan territorial waters” and enable the LCG to “perform their duties”. Performing search and rescue activities to save lives is mentioned and explained to also improve security in the Libyan waters. (EUNAVFOR Med 2016)

In a Question and Answer piece on the Central Mediterranean Route (CMR), the European Commission describes the measures adopted for the CMR with and around Libya. Due to the “high number of lives lost at sea and along the CMR” the EU views its top priority to be “managing flows and saving lives”. To do so (complementary to existing initiatives) the proposal includes the reduction of crossings and saving lives at sea by a set of measures: Expansion of training programs for the LCG and the establishment of a MRCC in Libya, “stepping up the fight” against smugglers and traffickers⁴⁴ and increased information sharing and gathering, border surveillance and the securing of land and sea borders. The press release then puts focus on the cooperation with Libya, arguing that as “90 % of those on the [CMR] route depart from Libya”, the instability of the country promotes smuggling and trafficking networks which “increases the vulnerability of migrants”. “Finding a lasting solution to Libya’s governance and security challenges” thus “continues to be a top priority for the European Union”.

⁴³ This part of the analysis includes material found on the websites of the European Council, the European Commission and the European External Action Service (subordinate to and supporting the High Representative for Foreign Affairs and Security Policy) which was collected through using the search function with the terms “Operation Sophia”, “EUNAVFOR Med” and “Libyan Coast Guard”. Surprisingly, the amount of press releases and speeches on the matter was relatively low, as many are copies of others with little relevant information on the proceedings or are only short updates on the number of personnel or similar topics.

⁴⁴ Additionally, resettlement programs, voluntary returns and cooperation with Libya, Egypt, Tunisia and Algeria were promoted, but these are not direct subjects of this analysis.

Concerning SAR and the LCG specifically, it is argued that the EU and its member states have “made major efforts to reduce the risk of loss of lives” by gradually expanding SAR operations to new areas in which the LCG should “play a central role”. The support will “include cooperation with the IOM for support to sea-rescue and the UNHCR for capacity-building of the Libyan authorities and assistance to migrants and refugees present in or disembarked in Libya”. (European Commission 2017b)

Federica Mogherini held a speech at a visit to the EUNAVFOR mission on Malta in February 2017 that is of importance in the discourse because she went to the headquarter specifically to speak about training methods and the cooperation with the LCG (which was widely criticized). She expressed support for the mission and thanked the Libyan authorities for the cooperation as something “we should be proud of” – in the “European way to do things”, “together, in full respect, with full cooperation, as a Union and with our friends and partners”. The most important shared interest was thus “to stop the tragedy in the Mediterranean” as “a must for the EU, (...) Libyans and our African friends, which should be achieved by stopping the smugglers, dismantling the criminal networks and saving lives. Yet another interest was to secure Libyan waters with a view to smugglers and migration as well as by fighting “all kinds of illicit traffic”. Operation Sophia is thus the best example of how the European military is serving “our common security in Europe and in our shared sea: fighting crimes, saving lives, building capacities, strengthening authority and creating new partnerships.” (Mogherini 2017)

EEAS issued a press release in September 2017 explaining that the new training modules for LCG personnel were about to begin. Similar to the first publication analyzed in this chapter, the thorough vetting process of the trained personnel is described as part of the process of various phases carried out by EUNAVFOR Med, EU member states and international organizations (e.g. UNHCR). The training is supposed to “increase the security of Libyan territorial waters”, implement capacities of the LCG to perform their duties and enhance the capacity “in basics of maritime security skills” including SAR activities to save lives and disrupt smuggling and trafficking networks. The trainees would be taught in navigation activities, International Maritime Law, Search and Rescue doctrine, International Human Rights Law, Asylum request procedure, First Aid and medical care at sea, as well as public Information. (EEAS 2017)

Summary:

The aspect that varies the most throughout these publications by the European Union is the framing of Libya and its authorities: while the Council and EEAS describe the vetting process of candidates for EUNAVFOR Med as thorough and careful and Mogherini makes sure to frame the cooperation with Libyan personnel as extremely positive, “something to be proud of”, the Q&A is more ‘careful’ to frame Libya so positively. Instead, the instability of Libya is mentioned several times and seen as somewhat alarming, while it is stated clearly that the LCG is in need of extensive training to ensure its capacity to

act. Focus is also broadly put on the security situation of Libya and its territorial waters: the necessity of securing Libyan borders (on land and at sea) is declared several times throughout all publications yet framed only once as a security threat to migrants but in most mentions left without an explanatory statement.

Search and rescue is mentioned only in connection to Libyan territorial waters: while the need for saving lives is stressed several times, SAR activities are framed to be of importance most specifically in Libyan waters and not in European or international ones – even though the publications were not chosen based on the factor of cooperation with Libya, but on Operation Sophia generally. It is thus revealing that European SAR efforts are not mentioned in so far as the efforts are clearly shifted into Libyan responsibility. This ignores claims of refoulment practices through the LCG.

The last intriguing result of the analysis of these publications is that officials seem to have been reacting to the critique of cooperation with the LCG preemptively: the trainings are almost always described to take place in cooperation with human rights organizations to enable the “full respect” of international law, the Search and Rescue doctrine, International Human Rights Law and other conventions.

ii. UNHCR & IOM

In December 2016, IOM⁴⁵ carried out its first training seminars for Libyan governmental and non-governmental actors involved in “life-saving operations” in the Mediterranean Sea⁴⁶ to strengthen “responses and migrant protection”. The trainings consisted of theoretical and practical sessions to better respond to “critical cases” with the help of first aid practice and skills in “disaster management”. Libyan personnel is therein quoted as grateful for being given the “knowledge and skills that can be used for saving lives of migrants during rescue operations”. Additionally, IOM delivered several hundred first aid kits to the LCG and established three medical clinics. (IOM 2017a)

In the aftermath of a needs assessment to improve infrastructure of Libyan disembarkation points, IOM also met with LCG leadership to discuss a more concrete capacity-building workplan. The press release from January 2017 focuses on both the resources and workshops provided by IOM to the LCG: medical clinics were established to ensure medical assessment for rescued migrants; lifesaving equipment was provided to the LCG in Tripoli; computer equipment was provided to establish a “database of information on rescued migrants”; and three first aid trainings and practical workshops were held for

⁴⁵ UNHCR and IOM did not issue releases or statements on the extension of Operation Sophia explicitly, yet both organizations were involved in the training of and coordination with the Libyan Coast Guard and navy and published on some related issues, as the following analysis will show. Yet I have chosen not to analyze those publications in which UNHCR and IOM describe their activities in supporting people on the move through and from Libya, unless SAR activities and the LCG were specifically mentioned and described.

⁴⁶ This was part of IOM’s project “Sea and Desert Migration Management for Libyan Authorities to Rescue Migrants” (SEA DEMM).

agencies involved in SAR, such as the LCG, Port Security, Directorate for Combating Irregular Migration and the Libyan Red Crescent. IOM also explains that “despite the Coast Guard’s lack of seaworthy vessels and equipment”, 184 migrants had already been rescued at sea. (UNSMIL 2017)

A technical coordination meeting was also organized by IOM and UNHCR in January 2017 with “Libyan partners” to “improve rescue-at-sea operations in the Mediterranean”. According to the press release, the aim of the organizing working group is to “ensure internationally recognized best practices” to “protect the lives of the migrants and refugees” during procedures of (dis-)embarkation, as the vessels in distress are often unseaworthy. During the meeting, achievements and challenges were discussed as well as “gaps in existing Libyan capacity and equipment”. Libyan LCG Colonel Aboajela Abdbari is quoted in saying that the goal is “to save people’s lives” but that the LCG was facing “major challenges due to a lack of resources and equipment”, e.g. that their boats were not SAR boats and have “deteriorated”. (IOM 2017b)

A short publication by UNHCR describes the two-week human rights and refugee law training the agency conducted with the LCG: the training is described by Senior Protection Officer Nisreen Rubaian as “an important opportunity” to “build up the capacities” of the LCG for dealing with “refugees and asylum seekers in a mixed migration context” while behaving in full respect of “Libya’s international obligations”. Thus, the course offers guidance on procedures during “rescue-at-sea” operations, including human rights and refugee law. (UNHCR 2017a)

Another pillar of the cooperation with Libyan authorities is described in a press release by IOM of August 29th 2017 in which the planned establishment of a “coordination body to facilitate rescues at sea” is announced. After mentioning the “wider intervention to strengthen the Government’s humanitarian capacity”, additional classes to 30 participants were offered to “improve the documentation of sea rescue operations”: “By better documentation of migrants at the disembarkation points, IOM is hoping to put a registration system in place to help regulate the humanitarian services provided to rescued migrants,” IOM’s Libya Operations Officer Maysa Khalil, is quoted. Again, lifesaving and information technology equipment had been delivered to disembarkation points and handed over to LCG, as “saving lives remains our highest priority” (Othman Belbeisi, IOM Libya Chief of Mission). The IOM therein understands the support for the LCG as a “legal obligation” in order for them to “respond in a better way to the needs of the migrants that they rescue.” (IOM 2017c)

Filippo Grandi, UN High Commissioner for Refugees since January 2016, gave a statement to the “Central Mediterranean Contact Group Ministerial Meeting” in November 2017, in which he urged for more protection for migrants and refugees through long-term solutions instead of “quick fixes”. Many of the 114,000 people who had already crossed the Mediterranean in 2017 were therein “in need of international protection” and “others [had] compelling humanitarian needs”. A recent drop in arrival rates should not give the impression that “the situation is solved”. Grandi expressed his regret that

“people continue to die at sea”; therefore rescue-at-sea would have to be “sustained and strengthened”, and NGOs and the shipping industry should be thanked for their “important contribution” as “no effort should be spared, in line with international maritime and human rights law, to continue to save lives”. Considering the LCG, Grandi claimed that it is important to support “Libyan border management authorities” as that can help stem flows and avoid death at sea”. Yet it would be “insufficient and inadequate” to make no effort to also strengthen protection (Grandi 2017)

Summary:

The fact that the publications issued by UNHCR and IOM are focused on their humanitarian approaches rather than political advice or statements is of capital importance: it shows that the organizations are hesitant to publicly express political opinions on the issue because they are dependent on political decision makers. While only Grandi’s statement contains demands and opinions, the other publications simply report on the efforts taken to improve rescue at sea operations and the capacity of Libyan authorities involved in migration management.

Various times the lack of seaworthy vessels and equipment of the LCG are mentioned by both UNHCR and IOM, which can undoubtedly be read as a critique of the EU’s cooperation with an institution that is not fit for operations. The workshops are meant to ensure the LCG’s recognition of best practices, particularly for rescue-at-sea, yet considering the timeline of the publications it becomes clear that the trainings on human rights law and similar aspects had to be held several times and were of great importance. This leads to the assumption that UNHCR and IOM on behalf of the EU are well aware that human rights standards during rescue operations cannot be expected and must thus be trained again and again.

Another striking finding of the analysis is that all publications did not use the wording “search and rescue” but instead “rescue-at-sea”. This suggests a less proactive approach to incidents on the Mediterranean and indicates that the LCG is not specifically searching for vessels in distress but rather responds to incidents requiring rescue.

Lastly, Grandi’s statement which is not focused on the trainings marks a much more political approach to the status quo: He argues that the EU’s “quick fixes” are not enough, but that long-term solutions should be ensured. By specifically mentioning NGO’s search and rescue efforts while not mentioning the Libyan Coast Guard’s involvement in operations at sea, he criticizes their methods and supports civilian activities instead.

iii. Sea-Watch

Human Rights at Sea (HRAS) and Sea-Watch⁴⁷ reacted directly to the extension of Operation Sophia by publishing a report on the “effectiveness and consequences of Operation Sophia” in September 2016. In the paper they assess the pros and cons of “more ships and militarization” in the same waters where civil society NGOs work. Focus was put on the extended military activity, as Operation Sophia will not only be “acting against migrant smuggling networks” but also given responsibility of searching vessels in contravention of the arms embargo. HRAS and Sea-watch explained that the approval of the extension through engaging Chapter 7 of the UN Charta is urging member states “to combat” with “all necessary measures” which extended the mandate to act and react “within Libyan territorial waters with or without Libyan State approval”. Yet only “the operationalization of this phase will show us how EUNAVFOR Med will effectively increase its strength”. Quoting a Report of Sessions from the UK House of Lords (House of Lords 2016), the authors argued that the realistic outcomes of Operation Sophia should nevertheless be questioned because “however valuable as a search and rescue mission, Operation Sophia does not, and we argue, cannot, deliver its mandate. It responds to symptoms, not causes.” (ibid: 3)

The authors also assumed that smugglers might see the operation “as a hinderance at worst, or in fact an extra means to help their illegal activities, at best”, as knowing of European vessels in the Mediterranean would make the “trafficker’s job logistically easier and cheaper” through less fuel costs and added “attraction” to the route. As this is an argument that had been used to criticize NGO efforts on the Mediterranean, the report responded that “it should be reminded that NGOs are engaging at sea to fill a gap and not to provide a solution to the present humanitarian crisis”. The training of the LCG was also addressed: the signing of the “Memorandum of Understanding” to train the Libyan Coast Guards and Navy Patrol Boats is “all well and good, but what if those EU trained Libyan personnel are responsible for attacks on European NGOs as was recently seen with the MSF Vessel, MV Bourbon? What liability does the EU hold?” Furthermore, the issues of “uncertainty of the final destinations” of those rescued by Operation Sophia “should be questioned” on whether individuals would be handed over to Libyan authorities “to be abused in detention facilities” and missing controls, checks and balances, because local agreements with Libyan authorities do not “guarantee the safety, protection and respect of human rights” of migrants and refugees in a state with three governments. (Human Rights at Sea, Sea-Watch 2016)

⁴⁷ The material for this part of the analysis was collected by using the search function on Sea-Watch’s website with the terms “Operation Sophia”, “EUNAVFOR Med” and “Libyan Coast Guard”. MSF did not publish any statements directly related to EUNAVFOR Med Operation Sophia, and due to the fact that Sea-Watch published several statements – also in coordination and joint efforts with other NGOs – I will only use these for this part of the analysis.

In September 2016, as the Sea-Watch crew was about to board for its tenth mission, it published a press release demanding respect for the “civilian rescue fleet” operating in the Central Mediterranean. Several incidents between NGO boats and the LCG were thereby giving “reason to worry”, for shots were fired towards the Médecins Sans Frontières crew on the Bourbon Argos vessel. In another case MRCC Rome-coordinated rescue operation by Sea-Watch was prevented by a speed boat which self-identified as LCG. In the matter Sea-Watch pointed out that “civil rescue vessels and their work must be respected by all actors in the central Mediterranean”. According to Frank Dörner, doctor on board of Sea-Watch 2, many rescued individuals reported involuntary returns by the LCG, and Sea-Watch was able to document such behavior as well. Dörner explains that “we cannot ignore the possibility that these incidents [...] are a strategy to discourage NGOs.” Sea-Watch thus condemned these push-backs and interceptions of boats which are “often cynically called ‘rescues’” in the strongest sense. It was claimed to be “obvious that a cooperation with the LCG as planned by the EU will lead to more push-backs and interception of boats”, with “tragic consequences for those fleeing”. Sea-Watch CEO Grafmanns therefore was quoted in saying that “if European governments decide to support groups such as the Libyan Coast Guard, they must ensure that these groups do not violate human rights and prevent rescue-at-sea operations acting according to international law”. Rather, Sea-Watch was “doubting” whether enough efforts were made by the EU to ensure that in the case of the LCG. (Sea-Watch 2016b)

Sea-Watch additionally launched a petition to Angela Merkel which received 13,994 signatures demanding an end to the “EU-financed violence against refugees and migrants by the Libyan Coast Guard”. The petition describes an incident on October 21st, 2016 during which the LCG boarded an overloaded rubber dinghy, beat the people aboard and prevented the Sea-Watch crew from distributing life vests. This “brutal behavior” and the LCG’s following attempt to “bring the boat back to Libya” led to the demolition of the boat and a mass panic, leading to 30 deaths by drowning and almost 150 people in the cold water. Nevertheless, the EU’s focus was “not (...) on an improvement of the situation of migrants and refugees in need” but instead, the “illegal push-backs and armed violence (...) fit into the European paradigm of isolation”. Again, it was explained that cooperation with the “so-called Coastguard must be questioned” because “no legitimate democratic structures exist in Libya” which can guarantee the compliance with human rights, and the LCG “disregards” UNCLOS and the Geneva Convention even after having been “trained for months” by European and German marines. (Sea-Watch 2017b)

While the “situation in the Mediterranean is escalating daily, partly because the coast guard trained by the EU acts ever more aggressive”, several other incidents were portrayed in the petition in which the LCG fired shots at NGOs (SOS Méditerranée, Jugend Rettet and ProActiva) outside of Libyan waters, once even putting the Sea-Watch crew “in mortal danger”. It was described that “various militias” call

themselves Libyan Coast Guard and are “sponsored by the EU”.⁴⁸ Members of the LCG were additionally “suspected of being bound up in the business operations of traffickers and smugglers”. Therefore, German financial support “could support the illegal trade in people and in this way perpetuate those structures whose dismantling should (...) be the focus”. Human rights organizations were quoted in the petition arguing that through the EU’s plans to hand over coordination for rescue at sea to Libya, they are “failing to ensure the maximum level of protection of those in distress”. The petition therefore demanded the German government to “reject further militarization” and instead “use its influence” so that (a) “a civil humanitarian mission with the explicit mandate to rescue at sea (can) be established”; (b) cooperation with the LCG is dependent on a monitoring system including possible sanctions; (c) this cooperation will be put on hold in case of human rights violations; (d) the LCG is trained to “follow the rules” to support rescue missions instead of “endangering refugees and migrants as well as civil rescue operations”; and lastly (e) no MRCC in Libya is established.⁴⁹

Summary:

Sea-Watch uses especially the two larger publications to analyze Operation Sophia and harshly criticizes its cooperation with the Libyan Coast Guard. In the report, EUNAVFOR Med is described as a process of increasing militarization reacting to symptoms while NGOs fill the gap left by the lacking EU commitment to save lives. The petition is used to create a case against the LCG that is not only based on a criticism of their lacking equipment, but rather on their action at sea which is therein characterized by ruthlessness and the willingness to let people die rather than having them be picked up by NGOs and brought to European mainland. According to Sea-Watch, Operation Sophia thus not only marks the continuous decrease of European liability, but also the strong effort of the EU to seal itself off from responsibilities and externalize responsibility to outside sources such as the Libyan authorities.

Finally, Sea-Watch picks up on arguments used against civilian activism – as will be shown in the following chapter on criminalization of NGOs: the possibility of EUNAVFOR Med creating a “pull-factor” and even raises the suspicion that the LCG, consisting of “militias”, might itself be involved in smuggling operations, are brought up. This shows the seesaw situation of accusations that many actors are involved in.

⁴⁸ see Obert, Michael (2017): Die Menschenfänger. Flüchtlinge in Libyen. In: Süddeutsche Zeitung Magazin, 08.06.2017. Available online: <https://www.sueddeutsche.de/panorama/fluechtlinge-in-libyen-die-menschenfaenger-1.3537527?reduced=true>, last accessed: 30.07.2018.

⁴⁹ Several other publications were issued by Sea-Watch on human rights violations of the LCG (e.g. “Most Tragic Moments at Sea 2016”, Sea-Watch 2016c), yet the arguments are often repeated word by word, which is why I chose not to include them but rather focus more deeply on the petition combining the incidents and arguments.

IX. Criminalization of NGOs

The basis for the criminalization processes lie in several arguments that I will show in the following analysis which will not be structured quite the same way as the chapters above because the discussion on the topic is influenced by a different set of actors and was produced differently. Even though some of the sources used for the analysis are statements made to various media outlets, I still followed the actors' arguments rather than those made by the articles' authors (as this is not a media analysis). Some of the most important and cited claims that were published against NGOs engaging in SAR in the Mediterranean were made by Frontex in its reports and by its Executive Director Fabrice Leggeri, as well as by the Italian prosecutor Carmelo Zuccaro.⁵⁰ I will therefore analyze these as an example of the criminalization efforts. Additionally, I adapted my 'questionnaire' for the texts by including "framing of the NGOs": How are NGOs mentioned and framed? In which context is the mentioning embedded? Which narratives are thereby produced? (How) Is the argument of about SAR operations creating a pull-factor mentioned?

i. Frontex & Zuccaro

In Frontex' "Annual Risk Analysis" for 2017⁵¹, the preface written by Executive Director Fabrice Leggeri explained that Frontex has been expanded into the "European Border and Coast Guard Agency" with new tasks of border surveillance and focused on the threats to the EU's security due to the number of "illegal border-crossings" and "poorly documented migrants moving within Europe". Leggeri specifically mentioned the "assistance of many NGOs and commercial vessels" in the rescue efforts on the Mediterranean, while nevertheless "several thousands of migrants making the crossing on overcrowded and unseaworthy rubber dinghies lost their lives", declaring that "migration management goes far beyond border controls".

In the chapter of the report on coast guard operations in the Central Mediterranean, specific claims considering smuggling and NGO efforts on the Med were stated: smuggling groups thereby "instructed migrants to make satellite phone calls to the MRCC in Rome to initiate targeted rescues on the high seas" (Frontex 2017: 32). Both border surveillance and SAR missions close to or within the 12-mile territorial waters of Libya thus had unintended consequences and the "scope of the problem is

⁵⁰ I use Zuccaro's argumentation as an example because for the time frame of this analysis the accusations against NGOs had been mainly put out by 'singular' law authority personnel, not by entire institutions. This changed over the last few months, as will be shown in the conclusion of this thesis paper.

⁵¹ Frontex (as one of the EU's executing institutions) is a key actor in the realm of criminalization of NGOs, as its Executive Director Fabrice Leggeri has openly voiced concerns and criticism about the engagement of NGOs in SAR activities, and reports of the agency have included paragraphs about these activities as well.

alarming". Frontex explained that in the summer of 2016 satellite phone calls to MRCC Rome decreased to 10 % while NGO rescue operations rose to 40 % of all incidents, with a "significant number of boats" being intercepted or rescued by NGO vessels without any prior distress call. This means calls of distress did not go through the official channels, and the Frontex report therefore implies that NGOs were somehow aware of the locations of boats without being sent there specifically by smugglers. Another argument in the chapter was that the amount of NGO presence nearly doubled compared to the previous year (with a total of 15 NGO vessels and reconnaissance aircrafts) while the "overall number of incidents increased dramatically". This not only "carries important implications for border surveillance but also made the argument of NGOs creating a "pull-factor" for refugees and migrants: Libyan smugglers turned SAR activities and humanitarian assistance "into an advantage", as "dangerous crossings" were organized with "the main purpose of being detected by EUNAVFOR Med / Frontex and NGO vessels". Nevertheless, Frontex explained that SAR efforts will continue "as long as the migratory crisis persists" not only because they "relate to international legal obligations, but also because they stem from European values". (Frontex 2017)

Simultaneously to Frontex' publishing of its Risk Analysis for 2017, the Financial Times (FT) published an article by Duncan Robinson that was recognized and cited extensively. According to two confidential Frontex reports from November 2016⁵² which the author was given insight to, Frontex claimed that the people on the move are given "clear indications before departure on the precise direction to be followed (...) to reach the NGO's boats". Additionally, NGOs supposedly instructed migrants and refugees not to co-operate with Italian law enforcement or Frontex. The reports also repeated the argument that NGO boats act as pull-factors, describing the lights of the ships as "a beam for the migrants". Additionally, Frontex criticized NGOs for "failing to help with investigations" by "refusing to collect leftover evidence from the rescued boats".⁵³ In the first published version of the article, Robinson additionally declared that Frontex had evidence of the "first reported case where criminal networks were smuggling migrants directly on an NGO vessel". (Robinson 2016) While this was later revised and corrected by FT, it was often cited and picked up on, as will be seen in the following.

In an interview with the German newspaper Die Welt, Leggeri explained that Frontex has to be ready to "operate under high pressure" in 2017 as "hundreds of thousands currently live in Libya" and prepare for embarkation. If migrants were picked up continuously closer to the Libyan coast by European ships, smugglers were incited to "pressure even more people" onto "non-seaworthy vessels", which,

⁵² One of the reports has since been leaked and is available online:

<https://www.documentcloud.org/documents/3531244-Frontex-Triton-Analytical-Report-December-2016.html>, last accessed 14.06.2018.

⁵³ The FT article, however, also cites the European Commission as stressing that legislation for stricter control of non-governmental rescue is unlikely and that NGOs have played a crucial role in saving lives in the central Mediterranean, acting "mostly (...) in support of and close co-ordination with governments".

according to Leggeri, should make Europe “reconsider the current concept of rescue mechanisms”. He again pressed that many migrants and refugees were unwilling to cooperate well with security authorities. As a solution to the high influx across the Mediterranean, he suggested a combination of border protection and legal pathways of entry to the EU. (Leggeri 2017)

Language plays a central role in these claims. The underlying perception of migration shows in the terminology that is used (or not used). In the Frontex report’s chapter on the Central Mediterranean, for example, “migrants” are mentioned 12 times while only four times in combination with “refugees”. In the interview with Die Welt, Leggeri speaks of “migrants” six times and not a single time of “refugees”. All people on the move are thus solely framed as migrants and not as those necessarily in need of protection.⁵⁴

In the Italian realm which is experiencing one of the most controversial discourses around search and rescue and arriving migrants and refugees, the prosecutor of Catania, Carmelo Zuccaro, began publicly accusing NGOs on the Mediterranean in late 2016. He explained that he was not in possession of evidence but assured that the NGOs (including Sea-Watch) were in direct contact with Libyan smugglers and picking up migrants and refugees on Libyan shores directly to escort them to European territory.⁵⁵ (Zuccaro,, 28.04.2017⁵⁶) He also declared that the NGOs’ financial statements showed that they have “enormous financial resources”, thus credit grantors must exist and these could potentially be human trafficking networks. Zuccaro thus expanded the idea of NGOs functioning as a pull-factor to them actually acting out the “pulling” and accuses them of political motivations (with the aim of “destabilizing the Italian economy”). His accusations were particularly important as they show a very harsh opinion on the topic made public by a person of authority in the Italian legal system that is in the position to bring charges and prosecute – something which, as described above, has happened several times. (Zuccaro 2017)

Summary:

The accusations published by Frontex against NGOs on the Mediterranean Sea were and continue to be severe: their main narratives focus on NGOs creating a pull-factor, the instruction of migrants and refugees not to cooperate, not cooperating themselves and even smuggling people on the move

⁵⁴ It can undoubtedly be argued that all migrants are in need of protection. Colloquially, however, the term “migrant” is a general description of an individual that decides to leave their home to move to another region or country – including voluntary migration, for example to accept a job elsewhere. It does not – as the term “refugee” – necessarily describe an individual that is in need of a protection.

⁵⁵ “Queste prove non le ho ma la certezza, che mi viene da fonti di conoscenza reale ma non utilizzabile processualmente (...), che vi siano state delle conversazioni dirette, in lingua araba, tra soggetti che stanno sulla terraferma in Libia ed esponenti delle Ong che dichiarano di essere lì pronti a recuperare i migrant. (...) Dai bilanci delle Ong che abbiamo acquisito è evidente che abbiano una disponibilità finanziaria enorme.”

⁵⁶ This interview of Zuccaro with La Repubblica is only one example of several interviews and statements he gave, but I chose it as a direct interview. (Zuccaro 2017) See also: Albanese 2017; RAInews 2017.

themselves. Even though, as stated above, this was later corrected, this argument is still sometimes used by other actors. Even though Leggeri explains that all SAR activities constitute a pull-factor and enable smuggling and trafficking networks in the first place, this argument weighs heaviest and is picked up most to criticize NGO efforts. Overall, Frontex' claims are framed as alarming threats to European security. While the safety of migrants and refugees themselves had before sometimes been declared to be under threat, in this part of the discussion the object to be secured is solely that of the European Union and its citizens, not the people in distress on the Mediterranean.

An additional finding of this analysis is that neither official Frontex reports nor Leggeri himself chose to speak of migrants and refugees. Instead, "refugees" are rarely mentioned. In the chapter on the Central Mediterranean of Frontex' Annual Risk Analysis 2017, for example, "migrants" are mentioned 12 times while only four times in combination with "refugees". In the interview with Die Welt, Leggeri speaks of "migrants" six times and not a single time of "refugees". All people on the move are thus solely framed as migrants and not as those necessarily in need of protection.

Zuccaro's accusations, as an example of a bureaucrat single-handedly voicing concerns, are particularly worrying: he admits that without proof he is convinced of the NGOs' wrongdoings and that they should be prosecuted for creating a pull-factor, colluding with smugglers and threatening European safety and more particularly Italy.

ii. UNHCR & IOM

In the only press release on the issue by IOM⁵⁷, from April 25th, 2017, IOM addressed the allegations against "governments and private humanitarian groups (...) supporting rescue vessels to assist migrants and refugees" to constitute a "pull-factor" and the possible "collusion with smuggling groups". Federico Soda (Chief of the Mediterranean Mission of IOM) was quoted saying that "we know for a fact" that the presence of ships in the Mediterranean does not incite migration. He related the accusations to those made against Mare Nostrum and argued that when Mare Nostrum was ended without a substitute, "we registered an increase of migrant departures from Libya, and sadly an increase of deaths at sea". Thus, the "great work and combined efforts" of NGOs was "essential to save thousands of lives". Rome Spokesperson Flavio Di Giacomo also reported that the most extensive SAR operations in the Mediterranean occur close to Libyan waters and were carried out by NGO patrols, with the Italian Coast Guard as the second largest rescue entity, thirdly the vessels of EUNAVFOR Med and lastly the commercial ships, and NGOs who rescued approximately 36 per cent of people on the move, followed

⁵⁷ Even after thorough search on the websites of both IOM and UNHCR, this press release is the only one mentioning the accusations and pressing of charges against NGOs and civilian actors.

in numbers by the other actors involved. “Pointing at rescue ships as a ‘pull-factor’ is thus very misleading” – instead the focus should lie on ‘push-factors’. Eugenio Ambrosio (Regional Director in Brussels) additionally reacted to “the debate around allegations of collusion” between NGOs and smugglers by claiming that “IOM believes the discussion should be put back on track”: as “saving lives is the paramount consideration and responsibility of all actors involved” this should not “take a back seat to other concerns”. The fact that record levels of deaths at sea were recorded in 2017 indicated that “something is very wrong.” (IOM 2017d)

Summary:

IOM declared decisively that the organization did not believe in the pull-factor hypothesis. Instead, the efforts of NGOs were stressed as essential to save lives, even when patrolling close to Libyan waters. Di Giacomo even goes as far as pointing to push-factors, while this is not an unusual argument for a human rights organization, in this context it can even be read as a critique. This is shown by the further argumentation of Ambrosio to set priorities straight again towards saving lives with the help of all possible actors, rather than accusing some of those involved. The finishing statement is an additional strong critique of the status-quo.

iii. Sea-Watch & MSF

While, contrary to other involved NGOs, no official charges have been pressed against Sea-Watch during the timeframe of this work, the NGO has been criminalized through accusations by various actors. In a press release from December 2016, the NGO described its fear of this criminalization of civilian rescue forces, especially in the year 2017 with several important European elections. While further deaths would have to be prevented and NGO work was thus necessary, CEO Axel Grafmanns described “well-calculated accusations” by Frontex and the reality of increasing danger of criminalization for “fugitives and helpers”. Sea-Watch accused EU mission ships to have increasingly “withdrawn from the immediate rescue operations”, while many of the better equipped military ships simply observed civilian rescue operations. They again declared their work to fill the gap of “where the EU fails” and described the closing of the external borders to be a strategy for the “election year 2017”: “It can only be political calculation, if over 5000 people have drowned or went missing on the way to a safe harbor until today.” Countering the argument of civil rescue organizations facilitating the smuggling work, Frank Dörner of the managing board explained that this ignores why NGOs are actually at sea – to “rescue people who are in acute danger to life”. He explained the “eyes of the civilian rescue organizations” to be a “disturbing factor for the politicians who want to close external borders in time for election”. Concerning

the possible “pull-factor”, the NGO declared the “EU’s policy of closure” to be the ultimate enabler for smuggling. (Sea-Watch 2016d)

Together the NGOs Jugend Rettet, Alarm Phone, Leben Retten, cadus and borderline europe e.V., Sea-Watch issued a joint statement against the allegations of human smuggling in March 2017: based on their perception that the EU was not taking on their responsibilities to “finally fully join the rescue efforts”, rescues on the Mediterranean were in the hands of civil society yet couldn’t remain there. Due to the EU’s denial of rescue activities, NGOs were “needed to substitute a state-run support” whereby “defending European values” by “actively doing something against the appalling conditions” in the Mediterranean. The organizations also replied to the accusation of Leggeri of not cooperating by collecting evidence on abandoned boats: they argued that their crews were not deployed to disband the trafficking networks but instead to provide humanitarian aid. The statement focused mainly on the EU’s efforts of closing off the EU to all migrants and refugees instead of providing safe and legal ways to enter the EU, and migration generally as “being criminalized”.⁵⁸ (Sea-Watch 2017c)

Sea-Watch also responded to the Zuccaro’s announcements directly, calling it a “campaign of defamation” and “illegitimate for a representative of a sovereign judiciary”. The “imaginary accusations” were driven by “representatives of Frontex and Lega Nord”, as civilian SAR efforts “frustrate their concept of the calculated letting die as a means of migration control”, again establishing the argument of political calculation. The organization also responded to Zuccaro’s questioning of their financial resources by declaring that the NGOs had been financially transparent and had shown their finances publicly every year, thus the “accusation of colluding with smugglers for money is simply untrue”. (Sea-Watch 2017e)

Sea-Watch, Jugend Rettet and Sea-Eye were all asked to speak to the Italian Senate’s Defense Committee in May 2017 in response to Zuccaro’s and Leggeri’s accusations. Sea-Watch CEO Grafmanns explained that embedded in the greater problem that not enough state ships were patrolling the Mediterranean to save people from drowning, he couldn’t understand why the EU as a Nobel laureate accused organizations committed to human rights. He again pointed out that state vessels had almost completely withdrawn from the scene and MRCC was thus unable to send other ships than those of NGOs. The financial transparency was also raised again by confirming that Sea-Watch publishes an annual report including finances, structure and goals. Grafmanns made it clear that no ties to Libyan smuggling networks exist and that the EU is the only actor with close ties to Libyan authorities. On the topic of the pull-factor, he repeated earlier arguments made by Sea-Watch and pointed to the “Blaming the Rescuers” study of the University of Oxford. (Sea-Watch 2017d)

⁵⁸ If no legal pathways are enabled, migrants and refugees are forced to use illegalized migration routes and are thereby “criminalized”.

Aurelie Ponthieu expressed MSF's viewpoint on the accusations against NGOs in a press release from February 2017: She described it as "disturbing" to hear accusations about encouraging smugglers because Frontex had refused to meet with MSF to discuss the criticisms, and that the implications of these accusations are "shocking": "Is Leggeri suggesting that we move even further from the area where people are most at risk of drowning just to make smuggling more difficult? Should we just let them die?" She also reacted to the claim that NGOs and MSF do not collaborate with Frontex and other law-enforcing institutions by stating that MSF does not share Frontex' mandate and is "not border police or anti-smuggling operatives" but instead described the roles of doctors and nurses at sea "purely to save lives". Therefore, there was no alternative to working as close as possible to Libyan territorial waters as it was "the only way currently possible to mitigate the high risk of death". Ultimately, the "damaging and unfounded attacks" against NGOs were to be refrained from, and Frontex should "re-evaluate their current operation and consider their own role in the horror we see every day on the Mediterranean". MSF addressed the questions of a possible "pull-factor" and the alleged collusion with smugglers also in their website's permanent FAQ section. The answer to the question whether NGO vessels in the Mediterranean encourage people to "risk their lives at sea" starts by arguing that not only NGOs are rescuing migrants from boats in distress but rather that all ships in the area are obliged to assist. MSF is therein acting "in full accordance with the law of the sea" and under the coordination of MRCC Rome, while clearly defining the purpose of activity and effort at sea to be "only and exclusively aimed at saving lives". According to MSF, the majority of rescues in 2016 were carried out by military ships, Frontex and the Italian Coastguard, yet "Libyan-based smugglers heavily (relied) on this International Convention for the Safety of Life at Sea (SOLAS)", thus on SAR activities. In 2014, 25 % of all rescues were executed by commercial ships, and NGO efforts were able to "lessen the burden on commercial ships" which led to the International Chamber of Shipping to put pressure on European governments to "meet their obligations". The fact that "people will continue to come in large numbers" is therefore not dependent on whether NGOs are "running dedicated search and rescue operations (...) or not", but instead on the fact that the European Union is not offering "any safe or legal alternatives for refugees and migrants who are looking for safety in Europe". Humanitarian action was thus "not the cause of this crisis but is a response to it". (MSF 2017)

Summary:

I hereby argue that the discourse surrounding the possible criminal activities of NGOs and civilian actors is the most important aspect of the debate surrounding SAR. Allegations against actors that are engaged in rescue operations in a 'non-official' manner have always existed. In the timeframe of this analysis, the political institutions of the EU have not directly alleged that NGOs and civilian actors have created a pull-factor, yet their executive agency Frontex has. It is also important to note that while EU institutions (be

they democratically elected as the European Council, or not, as the European Commission) can establish and adopt policies and have their executing institutions, like Frontex, engage in them without having to fear any actual hinderance through other actors. As the last months have shown, however, NGOs and civilian actors can easily become victims of accusations and be hindered in their ability to work, e.g. through the impoundment of their vessels. This is the reason why the NGOs engaged in SAR activities in the Mediterranean have been so vocal and vigorous about the accusations and legal actions against them – they are otherwise powerless against them.

Sea-Watch goes as far as calling them “well-calculated” several times, arguing that Frontex and other actors purposefully composed allegations against the active NGOs to discourage them from engaging further. MSF picks this up by explaining that Frontex had refused to meet to discuss accusations directly which hints at a wanted politicization of the issue through the EU.

Both Sea-Watch and MSF claim that the EU is itself responsible for increased NGO activities, as the European vessels continuously withdrew from the area of operations – particularly outside of Libyan territorial waters – and thus NGOs felt obliged to fill this gap. This leads into the counter-arguments against “creating a pull-factor”: all organizations refuse these by stating that they are not only acting in accordance with international and maritime law, but also in defense of European values and in their duties as humanitarian actors. Encouraging migrants and refugees to cross the Mediterranean is therefore not their goal, but instead it is the safety and protection of those that took on the dangers of crossing the sea.

With their critiques of the EU’s efforts to close off to migrants and refugees, they encounter the narratives of securitization and the need for border control and surveillance by declaring several times that what is needed are combined European efforts and the creation of legal pathways and alternatives to being smuggled across the Mediterranean in unseaworthy vessels.

The NGOs understand the accusations and denunciation against them as tools by the more powerful actors to politicize the issue. Even though every single time charges had been pressed they ultimately had to be dropped again due, the accusations linger in the public arena and are picked up again and again. The NGOs image is therefore always impaired.

Finally, the most important argument of NGOs against legal actions against them – such as the impoundment of their vessels – disables them from operating in the search and rescue zones. This undoubtedly poses an immense threat to the lives of those attempting to cross that could otherwise be picked up exactly by these NGO boats.

X. Discourse Coalitions

The preceding analysis showed arguments by various actors involved in SAR that are embedded in a spectrum of securitization and humanitarianism. To embed this further, this chapter is meant to give an overview of this dialectic that is known to structure approaches to and discussions about migration.

Looking at ways in which a phenomenon is linguistically represented leads to questions such as “Who is responsible? What can be done? What should be done?” Discourses thus frame issues by distinguishing some aspects of a situation rather than others, and ultimately provide the tools with which ‘problems’ (e.g. security concerns) are constructed. (Haajer 1993: 47) Actors can create narratives – sets of meaning constructions that connect specific problem definitions and solution problems, embedded in coherent combinations of values, ideas and storylines, and the perception of situations as (politically) problematic then depends on the used narrative. Studying the arguments that are woven into a net of narratives is therein essential to understand these dynamics.

The Dutch researcher Maarten Hajer uses the term “discourse coalitions” to describe these groups of political and social actors who share a social construct as a “way to give meaning to ambiguous social circumstances” and declaring that through speech. (ibid: 45) An analysis of the arguments used by these ensembles of actors enable the uncovering of how specific actors make use of certain discursive narratives to interpret and convey a complex social reality. Especially in the political realm, this is a significant element as actors attempt to impose their views of reality on others through debate or persuasion. A discourse coalition is dominant in a given political setting if (a) it dominates the discursive space (and central actors are persuaded or even forced to accept the rhetorical power of it) and (b) this is reflected in practice.⁵⁹ (ibid: 46) Most researchers understand the public debate on migration to be divided into two “diametrically opposed positions” (Steinhilper and Gruitjers call these “policy narratives” rather than discourse coalitions; 2018: 516) – one focused on security and deterrence and one focused on humanitarian aspects.⁶⁰ (ibid; Boswell et al. 2011; Carling, Hernández-Carretero 2011) According to this and after my initial research on the topic, I structured the analysis the way I did to also portray these (possible) discourse coalitions. The following chapter will give insight into the existing research on these coalitions and include the results of my analysis.

⁵⁹ At a time when social constructivism and discourse analysis can rejoice in widespread attention, it is paramount to emphasize that social constructs do not ‘float’ in the world; they can be tied to specific institutions and actors. If a discourse is successful - that is to say, if the majority of people uses it to conceptualize the world - it will solidify into an institution, sometimes as organizational practices, sometimes as traditional way of reasoning. This process is called discourse institutionalization. (p. 46)

⁶⁰ Bigo clarifies that the latter is a by-product of the securitization process. (2002: 78)

i. 'Securitizing' Discourse Coalition

As migration today is a highly controversial topic in all socio-economic spheres, it is often associated with various problems including terrorism, criminality and social unrest. (Léonard 2011: 2) Therefore, migration-related issues have become important topics of contemporary security politics in Europe (and worldwide). Many refer to this trend as the “securitization of migration” (Bigo 2000, 2002; Ceyhan, Tsoukala 2002, et al.): the “extreme politicization of migration and its presentation as a security threat” (Léonard 2011: 2). In the process of securitization⁶¹ the actor(s), equipped with authority and believability, define something as a ‘threat’ to an audience through the so-called “speech act”. Understanding and defining migration, migrants and refugees as a security threat can then legitimize action and policies against this perceived threat.

Didier Bigo argues that the “professionals in charge of the management of risk and fear” transfer the legitimacy they receive for fighting terrorists, criminals and spies to fight also against migrants and transnational activists. (2002: 63) As migration is understood through the categories of the ‘inside’ and ‘outside’, the ‘us’ and the ‘other’ with a presumed homogeneity of the people on the ‘inside’ (Anderson 1991), migration is therein often perceived as a threat to this ‘inside’. (Bigo 2002: 67) In the European context, much research has found that the discourse linking migration and security was reinforced after the 9/11 attacks yet followed a trend that had already existed beforehand. (Karyotis 2007: 12 f.; Togral 2011 et al.) While terrorism was thus not necessarily the main factor for securitizing migrants, it certainly has become that over recent years due to the growing fear of terrorism after major attacks in various European countries. Alongside the fear of terrorism, many voices have argued that European identity and culture are threatened by migration. Cross-border movement has thereafter been “securitized” to create a dominant ‘truth’ about the danger posed by unchecked arrivals that perceives the migrant as an “enemy” menacing the “homogeneity of the state” (Bigo 2002: 67). This in turn catalyzes fear and justifies the establishment of (restrictive) measures to manage the “threat” they represent. (Moreno-Lax 2017: 121)⁶²

⁶¹ For an in-depth understanding of the concept of securitization, see Wæver, Buzan, de Wilde 1998; Balzacq 2010.

⁶² Bigo raises another important question: even though so many counter-narratives are known, why are discourses of securitization of migration still so powerful – and, I would argue, are even gaining power? Why does the production of academic and alternative discourses have such little effect? (Bigo 2002: 65) Even though this thesis paper aims to follow up on only a fraction of the (anti-)immigration discourse – that directed concretely at saving migrants’ and refugees’ lives at sea through SAR missions – and even though Bigo’s text from 2002 is somewhat outdated, I believe the answers given by him do still apply to the discourse we witness today: the securitization of migration is (a) one of the effects (and simultaneously causes) of the increasing popularity of far-right political parties; (b) based on “unease” that some citizens suffer in a “risk society”; as well as (c) on our conception of the state as a container for the polity; and (d) structured by the habitus of the security professionals and their new interests in foreigners and “immigrants”. (2002: 65) The resulting understanding which is important for all analyses of migration and security is that the relationship of migration

In the debate about securitization, another key factor are questions of territory and space: Which actors can influence the jurisdiction over which space, and how is this reflected in security policies?

In the realm of EU politics, portraying (irregular) migration as a “security problem” has been normalized in the current political discourse. (Huysmans 2000, 2006) Due to their relative power in shaping international political discourse and the role of the state in defining modern-day conceptions of political community (Huysmans 2006: 34 f.)⁶³, the securitizing discourse on migration to the European continent is first and foremost shaped by the European Union, its institutions and various politicians and bureaucratic personnel.⁶⁴ While some studies did not limit their analysis to the dynamics of the European context, but rather analyzed the securitization of migration as a phenomenon of “Western societies” (Ceyhan, Tsoukala 2002) or a “global phenomenon” (Tirman 2006: 3), others focused particularly on the role of the European Union in the process of securitizing migrants (Huysmans 2000; Karyotis 2007; Lazaridis, Wadia 2015).

Generally, the main factor of securitizing migrants within the EU is the “protection of European identity and culture” mainly by securing the external borders, thus increasing interior free mobility and the elimination of internal borders while restricting and ‘closing’ the external (which is often referred to as “Fortress Europe” by its critics; Huysmans 2000: 752). This is also closely linked to describing all migrants as a unitary group without considering distinctions of ‘refugees’, ‘asylum seekers’, etc. Through this approach, migrants are presented as a coherent existential threat, (Huysmans 2006: 47 f.) and it serves to construct the concept of a homogeneous European identity that needs protection. (Bigo 2002: 80) Additionally, the term “crisis” is used to refer to the number of arrivals and Europe’s perceived inability to accommodate them, (Steinhilper, Gruitjes 2018: 516) because these individuals are viewed as a possible security risk. In turn, this justifies the erection of fences and other obstacles. (Bauman 2016) Border deaths are therein understood to be the result of Europe’s inability to control its external borders and prevent irregular migration.⁶⁵ Humanitarian approaches are discredited as they are perceived to encourage further risky crossings. (Steinhilper, Gruitjes 2018: 516)

and security is inevitably political, and that the wording is never innocent – both are contested concepts used to mobilize political responses. (Bigo 2002: 71)

⁶³ Nevertheless, analyzing securitization processes does not suggest that state elites have complete autonomy in shaping the security agenda, as the success of a securitizing act depends to an extent on underlying material conditions, and, importantly, on the perceived legitimacy of securitizing actors as well as the nature of the referent object, e.g. the state. (Buzan, Wæver, de Wilde 1998: 32)

⁶⁴ For instance, Hungarian Prime Minister Viktor Orban has directly positioned migration as a threat to the continued existence of the European Union as well as a common ‘European identity’ (Traynor 2015). Simultaneously, the perceived threat of terrorism enabled through migration has been increasingly dominant in the European political discourse, especially in the wake of the Paris terror attacks of 13th November 2015. (The Economist 2016)

⁶⁵ One example of how this securitizing rhetoric has led to concrete action is the EU-Turkey repatriation agreement. (Den Heijer, Spijkerboer 2016)

To clarify the need of protection of European territory and identity, terminology along the lines of “strengthening our borders”, “securing our borders”, “increased surveillance”, “fighting trafficking” and ultimately even “preventing migration flows” is used. (Berry, Garcia-Blanco et al. 2015: 3) In the discourse on search and rescue on the Mediterranean, the securitizing discourse coalition – as shown in my preceding analysis – uses this terminology as well. I will analyze the presence of the ‘typical’ securitizing arguments in the published statements by the selected actors along the timeline I have used above to enable the description of possible changes throughout time:

In the aftermath of the *shipwrecks at Lampedusa* in 2015, the European Union used arguments and narratives of border surveillance and security matters: due to “migratory pressures”, there existed a need to “increase security” through “information sharing and gathering, border surveillance” and the “securing of land and sea borders” (European Commission 2017b). The involvement of European militaries was thus deemed necessary (“serving our common security in Europe”; Mogherini 2017) to prevent “illegal migration flows” (European Council 2015a). These terminologies were picked up by various actors in various statements. To increase security, the top priority of the European Union was declared to be the fight against smuggling and trafficking networks (Tusk 2015; European Council 2015b; European Commission 2017b; et al.) which could only be achieved through European unity. (Avramopoulos 2015; European Commission 2015d; European Council 2015b; et al.)

While all of the above fits into securitizing strategies, the terminology used for people on the move is not threatening or harmful. Refugees and migrants are instead called “innocent” (Avramopoulos 2015; Tusk 2015) or “unfortunate people” (Juncker 2015) who must be saved, while smugglers and traffickers are framed as the “real threat”.

In the discourse surrounding *EUNAVFOR Med Operation Sophia*, the EU’s focus on fighting smuggling and trafficking networks is especially emphasized. Every statement includes several mentions of the need to enhance the operation’s capacity to disrupt the business model of human smuggle (EUNAVFOR Med 2016; European Commission 2017b; Mogherini 2017; et al.). Only the increase of security in Libyan territorial waters can ensure a “safe sea” (Mogherini 2017), and thus the need to increasingly share information and intelligence (European Council 2015b), the provision of assets to the Libyan Coast Guard (European Commission 2017b) and strengthening and coordinating border surveillance system together with Libyan authorities (ibid) is enabled through Operation Sophia. Interestingly, rather than claiming the necessity of safe waters of EU member states, the statements focus on the safety of Libyan waters – which is of course part of the EU’s externalization of border and migration management. Yet contrary to the claims that in migratory securitization processes migrants and refugees are perceived as the threat, the publications do not directly state this, but instead frame migrants again as vulnerable and the EU’s efforts as focused on reducing the risk of loss of lives. While this is not

mentioned nearly as often as the priority of fighting smuggling, it is included in all statements that the “tragedy in the Mediterranean” (Mogherini 2017) must be stopped.

Concerning the discursive event of *criminalization*, the main focus of the EU was again put on fighting smuggling networks. The accusations against NGO rescue efforts are embedded in claims about “unintended consequences” (Frontex 2017: 32), most importantly those of NGOs supporting smuggling networks as the “criminals” put more migrants and refugees onto unseaworthy boats. Frontex claims that the NGO engagement in the Mediterranean and its “unintended consequences” show the “difficulties inherent in border control and saving lives at sea” (ibid). Due to this “growing problem of irregular migration” (Robinson 2016), matters such as border security and surveillance of borders are brought up time and again. (Leggeri 2017; Frontex 2017) One main claim against NGO efforts is that as they operate 40 per cent of rescues which complicates the work of European security agencies because they can thereby not interview migrants about smuggling networks. (Leggeri 2017) This leads to the decisive argument: while smugglers are framed as the ultimate and most important threat – with migrants only perceived as a threat because their undocumented traveling has effects on migration management – migrants are not directly mentioned as a threat once. Instead, the fight against smuggler networks is declared to be the top priority. Since nowadays there are only very few opportunities to reach Europe legally and most migrants have to rely on illegalized migratory paths, smuggling ends up being their only opportunity. When smuggling is criminalized, migrants are thus criminalized simultaneously.

Nevertheless, at second glance, this does eventually lead to the same point: smugglers are the main threat due their criminal activity which is smuggling migrants. Thus, in turn, means that migrants themselves are the perceived threat because

The second important finding is that securitizing measures are always argued to disrupt smuggling networks but also to save lives which puts them in a somewhat humanitarian framing. This has been picked up by research on similar issues: the “urgent action” that is taken is reframed as merciful and necessary to guarantee migrant survival. (Carling, Hernández-Carretero 2011) Security is thereby permeated by “life-saving” efforts on principles of humanity. (Moreno-Lax 2017: 121) Yet the “humanitarianized” controls actually lead to a “new form of ‘ethical policing’” (Pallister-Wilkins 2015) that “cares and controls” simultaneously because it explains the controls and interdictions to be in the interest of migrants. Migrants thereby become the thing to be securitized while also the thing to be secured against.

The most important argument of securitizing actors in the process of criminalization is the pull-factor that NGOs supposedly create. This must be put into context of recent research on the topic. Steinhilper and Gruitjes argue that three different phases of SAR activity in the Central Mediterranean can be identified: (1) Mare Nostrum with its explicit humanitarian objective (2013 – 2014) which rescued over

156,000 people and operated close to the Libyan coast; (2) Triton with the primary goal of combatting crime and securing the EU's external borders – not explicitly designed as an SAR operation – and effectively “creating a vacuum” in SAR capability; and (3) the time period in which NGOs engaged in SAR missions in the area, returning rescue capacity to approximately the level of Mare Nostrum. (2018: 525) Comparison then shows that the number of arrivals in the low SAR period was not lower than high SAR periods – contradicting the pull-factor hypothesis. Instead, the death rate was substantially higher in the low SAR period. The team of Forensic Oceanography at Oxford University shows in their 2016 *Death by Rescue* report that the incidents in April 2015 were the result of the termination of Mare Nostrum, as it left a gap in the SAR capabilities. Additionally, their *Blaming the Rescuers* report of 2017 shows that the pull-factor hypothesis does not hold up when put under investigation, because numbers prove differently.

ii. ‘Humanitarian’ Discourse Coalition

The analysis of the humanitarian discourse coalition on the other hand requires an understanding of humanitarianism as a concept. Generally, humanitarianism is defined as being concerned with or seeking to promote human welfare, the relief of suffering and the maintenance of human dignity. This is based in a respect for human life and enacted through practices of assistance and rescue. (Fassin 2012) States, multilateral organizations and NGOs have traditionally engaged in various humanitarian missions following natural disaster, economic, political and social conflicts, as these can lead to the breakdown of economies, collapse of state structures, famines and massive displacement of people. Humanitarian engagement can be done in local solidarity (e.g. working on the ground in one's own local community) or in a more cosmopolitan fashion. Fassin uses the term “humanitarian government” to describe the broad set of “procedures established and actions conducted (...) to manage, regulate and support the existence of human beings” not only through state intervention, but also by local administrations, international bodies and political institutions. (2012: 1) Humanitarian work aims to facilitate a return to the status quo and is often understood as apolitical (thus not synonymous to human rights and development work).

Recent research has shown that humanitarianism mainly has exclusionary power, (Carling, Hernández-Carretero 2011; Cuttitta 2014; Pallister-Wilkins 2015; Williams 2015) leading to the conclusion that humanitarian logics are not incompatible with – and even often instrumental to – restrictive migration policies and management practices, (Cuttitta 2017b: 2) as they exclude people from territories and / or rights. Humanitarian intervention has thus been the issue of great debate, not only due to questions of sovereignty (whether protecting human rights supersedes the principle of sovereignty) but also most

recently due to the redefinition of armed forces in humanitarian missions (such as European military units in EU navy operations; Humanitarian Studies Unit 2001: 2)

The humanitarian discourse coalition about migration is mainly led by humanitarian organizations and human rights advocates and perceives deterrence of refugees and migrants as the cause of increasing death tolls, rather than its solution. The term “Fortress Europe” has therefore been coined to describe the EU’s securitization rhetoric and procedures – with no legal and safe alternative pathways onto its territory – leading to border deaths.

In the discourse about the Mediterranean, the debate about humanitarian aspects of engagement is particularly important: the involved NGOs specifically describe their work as humanitarian engagement, yet they are being criticized for acting in a political way, while EU institutions are political bodies and their operations, such as Operation Sophia, also have aspects that could be described as humanitarian (“saving lives as a top priority”).⁶⁶ The core of the debate can thus be described as questioning efforts framed as “humanitarian” on their actual purely humanitarian content, or whether they actually constitute migration management techniques.

Research exists on this dilemma under the frame of “humanitarian border” (Walters 2011) or “humanitarian borderwork”: Humanitarian logics have always contributed to determining the conditions under which borders can be crossed and enforced (Cuttitta 2017b), with “humanitarian borderwork” describing the borderwork through and with humanitarian logics, including ideas about protection and rescue – or the “logics of care and control”. (Pallister-Wilkins 2018: 5 f.) Involved actors therefore attempt to alleviate “the worst excesses of the violence of sovereign borders while also attempting to govern mobility”. (ibid) This can include state and non-state actors. Pallister-Wilkins and others argue that humanitarian actors with concerns for saving lives and providing basic relief, particularly NGOs and non-state organizations, actually expand borders and borderwork themselves; (Jones 2016; Pallister-Wilkins 2018) they are not only a part of the rescue efforts, but also play an active part in migration controlling regimes. (Pallister-Wilkins 2018: 3) I will use the following pages to show how this hypothesis applies to the case study of search and rescue in the Mediterranean.

Many researchers argue that the *European Union*’s discourse has changed from a ‘pure’ securitizing logic (preventing unauthorized movement, framing irregular movers as near-criminals, securing the borders by all means; Guild 2009) towards a more humanitarian approach – human rights friendly and framing migrants as victims and smugglers as perpetrators. (Moreno-Lax 2017: 1; Calhoun 2008; et al.) Others argue that both trends have been occurring simultaneously. (Cuttitta 2017b) Both approaches have in common the underlying premise that deaths at sea are ‘used’ by institutional actors to frame

⁶⁶ This is embedded in a more expansive understanding of humanitarianism in which the “mainstream ideal” of the 20th century is connected to developments of not only effectively managing disaster but also of securing mobile populations to maintain the modern liberal sovereignty while and through securing lives. (Pallister-Wilkins 2017: 19)

migration as an emergency (both humanitarian and security-wise) and thus justify the need for policies to tackle smuggling activities and ultimately preventing crossings altogether. My analysis, however, does not portray a very precise usage of humanitarianism. Throughout the analyzed timeframe, the EU has – while mentioning deaths at sea and the need to save lives almost marginally or as an afterthought – expressed its top priority to be the fight against smugglers and their networks. A humanitarian approach of the relief of suffering was not put in the main spotlight of the publications. Even though some press releases and speeches described migrants and refugees as “innocent victims” and similar framings, (Avramopoulos 2015; Juncker 2015; et al.) migrants and refugees were very rarely explicitly named as in need of protection.

The operations run in the Mediterranean by the European Union were presented as responding to tragedy and as means of preventing further tragedy, thus appearing to run counter to processes of sovereign border control concerned with preventing and policing migratory flows (Pallister-Wilkins 2017: 19). This, when reading only a few of the EU’s statements on the issue, might give the impression that the humanitarian aspect of the operations is understood to be as important as the militarizing ones; yet closer analysis, even just in numbers of mentions, shows that the humanitarian traits are outnumbered by the militarization, policing and control mechanisms of Operation Sophia and similar operations in the Mediterranean. As research has shown that the framing of interception at sea has changed from that of a border control mechanism to a “necessary life-saving device”, (Pallister-Wilkins 2017), I argue that while life-saving is mentioned, it is definitely not in focus – fighting smuggling is.

Another important factor is that rescue at sea (or “interception” / “interdiction”) cannot be understood as a rescue mechanism.⁶⁷ Instead, it functions as a continuum of exception and control and shrinks ‘rescue’ to its corporeal component of dragging individuals out of the dangerous water. (Durieux 2016) Migrants and refugees who have been rescued are immediately registered, documented and handed over into the asylum system of the respective state they arrive in (or are pushed back to; Kernerman 2008: 247 f.; Bellanova, Duez 2016; Cuttitta 2017b: 2).

It is therefore very clear that the European Union’s approach to rescue at sea cannot be described as humanitarian.

Meanwhile, both *UNHCR* and *IOM* declare their work to be specifically humanitarian. *IOM* e.g. states that it works to “ensure the orderly and humane management of migration (...) and to provide humanitarian assistance to migrants in need, including refugees and IDPs”. (*IOM* 2018c) In the analyzed

⁶⁷ Pallister-Wilkins makes the important distinction between ‘rescue’ and ‘capture’: “From the perspective of the migrant and when we focus on the specificities of both SAR operations and border policing in practice, what we see is that rescue (migrant safety) and capture (border security) result in similar, if not identical outcomes for the people on the move themselves. Furthermore, there are operational reasons as to why rescue and capture can be understood as two sides of the same coin. (...) Not only does rescue see people on the move brought under sovereign control when they disembark, but in addition, rescue itself already operates under a sovereign rubric concerned with policing mobility in the Mediterranean (2017: 21)

publications, they explain time and again that their efforts on the coastlines and in camps (also in detention camps) in both northern and southern countries are based in humanitarianism. Concerning their work on and surrounding the Mediterranean Sea, both organizations frame their approach as offering humanitarian assistance to migrants and refugees rescued at sea and thereafter brought to departure or arrival countries, while calling for increased search and rescue capacities to ensure human rights, dignity and the relief of suffering. In their joint statement in the aftermath of the April 2015 shipwrecks, they demanded the inclusion of “safety, protection needs and human rights of all migrants and refugees” that should be “at the forefront of the EU response”. (UNHCR 2015e) They also call for creating safe and legal pathways into the European Union. Nevertheless, the above-named arguments that organizations involved in humanitarian assistance ultimately work as part of border work must be considered here: Both IOM and UNHCR function as actors in the reception and documentation of migrants and refugees and were involved in the EU’s trainings for the Libyan Coast Guard and other security personnel. They thus have been described as the intermediary of securitizing and humanitarian logistics.

The approach of *NGOs* involved in search and rescue on the Mediterranean Sea must generally be differentiated, as many of them have made a point of stating that they perceive their work as purely humanitarian and not political at all (e.g. Migrant Offshore Aid Station). Considering the arguments brought forward by Pallister-Wilkins and others that *NGOs* themselves perpetuate border control mechanisms, it is important to understand that some *NGOs* use their ships to bring migrants and refugees to European shores and ‘transfer’ them into the hands of border control agencies, others (such as Sea-Watch) ‘only’ rescue them and assist them while waiting for larger vessels to arrive and take them to the shores.

Sea-Watch and MSF have, as shown in their first statements concerning the shipwrecks in April 2015, stated very clearly that they understood it as their humanitarian duty to critique and counter the actions of the European Union in the Mediterranean. Especially MSF made clear that it saw its involvement as a humanitarian duty, as the deaths of migrants and refugees searching for protection were “a policy-made humanitarian disaster”. (MSF 2015) Sea-Watch argues very similarly while repeatedly stating that it perceives its duty to act not to provide a solution to “the humanitarian crisis” but only to “fill the gap”. (Human Rights at Sea, Sea-Watch 2016) Both organizations have also specifically critiqued the securitizing logics and efforts of EU policies and operations. I therefore argue that both organizations – even though they do work in cooperation with EU institutions such as Frontex, and the MRCC Rome – do not function as part of the migration control efforts of the EU, as they specifically critique these efforts and explain time and again how they solely work to “fill the gap”. Their work must therefore be described as a last resort, as they see no other way to save all lives that could possibly be saved but to

use cooperation and patrol the seas themselves. They therefore function as the humanitarian strand of search and rescue in the Mediterranean Sea.

What this last part of the analysis reveals is the crux of motivation when being engaged in search and rescue efforts. Sea rescue and border policing are not necessarily a dichotomy or two opposed practices. Rescue as a humanitarian act aims at saving the lives of people on the move while border policing aims at capturing those on the move to control them under governable sovereignty. (Pallister-Wilkins 2017: 21) Nevertheless it is crucial to understand that humanitarianism shares parts of the security's logics and often uses similar practices (e.g. encampment, registration and documentation, and rescue at sea) – which is reflected in the term “care and control”. (ibid)

XI. Conclusion

Migration is one of the most controversial topics of our time. Boat migration across the Mediterranean is undoubtedly one of the nodes of debate where approaches have the most extreme outcomes: they are literally matters of life or death. As my analysis has shown, the ways of speaking about it vary greatly and the actions that are taken differ in their principles, method and execution.

At the beginning of the timeframe, the European Union put its main focus on disrupting smuggling networks. The terminology to describe this aim was already harsh, while refugees and migrants attempting to cross were described as innocent people looking for a better life. The “crisis” in the Mediterranean was therefore not to be understood as a “passing reality” but sustainable solutions would have to be found. Search and rescue as part of the EU’s approach was mentioned several times and described as equal to other methods. Securitizing rhetoric specifically, however, was not used a lot: mentions of surveilling and controlling borders were very rarely made, and instead the focus was put on smuggling networks.

Particularly with the establishment of EUNAVFOR Med this changed. While the main focus still lay on fighting human smugglers, the statements now included increasing mentions of the need to control migration flows “in effective ways”, “irregular migration” and the need for security on land and sea. The used terminology in every single statement was an effort to securitize: detecting migrants, strengthening border surveillance, the need for enhanced information sharing and gathering, common security and other wordings ultimately all described the need for increased militarization. To justify it, increased vulnerability of migrants and refugees through smuggling efforts was claimed. SAR missions were meant to save lives at sea as well as reduce the number of crossings and was to be executed either by European forces or the Libyan Coast Guard. The latter is framed as playing a central role in managing the situation while civilian SAR operations were not mentioned once. Ultimately, SAR is thus framed as necessary to control migration but because it was only mentioned in regard to official SAR operations, its security aspect was put in focus rather than the value of human life and humanitarian principles.

The non-existing reference to civilian SAR operations comes into play in the third discursive event of the analysis: the accusations against NGO efforts in the Mediterranean were put out not by bureaucrats of the European Commission or Council, but by the Director of the executing organization Frontex as well as by institutions and influential political and juridical actors such as Carmelo Zuccaro.

Embedded in a framing of migration as a security threat, the NGOs’ work was outlined as a support structure for security threats such as smuggling networks. In this logic, civilian SAR operations attract irregular migration and are therefore problematic. This is often argued in very harsh and offensive terms, on the basis of ‘facts’ that can quickly be debunked. The used rhetoric is alarming and frames the actions of NGOs as to deliberately hindering the EU’s efforts of controlling migration while also claiming

that more deaths occur because NGO vessels function as incentives for migrants and refugees to attempt the crossing.

The most important finding of this part of the analysis is that SAR is mentioned almost exclusively in connection to Libyan territorial waters. This clearly shows the externalization efforts and the EU's willingness – even with harsh and broad societal critique – to cooperate with Libyan authorities. As expected, the EU thus must be classified as a securitizing actor.

UNHCR and IOM play an interesting role in the discourse on search and rescue activities. They are the only actors of this analysis that are not actively involved at sea but only on the shorelines. Additionally, they are financed and supported mainly by governments – thus dependent on the approval of these governments and institutions – while also basing their work on fundamental principles of human rights and the value of every human life. This can be seen very clearly in the analysis of their statements on the discursive events:

In reaction to the shipwrecks in April 2015, both UNHCR and IOM expressed their shock and urged for immediate increased rescue capacities to save the lives of those attempting to cross the Mediterranean. The statements use very expressive and direct language in calling for action and the need for a robust European SAR effort. Their approach herein is based explicitly in humanitarian values, combined with a critique of current policies and the perceived lack of sustainable solutions.

Concerning EUNAVFOR Med, the press releases that mention the operation and SAR in general focus almost solely on the trainings they conducted with the Libyan Coast Guard and portray these in a dry, descriptive manner. Much less alarming rhetoric and expression of urgency is used, and the only critique can be read between the lines in the repeated explanation that the resources and capacities of the LCG are not sufficient to execute sufficient SAR. Migrants and refugees are very rarely mentioned, and only Filippo Grandi's statement offers a more thorough description of the status quo on the Mediterranean and a call for long-term solutions.

Considering that UNHCR and IOM at the beginning of the time frame were very vocal about the need of greater SAR efforts and supportive of civilian operations, it is particularly interesting that almost no statement can be found concerning the criminalization processes of the civilian actors. Only one statement by IOM expresses IOM's belief that the accusations against NGOs are false and that they do not constitute a pull-factor.

UNHCR and IOM are thus to be classified as moving on the spectrum between humanitarian and securitizing actors because due to their dependency they act at the crux of humanitarian principles – the above-mentioned dialectic of “care and control” – and cooperate with government structures and authorities that are highly controversial.

Lastly, both Sea-Watch and MSF were determined throughout the time frame of this analysis in their critiques of EU-led SAR activities, respectively the perceived lack thereof. At the start of their

operations, in Spring 2015, they used more sophisticated and lyrical descriptions of the status quo, yet still expressed their critiques of the EU's approaches and the urgency of rescue operations very directly. They both based this on an understanding of humanitarian obligation and declared this various times. Meanwhile, they already harshly critiqued the EU's lack of rescue efforts after Mare Nostrum had been suspended, and MSF points out the externalization tactics. This aspect came into full focus in the discourse surrounding EUNAVFOR Med: Sea-Watch was at the frontline of critiques of the operation by concentrating on the cooperation with Libyan forces who could not be trusted to guarantee safety, protection and respect of human rights of refugees and migrants. They also called out the military reinforcement aspect of the SAR activities and deemed the EU operations ultimately unsuccessful. Regarding the criminalization phenomenon, Sea-Watch and MSF made it a point to express time and again that they firstly believed their own actions to be ethical, necessary and in full accordance with international law, but that the accusations were thoroughly false and made-up as a political strategy – which is their most important point: the denunciations against them are used not only as political tools by more powerful actors to politicize the issue but also have concrete effects in the way that the NGOs are actually hindered in their activities which leads to higher death tolls.

This last point leads me to the current state of affairs in the Mediterranean: In various cases in the last few months of 2017 and 2018, various NGO vessels have been impounded by Italian and Maltese authorities. In a number of cases, their crews were put under investigation for human trafficking and criminal association. Additionally, several NGO vessels were prohibited to enter harbors of European cities to disembark the migrants they had rescued and brought towards the European mainland, such as the vessel "Lifeline" with 234 passengers on board. Its captain, Claus-Peter Reisch, is still facing charges by the Maltese government for allegedly ignoring official Maltese orders and breaking international law. (Deutsche Welle 2018b) "Lifeline", "Sea-Watch 3" and "Seefuchs" have not been allowed to leave the harbor of Valetta for eight weeks now. (Sea-Watch 2018b) This is proof of the power that discourse can have: accusations that made not only linger on in the public realm – like those of Carmelo Zuccaro – but are used in criminal cases that are bound to be dropped yet hinder actors from doing their work.

In turn, this shows how discourse is ultimately based in perceptions of what is acceptable in the present context. (Jäger 2015: 45) The EU's approach of securitization is embedded in a long-lasting increase of militarization mechanisms over the last years and is nowadays based in the justification that smugglers must be fought both to save migrants and refugees and to secure the European continent and its population. Even though the trend of securitization has not been the issue of a broad, general critique by the masses, aspects of it – such as the cooperation with the Libyan Coast Guard – have experienced immense critique from various sides. This leads to the question whether these critiques have actually led to a change in EU policy. The answer is no: The European Union is still cooperating with the Libyan

Coast Guard, is still negotiating deals with African countries, is still not able to rescue every individual in distress in the Mediterranean Sea. Reasons for this certainly lie in the stark hegemony of EU politics: The political institutions are able to push and pursue policies that have effects that are widely critiqued, and still these policies are not changed because the protest against them cannot actually harm them. The most recent example for this is the newly-established “Seebrücke”, an organization demanding safe pathways for migrants and refugees and the de-criminalization of SAR efforts. (Seebrücke 2018) “Seebrücke” has organized protests throughout Europe over the last few weeks that were attended by thousands of people. Yet the political institutions of the EU and, more importantly, influential actors in the southern member states such as Matteo Salvini, Interior Minister of Italy who is responsible for not allowing rescue ships to enter Italian harbors, have not reacted to these large public solidarity moves and instead continued to pursue politics of hindering SAR efforts.

Concerning the discourse specifically, Moreno-Lax also argues that the EU discourse is characterized by a shift from a ‘pure’ securitizing logic towards more human rights-friendly narratives that depict migrants as victims and smugglers as perpetrators of death and abuse at sea. (Moreno-Lax 2018: 119) Saving lives has been declared one of the top priorities, and maritime intervention is therein vital because it both combats illegal migration and saves lives. Nevertheless, this has not resulted in an equal transformation of practices on the ground. The reduction of unauthorized arrivals remains the constant goal, and interdiction the constant tool to attain it – with the only difference being that ‘interdiction’ is now defined as a necessary life-saving mechanism instead of solely a mechanism of migration control. (Pallister-Wilkins 2017) The statements that SAR NGOs have used to convince the EU to revise their approach to SAR and, more generally, to migration across the Mediterranean, have clearly not been able to influence the politics and practices of the EU and member state institutions. Rather, the NGOs have become components of a system they are trying to criticize and are now even prosecuted for it: Their only possibility to engage in SAR activities in the Mediterranean today is to cooperate with EU-led SAR operations and institutions such as the MRCC Rome, even though most NGOs have criticized these harshly.

Two aspects are most important here: Firstly, through the increasing efforts to externalize its borders, the European Union pushes for what Balibar calls “European apartheid” (2004: 43): individuals that have been unable to obtain a regular visa are forced to migrate with irregular means and illegalized, creating an even clearer distinction between those inside and those outside of these borders. The Fortress Europe seems to be ever-growing through deterrence mechanisms and the continuous exclusion of people in need.

Secondly, the discourse about SAR mirrors one of the biggest political debates of our times which has been changing European democracy itself and can undoubtedly be described as an actual crisis of democracy. Countless books have been published over the last years speaking of the end of European

democracy, the return of autocratic regimes and even fascism. These increasingly right-wing governments that argue against migration and integration have the power to prevent EU approaches and initiatives, such as increased SAR activities in the Mediterranean. Instead, the status-quo in the Mediterranean – and one must call it a status-quo because migrants and refugees have been dying in the sea for years now with still no end in sight – shows that Europe's crisis plays out not only on its own territory but on the backs of those that have been victims of violence, war, climate change and poverty. To justify this, language has been the initiator as well as the tool. What is, in my opinion, the most important finding of this paper however, is that even though the securitized rhetoric of the EU exists, its institutions still mention and argue for SAR.

The reason migrants and refugees are still dying is not that the EU as an institution urges it, but that others – such as Viktor Orban, Matteo Salvini and Carmelo Zuccaro – enable it by hindering all efforts to prevent it. This internal split of the EU and its inability to find joint, humanitarian solutions result in countless people being forced to use illegalized migration path, such as those across the Mediterranean, and their death because no rescue ship was there to save them.

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Abstract:

This master thesis concerns itself with the discourse surrounding search and rescue activities in the Mediterranean Sea, as migrants and refugees have been rescued from boats in distress. Various actors are engaged not only in these rescue mechanisms, but in the debate surrounding them. I have analyzed the press statements and speeches by these actors – European Union, UNHCR and IOM, and Médecins Sans Frontières and Sea-Watch – on the issue to portray the used language and rhetoric as well as the following actions. Finally, I embedded my findings in the existing research by arguing for two trends: a ‘humanitarian’ and a ‘securitizing’ rhetoric.

Zusammenfassung:

Die vorliegende Masterarbeit befasst sich mit der Debatte um sogenannte “Search and Rescue“-Mechanismen, mit deren Hilfe migrierende und flüchtende Menschen im Mittelmeer aus Seenot gerettet werden können. Diverse Akteur*innen beteiligen sich nicht nur an besagten Rettungsaktionen, sondern vor allem am Diskurs zum Thema. Ich habe Pressemitteilungen und Reden von mehreren Hauptakteur*innen – der Europäischen Union, UNHCR und IOM, sowie Médecins Sans Frontières und Sea-Watch, um Rhetorik und Sprache zu erkennen und die daraus folgenden Handlungsweisen nachvollziehbar zu machen. Schließlich habe ich meine Ergebnisse anhand meiner These, dass sich der Diskurs in die Lager rund um Versicherheitlichung und Humanitarismus versammeln, in die existierende Wissenschaft eingebettet.