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# Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean

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## ABSTRACT

This article analyses the search and rescue (SAR) activities carried out by three NGOs (MOAS, MSF and Sea-Watch) in the Central Mediterranean, and asks whether and in how far non-governmental SAR contributes to the repoliticization of the EU maritime border. The article first introduces the concept of depoliticization/repoliticization, as well as that of humanitarianization. Two sections summarize the development of the SAR regime and the governmentalization of international waters in the Strait of Sicily from the Cap Anamur case to 2016, and from late 2016 to recent days. Against this backdrop, the article analyses the different political positions taken by MOAS, MSF and Sea-Watch, their operational activities, as well as their cooperation and relations with the other actors involved in SAR. The three NGOs react differently to the contradictions that are typical of humanitarian non-state action. MOAS keeps a neutral political profile, whereas MSF and Sea-Watch regard their SAR activities as part of a political, not only humanitarian commitment. While the convergence of delocalized state sovereignty and humanitarian reason leaves hardly any room for manoeuvre, MSF and Sea-Watch try to question and contrast governmental policies and practices, as well as to turn international waters into a political stage from which they can make their voice heard and on which they can play the watchdog role.

## Introduction

Since 2014, non-governmental organizations (NGOs) have been gradually changing the search and rescue (SAR) scene in the Central Mediterranean. Migrant Offshore Aid Station (MOAS), a Maltese foundation created by an Italian–American couple in 2014, was the first to launch a rescue operation, with its ship *Phoenix*, at the end of August that year. The mission had to be stopped after two months because of financial constraints, but in 2015 the Amsterdam operational centre of the medical-humanitarian organization Médecins Sans Frontières (MSF) allowed MOAS to resume

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activities by providing the necessary funding and the medical staff. In the same year, the MSF operational centres of Barcelona and Brussels (the latter also including Rome), as well as Sea-Watch, a German association created by private citizens in 2014, each set up their own vessel: the Dignity I, the Bourbon Argos and the Sea-Watch, respectively.<sup>1</sup> In 2015, the three organizations rescued 20,063 of the 152,343<sup>2</sup> migrants who were brought to Italy after being found in the Central Mediterranean. After the winter break, they all resumed SAR activities in 2016, with some changes regarding both the partnerships and the vessels: Sea-Watch replaced the old boat with a larger one (the Sea-Watch 2); MOAS ended its cooperation with MSF and launched its third SAR season with two ships (the Phoenix and the Responder), in partnership with the Italian Red Cross; MSF, besides running the Bourbon Argos and the Dignity I, also provided the medical staff for the ship set up by another association, SOS Méditerranée. Also other NGOs<sup>3</sup> decided to engage in SAR in the Central Mediterranean that year. Thus, the number of non-governmental SAR vessels rose from four in 2015 to thirteen in 2016, while the number of people rescued reached 46,796 (out of a total of 178,415).<sup>4</sup>

This article focuses on the work carried out by MOAS, MSF and Sea-Watch, and asks whether and in how far non-governmental SAR can be seen as an attempt to repoliticize migration and border management at the EU sea border, against the depoliticizing effects of European migration and border policies, as well as of humanitarian work.

In analysing the work carried out by MOAS, MSF and Sea-Watch, and in pointing out the differences between the three organizations, the article highlights the tension between the attempts made by some NGOs to repoliticize migration and border management (by questioning, influencing and contrasting governmental policies) and the contribution provided by all of them to its depoliticization (by supporting, through the enhancement of overall SAR and transport capacities, the institutional system of migration and border management; by relieving states from their SAR responsibilities, thus allowing them to focus on border enforcement; by providing a humanitarian legitimation for exclusionary policies and practices).

The article contributes to the growing body of work on humanitarian borders within critical border studies,<sup>5</sup> and, by focusing on NGOs, it complements existing literature on the relationship between transnational migration management and depoliticization/repoliticization,<sup>6</sup> which deals almost exclusively with international and intergovernmental organizations.<sup>7</sup>

The research is based on document analysis and fieldwork. Document analysis included a press review as well as the analysis of the information provided by MOAS, MSF and Sea-Watch<sup>8</sup> through their websites, press releases and newsletters. Fieldwork included both interviews and informal conversations. Ten semi-structured interviews were conducted with eleven NGO representatives (one from MOAS, two from MSF Amsterdam, two from MSF Rome, one

from MSF Brussels, one from MSF Barcelona, four from Sea-Watch) in different places (Lampedusa, Sliema, Rome, Amsterdam, Zarzis), as well as on telephone and Skype, between June 2015 and June 2016. Moreover, a series of interviews and informal conversations with other border workers, both governmental and non-governmental, was conducted during fieldwork in Italy, Malta and Tunisia between June 2015 and April 2016. Further personal, e-mail and telephone informal conversations with MOAS, MSF and Sea-Watch representatives took place during 2016. Unless otherwise stated, quotations are from interviews or conversations with the author.

The first section introduces the concept of depoliticization/repoliticization. The second summarizes the development of the SAR regime and the governmentalization of international waters in the Strait of Sicily from the Cap Anamur case to 2016. The third section analyses the different political positions taken by MOAS, MSF and Sea-Watch, their operational activities and their cooperation and relations with other actors, pointing out both the depoliticizing and the repoliticizing effects of non-governmental SAR, as well as the differences between the three NGOs. The fourth section analyses the developments occurring on the Central Mediterranean SAR scene since mid-2016. The concluding section, after summarizing how SAR NGOs fluctuate between depoliticization and repoliticization, argues that their most significant political task, in the current reconfiguration of the Central Mediterranean, is opposing the externalization of SAR to Libya.

## Depoliticization vs. Repoliticization

Broadly speaking, depoliticization is associated with the marketization<sup>9</sup> of policy-making processes and “the rise of technocratic forms of governance”,<sup>10</sup> but it also refers, more specifically, to the tendency of political actors to obscure the political character of politics and to present policy-making as a neutral, necessary and indisputable process, in which the possibility to choose between different political (not merely technical) alternatives, as well as that for disagreement and contestation, is limited or denied.

While it could well be argued that there is something political in every human action (even in the supposedly ‘neutral’ fields of science and technology),<sup>11</sup> the meaning of the adjective ‘political’ shouldn’t be seen “as wide as encompassing all ways of being”:<sup>12</sup> first, because if everything is political the adjective itself becomes meaningless;<sup>13</sup> second, because “there is nothing inherently radical or emancipatory about a conception of politics that encompasses all human and nonhuman relations”.<sup>14</sup>

Therefore, “[a]n action is political [...] to the extent it opens up the possibility for disagreement”,<sup>15</sup> and repoliticization is the process that restores the conflictual character that Schmitt identified as the essence of the political.<sup>16</sup> Instead, processes of depoliticization transform politics “from

vivid clashes [...] to [...] a dull, technical discussion about means for promoting goals questioned by none”,<sup>17</sup> whereby such discussion is largely based on the know-how of experts, technocrats and specialized organizations (also including NGOs). If depoliticizing means *obscuring*, repoliticizing means *revealing* and *reviving* the political (that is the plural and conflictual) character of politics.

In the specific field of migration and border management,

the very notion of ‘management’ is characterized by its apolitical and technocratic nature, and its popularity (to the detriment of other notions such as ‘the politics of migration’) is in itself a way of depoliticizing migration. Policies would not result from political choices, but from ‘technical’ considerations and informal decision-making processes on the most appropriate and successful way of addressing migration.<sup>18</sup>

Indeed, the growing tendency in Europe to locate the issue of migration in technocratic arenas played an important role in structuring the relevant field in depoliticized, restrictive and security terms,<sup>19</sup> and in making such frame appear inevitable and hardly questionable. However, depoliticization was also preceded and accompanied by processes of politicization aimed at making the electoral use of the issue of migration profitable,<sup>20</sup> which was clearly the case, for example, for securitization.<sup>21</sup>

More generally, the issue of migration is depoliticized not only through “the technocratic reliance on expertise and empirical evidence to avoid political controversies” but also through “a naturalisation of the global socio-economic and political context in which migration takes place, which is taken for granted and therefore unchallenged”.<sup>22</sup> Repoliticizing migration and border policies means therefore promoting “the existence of antagonism, conflict, difference and choice”<sup>23</sup> as opposed to the passive acceptance of the whole framework.

Importantly, humanitarianization can be a key factor in both depoliticization processes and the naturalization of given contexts. The term ‘humanitarianization’ refers to the increasing “deployment of moral sentiments in contemporary politics”<sup>24</sup> and the “tremendous growth of humanitarian governance”,<sup>25</sup> the latter being defined as “the increasingly organized and internationalized attempt to save the lives, enhance the welfare, and reduce the suffering of the world’s most vulnerable populations”.<sup>26</sup>

In the field of migration and border management, the process of humanitarianization is apparent in at least two respects. The first is the increasing use of humanitarian arguments made by policy-makers in order to justify and enhance (restrictive) migration and border policies and practices.<sup>27</sup> The second is the growing relevance of humanitarian borderwork. Importantly, NGOs are playing an ever-increasing role in such process. As says Fassin, (humanitarian) NGOs thus often become

political actors engaged in power relations, plays of alliance, and systems of negotiations with states and international institutions, which, in turn, rely on the legitimacy of humanitarian reason and those who promote it.<sup>28</sup>

In Fassin's statement, however, being 'political actors' doesn't mean for NGOs to be acting against depoliticization processes. It rather means being partners of governmental actors in the increasingly hybrid spheres of politics and governance.<sup>29</sup> Whether the action of NGOs is 'political' – in the sense described above – depends on what kind of politics they contribute to produce, on whether their work reproduces or challenges the existing framework. Academic research shows that NGOs, regardless of the field in which they are operating, often end up perpetuating existing power relations.<sup>30</sup> Humanitarian NGOs engaged in rescuing lives and providing medical care in emergency situations are further limited by the fact that life-threatening emergencies require immediate action, for the preservation of human life is the absolute priority, which results in the structural (political) causes of the very same emergencies to be more easily obscured. Along this line, since SAR is now called a priority of all institutional actions aimed at enhancing sea border control (from the Eurosur surveillance system to Frontex missions, from the Italian military-humanitarian mission Mare Nostrum to the EU military operation EUNAVFOR MED),<sup>31</sup> the Mediterranean appears more and more as a depoliticized space, suggesting a managerial-technocratic vision of the border: a space "deprived of human agency",<sup>32</sup> in which events, including border deaths, "can easily be naturalized and connected to registers of fate",<sup>33</sup> and therefore "systematically depoliticized".<sup>34</sup> Then, the only two issues to be discussed, in the pre-given and unquestioned framework of a restrictive border regime, are how to reduce the death toll at sea, by improving SAR practices, and how to better prevent people from trying to cross, by improving the fight against smugglers, whereby the humanitarianization of migration and border management converges with its securitization.

Within this framework, SAR NGOs are confronted with the old dilemmas of humanitarianism: should humanitarian action limit itself to providing relief or should it also address the causes of suffering?<sup>35</sup> Are the traditional humanitarian principles of neutrality, impartiality and independence compatible with the aim to be "an agent of change"?<sup>36</sup> Can humanitarian action be politically neutral, or is politics inevitably part of it, and the question should therefore be "not whether to be political, but what kind of politics to promote"?<sup>37</sup>

Therefore, this article asks whether SAR NGOs in the Central Mediterranean are doing not only humanitarian but also political border-work, and, if so, to what extent they are actually repoliticizing the EU border, following Bourdieu's exhortation to restore "political thinking and action"<sup>38</sup>

against the policy of depoliticization. Attempting to answer this question requires analysing the work of SAR NGOs against the background of the humanitarianized EU sea border regime, to see what dynamics made independent SAR possible, and under what conditions.

### **The Humanitarian Governmentalization of International Waters**

Before the period under study, the only precedent of a humanitarian vessel rescuing migrants in the Mediterranean was that of the *Cap Anamur*. On 24 June 2004, 100 nautical miles south of Lampedusa, the German humanitarian ship came across a partially deflated dinghy, which was taking in water, with 37 people aboard. All passengers were taken on board the *Cap Anamur*.<sup>39</sup>

The humanitarian ship, however, didn't immediately look for a safe place where to bring the migrants, and didn't contact any state authorities. Instead, it kept looking for migrants in distress, while waiting for the head of the organization to fly to Tunisia with some journalists, hire a boat and reach the *Cap Anamur* by sea. The aim was to prepare a campaign against the lethal effects of EU border policies, to be launched upon disembarkation in Sicily. Italian NGOs were contacted long before state authorities. On 22 June, the head of the NGO declared that after disembarking the rescued migrants the *Cap Anamur* would keep cruising in the Strait of Sicily in order to "observe the situation of refugees".<sup>40</sup>

Only on 29 June did the shipmaster ask for permission to land at Porto Empedocle. The permission was first granted, then revoked, and the Italian government sent navy ships and helicopters to prevent the German vessel from entering territorial waters. On 11 July, the *Cap Anamur* was still waiting at the border of Italian waters. After some passengers threatened to throw themselves overboard, the master declared a state of emergency, and Italian authorities escorted the *Cap Anamur* to Porto Empedocle. Immediately upon landing, the ship was confiscated, while the shipmaster, the first officer and the head of the NGO were all detained under the charge of facilitating illegal immigration. After five years the court acquitted them, recognizing that they had acted for humanitarian reasons and not for profit, but the prosecution itself demonstrated the "ability of the border regime to diffuse or even turn against itself the emancipatory potential of attempts to expose the violence it produces",<sup>41</sup> and was enough to send out the clear message that any humanitarian intervention from non-state actors would be at one's own risk.

With this regard, what happened to the German humanitarian ship was not an exception if we consider other kinds of vessels as well: until 2013 state authorities in the Mediterranean used to systematically discourage *all* seafarers – mainly fishing boats and cargoes – from accomplishing their duty to rescue people in distress at sea, in the frame of what has been called the

“governing of indifference”.<sup>42</sup> However, in the case of the Cap Anamur the attempt to turn a rescue intervention into a political act of contestation was arguably crucial in determining that particular reaction of the Italian authorities: for the first time, rescuing lives resulted in legal prosecution. The Cap Anamur, much more than fishing boats and cargo vessels, posed a challenge to the monopoly of the state in matters of life and death. When MOAS started its first SAR mission in 2014, instead, the humanitarian issue of rescuing lives in international waters had already been ultimately re-appropriated by the state, both symbolically and practically, through the operation Mare Nostrum, which turned the act of rescuing lives into a spectacularized ritual of sovereign power.<sup>43</sup>

The military and humanitarian mission Mare Nostrum was launched by the Italian government in October 2013 as a response to the Lampedusa shipwreck that caused the death of 366 people. For the first time, a border patrol mission had a specific mandate to rescue people, besides that of protecting borders by reinforcing exclusionary policies and practices across the securitized Mediterranean border. Mare Nostrum was the most significant step in the process of institutional humanitarianization of the EU sea border, in whose framework humanitarian arguments are deployed to support exclusionary policies and practices.<sup>44</sup>

Interestingly, one of the declared reasons why MSF and Sea-Watch decided to step in was exactly the end of Mare Nostrum in late 2014. The new operation Triton, which was launched by the EU border agency Frontex simultaneously with the end of Mare Nostrum, had no specific SAR mandate, fewer vessels and a much more limited operational area (30 nautical miles south of Sicily). Indeed, Frontex had accused Mare Nostrum of attracting more migrants (and causing more casualties) by patrolling next to Libyan waters,<sup>45</sup> although the surge in the number of people arriving to Italy by sea had already begun before Mare Nostrum, in the summer of 2013. Restricting the operational area and reducing the number of vessels and aircraft resulted in more deaths<sup>46</sup> and in the growing involvement of commercial ships in SAR operations: the share of the persons rescued by commercial ships rose from 25% in 2014 to 33% in the period from 1 January to 10 June 2015.<sup>47</sup>

Responding to SAR needs through the “temporary nationalisation of commercial shipping”<sup>48</sup> clearly contributed to the increase in border deaths, since cargoes are not well equipped nor trained for SAR. After an estimated 700 people died during a SAR intervention carried out by a commercial vessel in April 2015, two steps were taken by the EU: rescaling the Triton mission, whose budget was tripled and whose operational area was extended to 138 nautical miles south of Sicily, and launching the military operation Eunavfor Med, tasked with disrupting smuggling networks in order to prevent people from leaving Libya. Phase 1 of Eunavfor Med was launched on 22 June 2015 and was only aimed at collecting information. Phase 2a started



on 7 October 2015. Its mandate is to arrest smugglers in international waters and destroy their vessels, and it is still ongoing as of May 2017. In the following phases 2b and 3, Eunavfor Med should further expand into Libyan national waters and land territory.

Although Triton and Eunavfor Med have no official SAR mandate, they are legally obliged, like all seafarers, to rescue people in distress, and they both spare no efforts to stress their role of saviours of lives, thus contributing to the discursive humanitarianization of the Mediterranean border. Together with the Italian authorities, an Irish governmental humanitarian mission and the three NGOs, Triton and Eunavfor Med almost entirely relieved commercial vessels from SAR responsibilities: the contribution of merchant ships fell to slightly more than 1% of the rescues carried out from 11 June to 31 December 2015.<sup>49</sup> Overall, the increased number of both governmental and non-governmental vessels close to Libyan waters resulted in a southward shift of SAR interventions.

In sum, the rise of non-governmental SAR actors in 2015 happened simultaneously with a radical restructuring of governmental policies and practices at sea. In the post-Mare Nostrum framework, the act of rescuing people had been clearly re-appropriated, both symbolically and practically, by state and supra-state authorities. The position of the latter was now strong enough for them to let other players play the game, because it was clearly still *their* game, and it was them who were setting the rules. While the Cap Anamur represented a challenge to the then border regime, this was not the case for MOAS, MSF and Sea-Watch, which could easily embed in the new, humanitarianized one. It was the humanitarian governmentalization of international waters that made non-governmental humanitarian intervention possible. In late 2015, governmental and non-governmental, security and humanitarian actors, as well as security and humanitarian concerns, converged to establish a space of governance in which the depoliticized issue of how to better manage SAR interventions was the main common ground. Even the confrontation between EU and Italian authorities on where to patrol – how far from or how close to Libyan waters – seemed to be overcome. Things changed only in the second half of 2016, when governmental vessels stopped patrolling the area close to Libyan national waters, as shown in the last section.

### **MOAS, MSF and Sea-Watch**

This section unpacks the work carried out by MOAS, MSF and Sea-Watch within the above context. It provides an overview of the relations between SAR NGOs and the other actors involved in SAR, and it analyses the differences between the three NGOs with regard to their political positions as well as to their SAR practices (e.g. their availability to transfer the rescued to the Italian territory, their cooperation with police authorities and the private industry, the use they make of aerial vehicles).

### **Political Positioning**

MOAS, MSF and Sea-Watch all refuse the idea that people should die for trying to cross a border. Such refusal, in itself, doesn't go beyond the assumption that there is something wrong somewhere. As soon as we step beyond this common refusal, we can see differences in the stance the organizations take towards migration and border policies. MOAS has a more diplomatic attitude, which reflects itself in the following statement: "We must take politics out of search and rescue. We must put saving lives at the top of the agenda".<sup>50</sup> In fact, the two founders clearly said that the decision to create MOAS was taken "after seeing the lack of response to hundreds of drownings in October 2013",<sup>51</sup> and expressed their concern, in early 2015, about the end of Mare Nostrum and "the Frontex failure",<sup>52</sup> claiming that these two events would leave "2.5 million square kilometres of sea [...] unpatrolled".<sup>53</sup> Such statements express some criticism on governmental border policies. However, MOAS privileges an attitude of prudence, avoiding strong confrontations and political evaluations, following the slogan "Save lives first. Sort out the politics later".<sup>54</sup> Legal and safe passages to Europe are seen neither as a claim nor as an aim, but just as "our dream".<sup>55</sup> The first brochure clearly explains MOAS' apolitical approach:

MOAS is not a political action group, nor do we take a side in the various debates about the influx of refugees to places of safety and opportunity. All MOAS does is help rescue humans who would otherwise drown if help was not available.<sup>56</sup>

MSF, instead, clearly stresses the fact that humanitarian work can't be kept separated from the investigation and critique of the causes that make humanitarian work necessary. A representative from MSF Amsterdam described the basic difference between MSF and MOAS as follows: "They regard themselves as service providers for the state. [...] We are in tension with the reality of the state, they are OK with it. They don't go beyond saying that no one should die at sea". Because of its political implications, the decision to engage in SAR activities in the Mediterranean was the object of in-depth discussions in the different MSF sections.<sup>57</sup>

One of the aims of MSF is to pressure states to adequately increase governmental SAR: "we will decide whether to continue or to stop depending on how things will develop, on whether governmental authorities will deploy enough vessels: we will stop if their presence is adequate", a representative of MSF Rome told me in September 2015. In March 2016, the same person explained me the reasons why they had decided to extend their SAR mission: the non-humanitarian mandate of both the Triton and the Eunavfor Med operation; the fact that death at sea didn't stop or decrease; the idea that "it is useful to have someone playing the watchdog role in international waters, trying to make sure that state authorities don't do things they shouldn't do".

Moreover, as another representative of MSF Rome told me in May 2016, MSF aims to capitalize on the visibility provided by SAR operations in order, “first, to spread a more humanized image of migration, one which is alternative to the stereotypical picture of an invasion caused by criminal actors, and, second, to ask for safe passages”. Repeatedly, indeed, MSF has called not only “to offer safe and legal ways for people to seek refuge and asylum in Europe”,<sup>58</sup> but also for “a radical re-think of migration policy”<sup>59</sup> and the creation of “legal migration pathways”.<sup>60</sup> Thus, while not radically challenging the distinction between forced and voluntary (‘economic’) migration, MSF tries, at least, to reject the “binary representation of ‘deserving refugee’ versus ‘undeserving migrant’”,<sup>61</sup> and to put migration and not only asylum policies into question. In June 2016, in protest at the EU’s migration policy, MSF also decided to reject any state funding from EU countries.<sup>62</sup>

Sea-Watch possibly has an even tougher attitude. “Our work is both humanitarian and political. We want to put pressure on the politicians”, two Sea-Watch members told me in June 2015. As a long-term solution, Sea-Watch calls, like MSF, for legal avenues, not only for refugees but also for other migrants. In the meantime, an “adequate civil search and rescue service should be established”, while the measure to be taken immediately should be “to actively involve in rescue activities the navy ships which are on the spot but don’t do anything”.<sup>63</sup> In July, the president of the association asked: “Where have all the additional funds [...] for the Frontex Triton mission gone? They had been destined to sea rescue. Where are their vessels?”<sup>64</sup> By denouncing the absence of governmental vessels from the SAR area, Sea-Watch took up the role of the watchdog. On 13 October 2015, Sea-Watch went a step further. As a response to the launch of phase 2 of EUNAVFOR Med, it launched “phase 2 of an information offensive about the situation at the maritime borders of Europe”<sup>65</sup> with an event taking place in Berlin, in front of the German Parliament House: a dinghy, one that was used by migrants, was put on the Spree river, and MPs were invited to go aboard “in order to have an impression of the conditions in which so many people are forced to leave”.<sup>66</sup> In February, finally, the president of Sea-Watch declared: “Even in 2016 we want to rescue as many people as possible, despite all obstacles imposed on us by the EU with its persistent policy of closure”.<sup>67</sup> In order to do so, Sea-Watch has deployed a reconnaissance airplane, with which “we will be able to observe the Med more closely and might be able to document human rights abuse”.<sup>68</sup>

For MOAS, the Mediterranean is only the natural stage for rescue interventions, whereas MSF and Sea-Watch aim to turn it into a political stage from which they can make their voice heard and on which they can play the watchdog role. Indeed, the metaphor of the sea as a (political) stage recurred in several of my interviews with both MSF and Sea-Watch members.

### ***Patrolling or Transferring?***

Regardless of their political positions and the degree of criticism they express towards government policies, MOAS, MSF and Sea-Watch all cooperate with the Italian authorities. Indeed, it is the Maritime Rescue Coordination Centre (MRCC) of Rome, run by the Italian Coast Guard, that has the responsibility of coordinating SAR operations. This includes deciding which vessel should assist the migrants and which one should bring them to the mainland, as well as indicating in which port people should be disembarked (the latter decision being taken by the Ministry of Interior). Interestingly, the operational area of MOAS, MSF and Sea-Watch formally falls within what would theoretically be the Libyan SAR region. However, Libya has never established its MRCC, and its Coast Guard is neither equipped nor trained to carry out and coordinate SAR activities effectively. Therefore, Italy must assume SAR responsibilities in that area.

In 2015, the three MSF vessels (including the MOAS-owned Phoenix) took part in 120 separate rescue interventions. In almost all cases the NGO ships had also to transfer the rescued people to the mainland. Furthermore, they often took on board migrants who had been rescued by the Sea-Watch or by other vessels (both military and commercial), while only very rarely were people transhipped from the MSF/MOAS vessels to governmental ones.

Carrying people to the mainland means leaving the operational area for several days. Time is needed for the travel<sup>69</sup> as well as for disembarkation procedures, during which police authorities come on board and carry out first identification. Importantly, the speed difference between the MSF/MOAS vessels and those of the Italian Navy and Coast Guard is quite big. In 2015 and 2016, the by far fastest and largest among the NGO ships was the Bourbon Argos (MSF), which can reach 14 knots and can carry even more than 1000 people. Italian Navy ships (*corvette*, *pattugliatori d'altura*, *fregate*), which have an even larger capacity, have a maximum speed of 24 to 27 knots.<sup>70</sup> The *Guardia Costiera* has patrol boats that are as fast as 30 knots, while the maximum speed of larger coast guard vessels range from 15 to 32 knots.<sup>71</sup> Arguably, sending faster vessels to transfer people rescued by non-governmental ships would allow the latter to continue their SAR activities in the operational area, whereas forcing them to leave that area may increase the risk of casualties. While the Coast Guard assures that they always consider the need not to reduce the overall SAR capacity in the first place, when deciding which vessel should transfer the rescued people, some doubts still arise, also in light of the fact that navy ships are not obliged to use the Automatic Identification System (AIS), a tracking system that makes vessels visible not only to Coast Guard authorities but also to all other AIS-equipped vessels. In the end, it is up to the discretion of the military authorities to inform the Coast Guard about the position of their vessels.

According to international law, states responsible for the coordination of SAR must “ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships’ intended voyage”.<sup>72</sup> This would provide a legal ground for NGO vessels to refuse being involved in shuttle services, since their ‘intended voyage’ is clearly patrolling the area next to Libyan waters. However, both MOAS and MSF prefer to maintain good relations with the Italian authorities. Moreover, bringing people to a port gives much more visibility in the media, which helps increase both donations and the chances to make one’s voice heard (the latter being an aim of MSF).

While MOAS and MSF wish the Italian authorities took the responsibility of transfers, they accept to do what they are requested by MRCC Rome. MSF only finds problematic to take on board people rescued by Eunavfor Med vessels, whose primary aim is not to rescue people but to prevent them from leaving North Africa: in this case, a civil rescue mission is interrupted, while a military security one can carry on its activities. Therefore, the Coast Guard met some resistance when it asked the Bourbon Argos to take 115 people from a German Eunavfor Med ship on 7 December 2015. In the end, however, MSF gave up and took the migrants. “They [MRCC] understand and respect our principles. However, saving lives must prevail over any other principle. Therefore we are available, but only as a last resort”.

Contrary to MSF and MOAS vessels, the Sea-Watch could permanently patrol the area close to Libyan waters in 2015. It was not only the slowest of all non-governmental vessels, but it was also too small and ill-equipped to take rescued people on board. Whenever a rescue was carried out by the Sea-Watch, the MRCC had to ask another ship to transfer the rescued. In the meantime, the Sea-Watch could host up to 400 people on its inflatable rafts. A Sea-Watch member explained me: “At the very beginning we made clear that we wouldn’t take anyone on board, nor would we carry anyone to land. This was never questioned”.<sup>73</sup> Things didn’t change when the Sea-Watch replaced its old ship with a larger and faster one in 2016: “We are still very small, very slow, and not equipped for providing care on board. This was our choice”. A political choice aimed at confronting state authorities with their responsibilities.

### ***Images, Imaginaries, Police Cooperation and Private Industry***

Transferring rescued migrants to an Italian port always implies some degree of interaction with police authorities, which have the right to go on board the ships at anchor and start identification procedures there. An event occurred on 6 May 2015 shows that SAR NGOs have different positions regarding

cooperation with the police. That day, the Phoenix, managed by MOAS in cooperation with MSF, brought 369 migrants to the Sicilian port of Pozzallo. One of them was identified as the boat-driver and arrested based on images provided by MOAS. The pictures were taken by one of the two drones that MOAS has been renting since 2014 in order to increase search capacities.<sup>74</sup> This resulted in frictions between MOAS and its partner MSF. A representative of MSF Amsterdam commented on it as follows: “MSF doesn’t feel we should share sensitive imagery, unless we are legally bound. What MOAS did was against our principles. To my knowledge, it didn’t happen again”. Seemingly, MOAS did provide images to police authorities again in 2016, after they separated from MSF.<sup>75</sup> As regards the two vessels managed directly by MSF, the Dignity I refused to provide images: “Italian police authorities asked for our pictures, but we said we don’t give anything”. In fact, in case of criminal investigation, SAR actors could not refuse to provide any material. This is why the Bourbon Argos takes “no pictures and no videos, so we prevent problems”. The Sea-Watch was never confronted with this issue, because no one ever asked them anything, not even during the technical stops in Italian territory.

The drone issue is relevant also with regard to the relations between the private industry of border security and NGOs. In July 2015, for example, the drone constructor turned to donor and granted MOAS free use of the drones for two months. In a press release,<sup>76</sup> as well as in an interview few weeks later,<sup>77</sup> MOAS praised the unmanned aerial vehicles of its sponsor. The use of visual technologies thus poses a double challenge to the ideal of independence of humanitarian action. Since the industry of security technologies is increasingly active and influential in the field of border control,<sup>78</sup> a reflection on the potential impact of market dynamics on maritime SAR would be needed. Moreover, the possibility to share sensitive images and information with police authorities raises the issue of the independence of humanitarian NGOs from the Italian and Libyan states. This concern is raised also by the fact that two officials of the Libyan Navy were onboard MOAS’ ships, in order to test the Schiebel drones for the Libyan government, in September 2016.<sup>79</sup>

At the same time, visual production is also relevant for one of the political aims of MSF and Sea-Watch: communicating a ‘correct’ image of migration. On the one hand, the pictures of rescue interventions published on the websites of MOAS, MSF and Sea-Watch are necessary to document how donated money is spent, and to attract new donors. On the other hand, despite the attempts of MSF and Sea-Watch to opt for a more discreet iconography as opposed to the systematic use of close-ups of children and women made in MOAS’ website, all three NGOs end up perpetuating, to some extent, the neo-colonial image of the ‘good’ Europeans helping the suffering victims of the ‘bad’ smugglers. Thus, they contribute to portraying

migrants as individuals in need of help in the first place, rather than as subjects who, in trying to realize their projects, are contesting and defying the political construct of the EU border regime.

Finally, because of their need for donations, and, in the case of MSF and Sea-Watch, because of their intention to send out political messages against the current border regime, all independent vessels always have journalists on board, and their freedom to shoot and publish can hardly be limited. Indeed, humanitarian action is, by definition, asymmetrical, which is in itself at odds with the idea of making it an instrument of political emancipation. Documenting SAR work through visual production makes this contradiction apparent.

### ***Rescue Operations or Forced Returns?***

MOAS is authorized by the Libyan government to fly its drones over Libyan waters, in order “to cover what is called the ‘dead zone’: the fatal few miles from the Libyan shore”.<sup>80</sup> This arguably means that, if a drone spots a migrant boat in Libyan waters, MOAS will have to alert the Libyan authorities, either directly or through the Italian MRCC. Indeed, all migrant vessels are considered, by definition, to be in distress, which is the condition that makes a rescue intervention obligatory by law. In fact, international law doesn’t provide a clear and univocal interpretation for the term ‘distress’, but the Italian MRCC, as well as NGOs working under its coordination, decided to interpret it extensively to reduce the risk of casualties. While the Italian MRCC has taken over responsibilities in what is supposed to be the Libyan SAR region in international waters, it must contact its Libyan counterpart, for obvious reasons of sovereignty, if it is aware of a migrant vessel that is still in Libyan national waters. This sometimes results in the Libyan authorities to intercept the boat and drive the passengers back to a Libyan port. Thus, a true humanitarian concern (considering all migrant vessels to be in distress), in combination with territorial sovereignty constraints, can end up serving the interests of border control, turning a SAR operation into a forced return. The choice of MOAS to fly their drones over Libyan waters raises concerns not only regarding possible forced returns, but also regarding potential police cooperation (exchange of information) with Libyan authorities and with Eunavfor Med, whose task is to disrupt smuggling gangs in Libya and to prevent departures.<sup>81</sup>

MSF activities in the southern Tunisian town of Zarzis may produce opposite effects instead. In recent years, many migrants who had left from the Libyan port of Zuwara, close to the Tunisian border, were found in distress by Tunisian fishermen. The fishermen alerted the Tunisian Coast Guard, and the rescued were brought to Tunisia, thus missing the chance to get to Europe only because they were spotted by the ‘wrong’ vessels. In 2015 MSF Brussels organized training in SAR and dead body management for Zarzis’ fishermen’s

association.<sup>82</sup> Members of the latter told me they informally agreed with MSF that they would use the international radio channel dedicated to distress calls should they spot migrants in international waters. SAR would then be coordinated by the Italian MRCC, and this would prevent side effects such as those that MOAS' drones are instead likely to engender.

Finally, Sea-Watch vocally denounced forced returns by the Libyan Coast Guard, as shown in the next section.

### ***Mutual Understanding in the Enlarged SAR System***

All NGOs are constantly in touch with MRCC Rome, which coordinates SAR activities.

However, NGOs also established relations with those state and supra-state authorities whose mandate is not SAR. In March 2016 MSF organised a SAR workshop in Rome, to which all governmental and non-governmental actors were invited. The aim of the meeting was enhancing mutual understanding.

Preventing conflicts and enhancing mutual understanding was also the aim of previous bilateral meetings between MSF and other actors such as Eunavfor Med. A representative of MSF Rome explained to me:

This is what we always do when we go to conflict zones: we consult the actors in the field, we explain our positions and principles, we collect information about their plans, about what resources they are deploying. In short, we carry out a standard context analysis.

The MSF workshop followed one organized by the International Institute of Humanitarian Law (IIHL) a week before, bringing together state authorities, the shipping industry, international organizations, regional and intergovernmental bodies, NGOs and academics.<sup>83</sup> It was there that Sea-Watch and Eunavfor Med first met. Since then, diplomatic relations between the NGO and the EU naval mission developed swiftly. “Now we have a fruitful exchange of SAR operational information with Eunavfor Med, as well as with Frontex”, a Sea-Watch representative told me in June 2016. Then my interviewee added:

Informally, we have to cooperate. Recently, Eunavfor Med called us from the scene of a shipwreck. There were hundreds of dead bodies on the sea surface, so they asked us for help to recover them. In the end, we said yes: it's difficult to refuse cooperation for political reasons in a matter of life and death.

Sea-Watch, in turn, asked Eunavfor Med for protection against possible attacks. In April 2016, while the Sea-Watch was carrying out a SAR operation, it was boarded by Libyan officials, who shot in the air and claimed the NGO vessel was not allowed to be there.



After this incident we asked Eunavfor Med to protect us in case of need. While other NGOs, most notably MSF, didn't agree with our position, we decided to be realistic: erecting walls doesn't make sense.

Although this issue was never raised again in the relations between Sea-Watch and Eunavfor Med, the request for protection shows that even Sea-Watch, despite its polemical tones against Eunavfor Med, is nurturing the ambiguous relationship that humanitarian organizations “have cultivated with the armies, whose protection these organizations expect [...], even as they demand their autonomy be maintained”.<sup>84</sup>

Interestingly, the request was formulated during the second meeting on Shared Awareness and De-confliction in the Mediterranean (SHADE MED), organized by Eunavfor Med in Rome in May 2016. The SHADE MED meetings, held twice a year since November 2015, are intended as a common framework “to share experience and best practices”<sup>85</sup> for the different actors involved in maritime operations in the Central Mediterranean. These include

governments and armed forces of the coastal states of the Mediterranean, international institutions such as the United Nations and the European Union and non-governmental entities involved in rescue operations at sea.<sup>86</sup>

Such *fora* open up a hybrid space of exchange and negotiation, whose aim is not debating on migration and border policies but rather the enhancement of mutual understanding, the prevention of conflicts and the exchange of good SAR practices between actors that have different tasks and are inspired by different principles. Indeed, while all participants agree that loss of life must be prevented, some of them are mandated to implement those very policies that others squarely condemn. Workshops and meetings make the “new coalitions” produced by humanitarianized border regimes under the banner of the converging “rationalities of humanitarianism, human rights and security”<sup>87</sup> visible.

However, mutual understanding means not only addressing the depoliticized issue of how to better coordinate SAR efforts, but also presenting one's own ideas and principles, which can be openly political. Although political discussions take place more at the bilateral than at the multilateral level, meetings such as SHADE MED and the IIHL and MSF workshops are not only technical but also diplomatic *fora* that MSF and Sea-Watch consider as useful to reach their political aims, and therefore as political in themselves.

### **Reconfiguring the Central Mediterranean: The Anti-NGO Offensive**

The attack against the Sea-Watch 2 in April 2016 was only the first of a series of acts of hostility from the Libyan authorities against SAR NGOs in international waters. On 17 August, the MSF's Bourbon Argos was approached by Libyan Coast Guard officials who fired several bullets, and then boarded and

searched the vessel.<sup>88</sup> On 9 September, two volunteers and a speedboat of another NGO were seized by Libyan authorities and brought to Tripoli.<sup>89</sup> Sea-Watch experienced two further incidents in the following months. In October 2016, Libyan officials boarded a dinghy that was being rescued by the Sea-Watch 2, causing its deflation and the drowning of dozens of people.<sup>90</sup> In May 2017, the Libyan Coast Guard interrupted a rescue operation by Sea-Watch to return hundreds of people to Libya (this time under the coordination of the Italian MRCC, which informed the NGO vessel that the Libyan boat would assume ‘on-scene command’ of the SAR operation).<sup>91</sup> The political response of Sea-Watch to the latter event was to invite the International Criminal Court to extend its envisaged investigation into “migrant-related crimes in Libya”<sup>92</sup> to forced returns.<sup>93</sup>

These incidents in international waters can only be understood against the background of evolving relations between Italian, EU and Libyan authorities since the establishment of a government of national accord (GNA)<sup>94</sup> in Tripoli in early 2016. Once it became clear that the conditions for EUNAVFOR Med to enter Libyan territory would not be met soon, if at all, the prime concern became reinforcing the capacities of Libyan authorities, in order for them to stop migrants before they are rescued by other vessels and consequently brought to Italy. The increase in the number of people ‘rescued’ at sea by the Libyan authorities<sup>95</sup> after the establishment of the GNA showed the willingness of the latter to cooperate, in exchange for political support. People were mostly intercepted in Libyan waters, but some returns were carried out from international waters. In order to leave more room for the intervention of Libyan patrol boats, Frontex and EUNAVFOR Med vessels gradually retracted from the southern part of their operational areas in the summer of 2016. As a result, the share of people rescued by governmental vessels dropped from 80.1% in the period January–May to 60.9% in the period June–December.<sup>96</sup> Furthermore, the EU started training the Libyan Coast Guard and Navy in October 2016, while Italy, after signing an agreement with the GNA in February 2017, gave Libyan authorities four patrol boats between April and May, and promised to deliver further six vessels by June.

In this context, the presence of independent rescue vessels next to Libyan waters was an obstacle for Libyan authorities, which therefore tried to discourage the NGO crews by repeatedly attacking them. Soon, SAR NGOs were attacked by European authorities as well. Allegations made by Frontex<sup>97</sup> were followed by a series of public statements made by the public prosecutor of Catania, Carmelo Zuccaro, in early 2017. Zuccaro declared that NGOs operating next to Libyan waters act as a pull factor and are responsible for the use of increasingly unseaworthy vessels by smugglers. He also denounced the lack of cooperation of NGOs with police authorities, and said some of them might not only be colluded with (and even directly financed by) smugglers, but also have hidden political aims such as destabilizing the

Italian economy through the mass influx of migrants.<sup>98</sup> Furthermore, Italian media and political actors accused NGOs to aim at “the ethnic replacement of peoples by other peoples”,<sup>99</sup> and their vessels to patrol too close to Libyan waters and even in Libyan waters,<sup>100</sup> thus creating corridors for smugglers. They asked for suspected NGOs to be brought to court, as well as for restrictive measures to be imposed on all NGO vessels. As of mid-May 2017, preliminary investigations had been reportedly opened up by the Trapani court (against some crew members of an MSF vessel),<sup>101</sup> as well as by the Palermo court.<sup>102</sup> Moreover, after a series of hearings of both governmental and non-governmental actors, a parliamentary committee adopted a document inviting SAR NGOs to register their crews with Italian authorities, to disclose their lists of donors, to cooperate with police authorities, and not to create de facto humanitarian corridors.<sup>103</sup> The committee chair suggested authorities could deny the permission to dock in Italian ports for NGO vessels not complying with these requests.<sup>104</sup>

The ongoing reconfiguration of the Central Mediterranean can be summarized in two main points. First, Italian and European authorities are strengthening the Libyan Coast Guard, with the main aim being for Libya to establish an effective MRCC and coordinate and carry out SAR in the portion of international waters constituting its SAR region. This would significantly increase the number of migrants forcibly returned and thus kept away from Europe. Second, the media, political and judicial campaign against SAR NGOs seems to aim at undermining their popular support. This would both reduce donations (thus forcing NGOs to abandon the field) and make the replacement of NGO rescue ships by Libyan patrol boats morally acceptable.

While the evolution in the relations between Italy/EU and Libya can't be seen as a response to independent SAR, it seems to attest to the inception of a new phase in the cyclic alternation between humanitarian and security logics in dominating the construction and representation of the EU sea border.<sup>105</sup> Indeed, the two narratives of the ‘tough’ and the ‘humane’ border<sup>106</sup> always coexist,<sup>107</sup> but their balance is always fluctuating, if in the fundamentally unchanged context of a restrictive migration and border regime.

While this new phase is not a direct reaction to non-governmental SAR, the work of SAR NGOs seems to be at odds with the objectives to restore a more restrictive, and yet depoliticized and unquestioned, border regime in the Central Mediterranean.

On the one hand, the media, political and judicial offensive against SAR NGOs was directed against all SAR NGOs, also including MOAS, and not only against the politically engaged. It was non-governmental SAR *per se* that represented an obstacle for the envisaged externalization of borderwork to Libyan authorities. While this suggests that “humanitarianism is an inherently political concept”,<sup>108</sup> insofar as humanitarian borderwork can assume

political relevance even if carried out without the intention to be political, this is not enough for the NGO action to be considered as ‘political’ based on the definition provided in the first section.

However, the offensive may be explained also by the most explicitly political attitudes of some of the organizations involved, most notably the refusal of MSF and Sea-Watch to voluntarily cooperate with police authorities, and their intention to play the watchdog role on the high seas. Should Libya establish its MRCC and effectively assume control of its SAR region, SAR NGOs would be confronted with the highly political challenge of how to react to the externalization of SAR, as the incident of 10 May 2017 clearly suggests.

Finally, the media, political and judicial campaign was accompanied by initiatives from the civil society. In November 2016, Gefira, a political foundation based in the Netherlands, which sees Europe “as a sanctuary of our indigenous European peoples”,<sup>109</sup> accused SAR NGOs of acting in coordination with smugglers.<sup>110</sup> Few months later, the international movement Generation Identity launched the project ‘Defend Europe’, a mission “to rescue Europe by stopping illegal immigration”.<sup>111</sup> The activists, concerned about the loss of European identity, set up an anti-NGO vessel, whose first demonstrative action was trying to hinder an MSF vessel from leaving the Catania harbour for the SAR operational area.<sup>112</sup> This suggests that one of the repoliticizing effects of non-governmental SAR was another non-governmental intervention, advocating not for more open but for more restrictive border policies.

## Conclusion

This article has shed some light on non-governmental humanitarian borderwork in the international waters of the Central Mediterranean, and, more specifically, on the role of SAR NGOs in the process of depoliticization/repoliticization of the EU sea border regime.

First, the article has shown that only the symbolic and practical re-appropriation by state and supra-state authorities of the act of rescuing people (through *Mare Nostrum* and the following restructuring of governmental policies and practices at an increasingly humanitarianized sea border) allowed for NGOs to engage in SAR activities in international waters.

Then, the article has shown that MOAS, MSF and Sea-Watch react differently to the contradictions that are typical of humanitarian non-state action and that reappear in the governmentalized space of international waters in the Central Mediterranean. Some of these contradictions are summarized by the following words from a representative of MSF Amsterdam: “We don’t want to replace the states. Are we relieving them from their responsibilities? Are we allowing them to use their resources for purposes which are different from SAR?”.

Arguably, by cooperating with Frontex and Eunavfor Med, as well as by transferring people and handing them over to the Italian police authorities, NGOs are not only relieving governmental actors from their responsibilities. They are also providing operational support and humanitarian non-state legitimation to the border regime they declare to contest. Like those aid workers who “become logisticians in the war efforts of warlords”,<sup>113</sup> they thus become part of a hybrid border management system that results in limiting the freedom of asylum seekers in Europe through the Dublin regulation, in either forcibly returning or illegalizing those who are denied protection, in arresting and prosecuting purported smugglers, as well as in enhancing cooperation with countries of departure with the aim to prevent people from reaching Europe. In such context, the humanitarianized border-space that non-governmental SAR actors are contributing to shape and manage in the high seas of the Central Mediterranean, under the coordination and in cooperation with governmental authorities, seems to be an increasingly depoliticized one.

However, some NGOs believe that they can contribute to its repoliticization. With this regard, the article has shown different degrees of political positioning, ranging from silence to open and vocal criticism towards current migration and border policies. While MOAS keeps a neutral political profile, MSF and Sea-Watch declare their aim to pressure and influence authorities with a view to change the policies they hold responsible for border deaths. More broadly, they regard their SAR activities as part of a political, not only humanitarian commitment. The question is whether their political sentiments are able to produce political practices, and with what results.

Other authors, indeed, have pointed out the essential role that solidarity<sup>114</sup> and connectivity<sup>115</sup> can play for humanitarian work to turn political. Stierl<sup>116</sup> argues that this is also the case for the Mediterranean SAR context. This article suggests that, while the subjective perspective of humanitarian actors is surely crucial to develop practices that aim to be political, it is the practice and its outcomes, in the end, that make the difference, and practices, in the international waters of the Central Mediterranean, are highly conditioned by the convergence of delocalized state sovereignty and humanitarian reason in a field of tension that leaves hardly any room for manoeuvre. Indeed, state authorities resort to the same humanitarian principles put forward by NGOs, which limits the autonomy, and thus the political agency, of the latter. The shared humanitarian reason makes it difficult, if not impossible, for non-state actors to take a more challenging stance, and “blurs the boundary between what is governmental and what is non-governmental”,<sup>117</sup> as shown by the impossibility for MSF and Sea-Watch to refuse operational cooperation with Eunavfor Med, with Sea-Watch even asking the EU military mission for protection. Moreover, as regards the policy changes requested by MSF and Sea-Watch, the provisional outcome of the NGOs’ political commitment looks

like a failure: authorities have intensified their efforts aimed at preventing people from leaving, and no humanitarian corridors have been created, except for those opened up by Italy, which will provide safe passage to just 1,500 people in two years.<sup>118</sup> Even the increase in governmental SAR capacities resulting from the upgrade of Triton and the launch of Eunavfor Med in the summer of 2015 can hardly be seen as a success. First, because it can't be demonstrated that it was a consequence of political pressure from MSF and Sea-Watch, while it is highly plausible that it was an autonomous policy adjustment; second, because the missions only (and only partially) filled a humanitarian gap while reinforcing the border policies denounced by the NGOs; third, because the 2015 expansion of their geographical scope was followed by its sudden restriction a year later.

However, some practices – despite their outcomes being hardly measurable and possibly very limited – are clearly political acts. The choice of Sea-Watch not to transfer people to the mainland, and thus to impose on the MRCC the burden to identify other means of transport, is an act of contestation against border policies which not only prioritize the deterrence and containment of mobility over saving lives and respecting the human rights and dignity of migrants, but also often end up shifting the burden of SAR to non-state actors (commercial ships and NGOs), thus enabling governmental authorities to focus even more on deterrence and containment. Sea-Watch boycotts this logic by trying to divert governmental efforts from border enforcing to SAR and transfers.

Furthermore, the reconnaissance airplane could help Sea-Watch to play the watchdog role against possible unlawful actions by governmental actors in international waters (which is also an aim of MSF). Arguably, the fact that no abuses from Italian and EU authorities were reported so far could well be the effect of deterring watchdog practices. The attacks on SAR NGOs suggest that watchdogs are unwelcome guests in the area next to Libyan waters, and the reaction of Sea-Watch to the forced return of 10 May 2017 explains why.

A further example of solidarity turning to practice is the interaction between MSF and the fishermen association in Zarzis, insofar as it aims at preventing accidental returns to North Africa while providing safe passages to Europe.

MSF and Sea-Watch are also taking advantage of the visibility provided by SAR to campaign against current EU border policies and practices, as well as to promote an alternative image of migration. However, it is impossible to determine how large an audience they reach and how effective their messages are in influencing it.

In sum, SAR NGOs fluctuate between depoliticization and repoliticization; their political-humanitarian intervention does not only increase SAR capacities of governmental actors but is also able, to some extent, to condition and influence, to control and denounce the activities of the latter in international waters.

Importantly, whatever the next developments in the reconfiguration of the Central Mediterranean border regime, the space of international waters remains free for navigation under international law, and the legal obligation to rescue people in distress maintains the highest rank in the hierarchy of norms of the international legal order. As long as financial means are provided, SAR NGOs will be free to continue their missions, but they will be confronted with a serious challenge, should the Libyan authorities take over responsibility for SAR operations in their own SAR region. Therefore, contesting or even contrasting the externalization of SAR to Libya (by keeping patrolling the area close to Libyan waters and refusing to bring the rescued people to Libya) seems to be the political task for SAR NGOs in the changing context of the Central Mediterranean, while investigating the relationship between depoliticization/repoliticization processes and different spatialities and legal regimes would be an interesting avenue for further research.

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## Notes

1. Unlike MSF, both MOAS and Sea-Watch were established for the specific purpose of rescuing migrants in the Mediterranean. While MOAS and MSF rely on the work of paid professionals, the Sea-Watch crew is made of volunteers. MOAS and Sea-Watch depend entirely on private donations; MSF receives 92% of its funding from private donations, while the remaining, state-funded 8% is only dedicated to 'apolitical' projects (e.g. post-earthquake assistance).
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3. Besides SOS Méditerranée, they include Sea Eye, Jugend Rettet, Proactiva Open Arms, Cadus/Lifeboat, Boat Refugee Foundation and Save the Children.
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5. M. Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity 2011); W. Walters, 'Foucault and Frontiers: Notes on the Birth of

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  7. An exception is S. Rother, ‘A Tale of Two Tactics: Civil Society and Competing Visions of Global Migration Governance from Below’, in M. Geiger and A. Pécoud (eds.), *Disciplining the Transnational Mobility of People* (Basingstoke: Palgrave Macmillan 2013) pp. 41–62.
  8. The choice to focus only on MOAS, MSF and Sea-Watch was determined by two factors. First, until early 2016 they were the only three SAR NGOs in the Central Mediterranean. Furthermore, most of the other organizations started their missions after the end of my fieldwork, some just short before the first submission of this article. Second, the other NGOs basically followed the examples of MOAS, MSF and Sea-Watch with regard to both their organizational model and their political positioning. As pointed out by Cusumano (E. Cusumano, ‘Emptying the Sea with a Spoon? Non-governmental Providers of Migrants Search and Rescue in the Mediterranean’, *Marine Policy* 75 (2017) pp. 91–8), some NGOs, such as SOS-Méditerranée and Save the Children, followed the MOAS and MSF organizational model, while others, such as Sea Eye and Proactiva Open Arms, adopted the Sea-Watch template. With regard to the political positioning, some NGOs, such as Save the Children, can be compared to MOAS, while others, such as Sea Eye, are more similar to MSF and Sea-Watch. Therefore, MOAS, MSF and Sea-Watch can arguably be seen as representative of the general phenomenon.
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22. Pécoud (note 6) p. 95.
23. Wood and Flinders (note 10) p. 162.
24. D. Fassin, *Humanitarian Reason. A Moral History of the Present* (Berkeley: University of California Press 2012) p. 1.
25. M. Barnett, 'Humanitarian Governance', *Annual Review of Political Science* 16 (2013) p. 379.
26. Ibid.
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