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BLAMING THE RESCUERS

CRIMINALISING SOLIDARITY, RE-ENFORCING DETERRENCE

[French Summary](#)

[Italian Summary](#)

Aiming to deter migrants from crossing the Mediterranean, the EU and its member states pulled back from rescue at sea at the end of 2014, leading to record numbers of deaths. Non-governmental organisations (NGOs) were forced to deploy their own rescue missions in a desperate attempt to fill this gap and reduce casualties. Today, NGOs are under attack, wrongly accused of ‘colluding with smugglers’, ‘constituting a pull-factor’ and ultimately endangering migrants. This report refutes these accusations through empirical analysis. It is written to avert a looming catastrophe: if NGOs are forced to stop or reduce their operations, many more lives will be lost to the sea.

It has been two years since more than 1,200 people perished at sea in the 12 and 18 April 2015 shipwrecks – the largest to have been documented in recent Mediterranean history. These deaths, as we demonstrated in the report *Death by Rescue* published last year, were the result of the termination of the Italian Mare Nostrum operation, which had patrolled close to the Libyan coast to rescue migrants in distress. The end of Mare Nostrum left a gap in Search and Rescue (SAR) capabilities that was meant to deter migrants and instead led to a staggering increase in deaths at sea in early 2015. In the wake of this harrowing loss of life, even the President of the European Commission, Jean-Claude Juncker, was obliged to admit that “it was a serious mistake to bring the Mare Nostrum operation to an end. It cost human lives”.

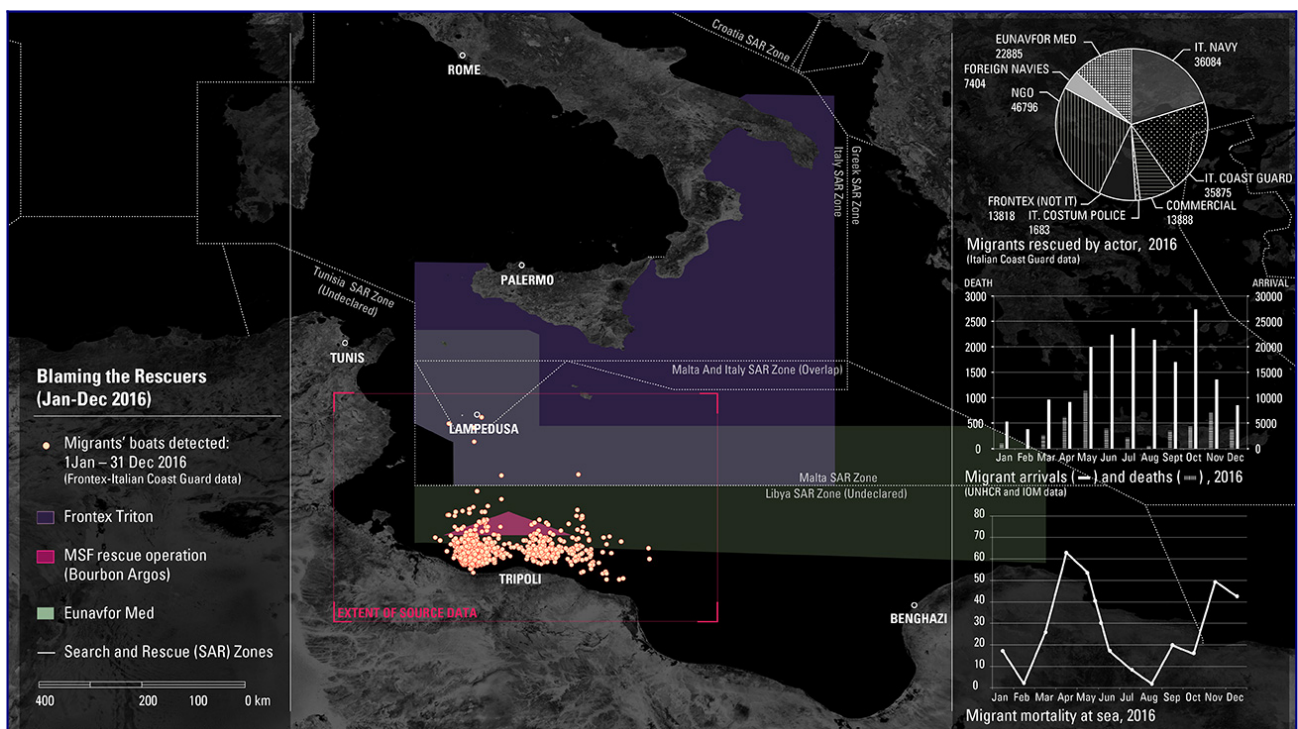
<https://vimeo.com/219739614>

Video summary of the report “*Death by Rescue: The Lethal Effects of the EU’s Policies of Non-Assistance*”, directed by Forensic Oceanography (Charles Heller and Lorenzo Pezzani), 2016, 14min.

Today, proactive Search and Rescue (SAR), which has come to be mainly operated by NGOs, is once again under attack. Despite their crucial life-saving role, SAR NGOs have in recent months become the object of a de-legitimisation and criminalisation campaign that has not only involved Frontex – the European Border and Coast Guard Agency, high-level politicians, and the media, but has also led to the opening of several exploratory inquiries by prosecutors in Italy.

Part of this campaign has taken the form of heinous accusations against SAR NGOs, in particular that they are “colluding with smugglers” for their own profit. Despite having been central in creating a climate of mistrust and in spreading what we have called a “toxic narrative”, several aspects of this attack have proven baseless or have already been effectively refuted and therefore won’t be analysed in detail here. The core of our report focuses instead on a subtler and yet no less

grave accusation which was initially formulated by Frontex and has revolved around the alleged effects of proactive SAR on the dynamics of migration across the sea. The main underlying claims of this argument can be summarized as follows: SAR NGOs are (1) constituting a “pull-factor” leading to more migrants attempting the dangerous crossing; (2) “unintentionally helping criminals” by encouraging smugglers to use even poorer quality boats and more dangerous tactics; (3) in turn making the crossing more dangerous for migrants. This line of criticism is almost identical to that previously levied against Mare Nostrum and which we have already refuted in *Death by rescue*. Yet, the increasing danger of crossing in the central Mediterranean is a fact, as both the rise of the number of deaths – from 2,892 in 2015 to 4,581 in 2016 – and of the mortality rate – from 184 in 2015 to 25 in 2016 – testify. These worrying developments demand a serious evaluation in and of themselves.



Map and figures of the situation in the central Mediterranean between January and December 2016. Within the considered timeframe: migrants were rescued increasingly close to Libyan shores, as shown by Frontex and Coast Guard data; Frontex’s Triton operational area and EUNAVFOR MED’s operations area remained unchanged; Search and Rescue NGOs deployed a maximum of 12 vessels, and became the largest SAR operator in the central Mediterranean; crossings were comparable to 2014 and 2015 over most of the year, apart for the months of October and November which saw far more crossings than in previous years; deaths reached a record high and mortality rates peaked in Spring and Autumn. Credit: Forensic Oceanography. GIS analysis: Rossana Padeletti. Design: Samaneh Moafi.

The following report relies on new findings generated through extensive interviews with state officials, SAR NGOs and migrants, as well as newly accessed official reports, analysis by investigative journalists specialising in smuggling networks in Libya, statistical analysis and cartographic methods. It has been produced by *Forensic Oceanography* – a research team based within the Forensic Architecture agency at Goldsmiths (University of London) that specialises in the use of forensic techniques and cartography to reconstruct the conditions that lead to deaths at sea.

By untangling the threads of the multiple processes and actors that have shaped the dynamics of migration across the sea between 2015 and 2016, we assess the accusations formulated against SAR NGOs and demonstrate they rest on biased analysis and spurious causality links.

1. *SAR NGOs operating close to Libyan territorial waters constitute a “pull-factor” leading to more migrants attempting the dangerous crossing*

Our analysis suggests that SAR NGOs were not the main driver of increasing arrivals over 2016. We demonstrate that the increasing crossings registered along the Central Mediterranean route in 2016 are consistent with the increase in crossings along the route by African migrants between 2014-2015, a period in which the presence of SAR NGOs was still limited. This was partly recognised by Frontex, which, summarizing the trends observed over 2016, noted that:

“the Central Mediterranean saw the highest number of migrant arrivals ever recorded from sub-Saharan, West Africa and the Horn of Africa (181,459 migrants, increase of 18% compared with 2015). This trend, *which is consistent with previous year-on-year increases*, shows that the Central Mediterranean has become the main route for African migrants to the EU and it is very likely to remain so for the foreseeable future.”

Frontex, 2017 Annual Risk Analysis report

The discrepancy between the temporality of the increased crossings from Libya by African migrants and the deployment of SAR NGOs suggests that no direct causal link can be established between these two phenomena. This is also demonstrated by the fact that along the western Mediterranean route from Morocco, a 46% increase was registered from 2015 to 2016, in the absence of any SAR NGO assets. Our analysis shows instead that worsening economic and political crises that affect several regions across the African continent, including the turmoil raging in Libya, have played a major role in driving the numbers of migrants crossing up. Faced with the horrendous situation in Libya, migrants have little choice but to attempt the sea crossing, with or without proactive SAR. This was clearly demonstrated by the analysis in our report *Death by Rescue*, which showed that the termination of the Mare Nostrum operation did not lead to less crossings being registered in early 2015, only to more deaths.

2. *NGOs are unintentionally helping criminals by encouraging smugglers to use even poorer quality boats and more dangerous tactics*

Our analysis acknowledges the downward spiral in the practices of smugglers and conditions of crossing over 2015 and 2016. These include: the increasing use of bad quality rubber boats instead of the more solid wooden boats; the provision of less fuel, food and water; an increase of departures in more difficult weather conditions; and an ever higher degree of overloading. However, we argue that SAR NGOs *responded to and were not the cause of* these evolving practices that had instead been spurred by other processes and actors predating SAR NGOs intervention. At the heart of the continuous degradation of the conditions of crossing since 2013, has been the violent and chaotic situation of Libya. At the end of 2015, a new model of militia-led smuggling emerged, which contributed to several of the shifts mentioned above. The EU’s anti-smuggling operation, EUNAVFOR MED also had an important impact on smugglers’ tactics, as recorded in its own internal reports. By

interdicting and destroying the vessels used by smugglers, it contributed to the shift from larger wooden vessels to cheap and less stable rubber boats. As EUNAVFOR MED noted:

“(…) smugglers can no longer recover [wooden] smuggling vessels on the High seas, effectively rendering them a less economic option for the smuggling business and thereby hampering it.””

EUNAVFOR MED, Six Monthly Report, January 2016

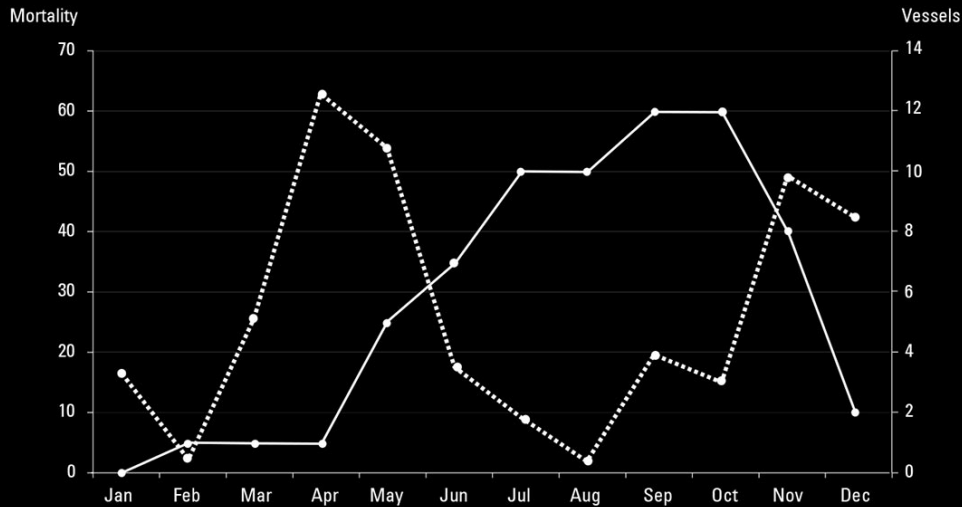
These tactical shifts were noted at the end of 2015 and in the first months of 2016, when the presence of SAR NGOs was limited, which further confirms that the NGO activities were not their cause. Finally, under pressure from the EU, the Libyan Coast Guard (LCG) increasingly intercepted migrant boats as they left the Libyan coast in 2016. As the LCG repeatedly exercised violence in the process, at times leading boats to capsize, this contributed to increasing the danger of crossing and to heighten the shifts in smuggler tactics. The presence of NGOs, which were directed by the Italian Coast Guard closer to the Libyan coast so as to avert situations of imminent distress, was a *response* to these trends, which may in turn have contributed to *consolidating* specific shifts in smugglers’ practices – such as no longer providing migrants with a satellite phone – but was not the cause of the worsening conditions of crossing.

3. *NGOs are making the crossing more dangerous for migrants despite their intentions*

We demonstrate that while 2016 was the deadliest year on record for Mediterranean crossings despite having seen the highest number of SAR NGOs operating, thus pointing to an apparent paradox, closer analysis shows the life-saving role of these NGOs. The migrant mortality rate had risen in early 2016 before NGO SAR assets returned to the central Mediterranean following their winter break, and declined in parallel to their redeployment. The mortality rate rose again only when SAR NGOs’ presence decreased at the end of the autumn. There is thus a striking negative correlation between the decreasing mortality rate and the rising number of SAR NGO vessels, which shows that the latter made the crossing safer.

The Life-saving role of Search and Rescue NGOs

"Blaming the Rescuers" report, Forensic Oceanography, 2017



Migrant mortality rate (.....) and SAR NGO vessels (—) in central Mediterranean, 2016.
(IOM, UNHCR and SAR NGOs data)

Monthly migrant mortality rates for 2016 (based on IOM and UNHCR data) and number of deployed SAR NGO vessels, showing a striking negative correlation. Credit: Forensic Oceanography. Statistical analysis: Gian-Andrea Monsch, Researcher at Fors, University of Lausanne, Switzerland. Design: Samaneh Moafi.

Our empirical analysis thus allows us to counter the allegations put forward to delegitimize SAR NGOs, and demonstrates that the accusations have been founded on biased analysis. This has singled out SAR NGOs from a broader web of interactions, rather than analysing the multiple actors who, together, shape the dynamics and conditions of maritime crossings. While the analysis of the effects of these processes and actors on the conditions of crossing have been widely available, they have never been mentioned in relation to the arguments of those attacking SAR NGOs, thereby reinforcing the toxic narrative against them.

We conclude by demonstrating that the toxic narrative against SAR NGOs has served to reinforce a number of strategic effects with regards to EU migration policies. It has allowed state actors mobilising these arguments to divert public attention from their own responsibilities and failures – such as the continuing SAR gap that has made SAR NGOs essential in the first place, and the effects of the EU's anti-smuggling operations which have contributed to making the crossing more dangerous but failed to stop the smuggling business. In turn, the de-legitimisation and criminalisation of proactive SAR is in continuity with prior policies – such as the ending of Mare Nostrum – which have attempted to deter migrants by making the crossing more difficult, with the only effect of leading to thousands of deaths. Moreover, in the face of the alleged failure of humanitarian responses, actors attacking SAR NGOs have systematically proposed other “real” solutions which invariably involve cooperating with dictatorial regimes at the EU's periphery to stem crossings. In particular, the EU is increasingly relying on cooperation with the Libyan Coast Guard, whose interventions have led to repeated loss of life. Considering the condition of migrants in Libya today, preventing migrants from departing from Libyan territory amounts to complicity

with arbitrary detention, torture, sexual violence, forced labour and trafficking. Finally, these attacks against SAR NGOs participate in a wider attempt to criminalise solidarity towards migrants and refugees, which endangers the possibility of EU citizens standing in solidarity and exercising civilian oversight at the EU's frontiers to contest their deadly effects.

SAR NGOs demonstrated once again their crucial role this year over the Easter weekend, the second anniversary of the April 2015 shipwrecks, when they took the lead in the rescue of more than 9,000 migrants. While states have not taken up the task of proactive SAR, without the life-saving presence of SAR NGOs, many of the migrants would have died in a tragic repetition of the events of 2015. The work of SAR NGOs thus remains as necessary as ever. Should the ongoing delegitimisation and criminalisation campaign force them to stop or scale down their activities, there is a real risk that many more lives will be lost in the Mediterranean. The right to solidarity must thus be defended.



Rescued migrants on the deck of the *Iuventa* of the NGO Jugend Rettet during the Easter Weekend 2017 operations. Despite a nominal capacity of no more than 100 people, the *Iuventa* had to take on board hundreds of people to make up for the absence of state-led SAR assets. Credit: Giulia Bertoluzzi.

As long as migrants are forced to resort to smugglers for lack of legal pathways, proactive Search and Rescue at sea will be a humanitarian necessity – whether it is operated by states or NGOs. Only a fundamental re-orientation of the EU's migration policies to grant legal and safe passage may bring the smuggling business, the daily reality of thousands of migrants' in distress and the need to rescue them to an end.