

– P O S –

from Rescue to Resistance

[Abridged Pirate Care Version]

The text at hand is part of the bachelor thesis by Chris Grodotzki in the Photojournalism and Documentary Photography program at the Hannover University of Applied Arts. It was submitted to Professor Karen Fromm and Anna Stemmler on January 16, 2020, and translated later for publication in the pirate.care library by the author and the pirate.care team. The original project includes a multimedia exhibition and further elaborations on the topic as well as its photographic, journalistic and media political implications.

<https://pirate.care/>
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And many of us drowned just off the beaches.
The long night passed, the sky began to clear.
If they but knew, we said, they'd come and seek us.
That they did know, we still were unaware.

Bertolt Brecht – War Primer

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Pirates of the Mediterranean

„Piracy in the early eighteenth century was, at bottom, a struggle for life against socially organized death."¹ This definition of piracy was surely not the one that former Italian minister of interior Matteo Salvini had in mind, when he proclaimed "yet another act of Piracy by an outlaw organization"², in June 2019, soon after the crew of *Sea-Watch 3* had rescued 52 people from a rubber boat in distress at sea. And yet, the struggle that has been going on for five years in the central Mediterranean Sea is just that; a struggle for life against socially organized death. European states have created a zone at their margins, where all their proclaimed values, their human and civil rights are suspended: A *state of exception* that reduces the sea to a weapon, people to bargaining chips – and the fluid southern border of the European Union to the deadliest migration route in the world.³

The European activists who oppose this state of exception are of course neither pirates in the historical, nor in the legal or ideational sense: If, according to Markus Rediker, historical piracy was a (class) struggle for the pirate's own life, which presupposed sheer defiance of death itself⁴, then civil sea rescue activism is primarily a fight in solidarity, starting off from the privileged position that it is not the activist's own life that is at stake. Nonetheless, Matteo Salvini's repeated accusations of piracy unintentionally point towards certain symbolic parallels that echo the

1 Markus Rediker (2004): *Villains of all Nations. Atlantic Pirates in the Golden Age*. Boston 2004. p.153f.

2 Globalist: *Salvini senza freni sulla Sea Watch: "sono pirati fuori legge"*, in: Globalist Syndication, 12.06.2019, (author's translation), <https://globalist.it> (Accessed: 06.01.2020)

3 cf. Philippe Fargues (2017): *Four Decades of Cross-Mediterranean Undocumented Migration to Europe. A Review of the Evidence*. International Organization for Migration: Geneva 2017, p. 1.

4 cf. Rediker 2004 p.148 ff.

subject of this paper:

As it happens, the duality of perception – pirate as monster, pirate as hero – is almost as old as piracy itself [...] the term pirate has been highly ideological from antiquity forward, functioning more or less as the maritime equivalent of barbarian—that is, anyone who was an enemy of the Romans.⁵

While the non-governmental sea rescuers were surely declared public enemy *Numero Uno* in Rome, at least in the first half of 2019, the question arises; does their intervention represent a modern act of symbolic piracy (in the best sense)? Or, to leave the freebooter metaphor and switch to the wording of this thesis: can humanitarian emergency aid also be an act of political resistance? What restrictions are there in place, what mechanisms to contain or prevent a high seas rebellion against European 'migration policy'? What kind of imagery does the ship and the port offer and what symbolism does it carry ashore?

In the following chapters and in my exhibition, I discuss issues that urgently call for reflection, after five erratic years of civil sea rescue. Hundreds of thousands rescued by the civil fleet stand against a political ambition of the organizations that seems further away than ever: to make themselves obsolete.

Chapter 2

A Short History of Civil Sea Rescue

Since its geographic genesis in the current form, between 10,000 and 8,000 years ago, the Mediterranean has always been a theatre of human migrations. In their *Brief History of Mediterranean Migrations*, Eros Moretti and Eralba Cela argue that *historic*

⁵ Rediker 2004, p.174.

migrations, "which modified the territorial order"⁶ have often taken the form of invasions or colonizations, whereas *modern migrations* "have concerned individual families (or persons) in search of a better life."⁷ One might add that this historic discriminability could be accounted for by the simple fact, that pro-active invasions and colonizations leave more archeological traces, than the displacement and escape of individuals and smaller ethnic groups. This much is certain: As early as 1492 a *modern* migration took place, when the Sephardic Jews were forced to convert or leave Spain, by the Spanish Crown's *Decreto de la Alhambra*. Many of them set sails for North Africa and the Ottoman Empire, where they were invited by Sultan Bāyezīd II, who boasted: "How foolish are the Spanish kings to expel their best citizens and leave them to their worst enemies?"⁸

About 450 years after the Sephardim, it was again Jews who had to leave the European realms. The attitude of Sultan Bāyezīd's successors, though, was not as welcoming anymore: On December 12, 1940, the two-masted sailing schooner *Salvador* was forced to leave the port of Istanbul despite adverse weather. The ship and passengers had paused there on their journey from Bulgaria to Palestine. Later the same day, the ship got caught in a storm in the Marmara Sea and sank.⁹ It carried 327 Jews from Czechia and Bulgaria, 204 of whom drowned. Thousands had preceded the dead and survivors of the *Salvador*, thousands would come after them. In their attempts to escape the barbarism of Europe to Palestine, the immigration quotas set by the British Mandatory Power were deliberately subverted.¹⁰

6 Moretti, Eros & Cela, Eralba (2014): *A Brief History of Mediterranean Migrations*, in: *Rivista Italiana di Economia Demografia e Statistica*, Volume LXVIII. Rome 2014. p.113-130, here: p. 113. (Author's translation)

7 *Ibid.*

8 Quoted after Georg Bossong: *Die Sepharden*. Munich 2008, p. 57.

9 The poem from Bertold Brecht's *War Primer*, quoted at the very beginning of this thesis, is accompanied by a picture which shows two of the survivors of the *Salvador* shipwreck: a mother and her child son, who are identified in the accompanying newspaper article as *Refuges without Refuge*. (Cf. Brecht 1955: 49)

10 cf. Jürgen Rohwer: *Jüdische Flüchtlingsschiffe im Schwarzen Meer (1934-1944)*, in: Ursula Büttner (Hrsg.): *Das Unrechtsregime. Band 2: Verfolgung / Exil / Belasteter Neubeginn*. Hamburg 1986, p.197-248. available in the online archive of the Württemberg state library, <https://wlb-stuttgart.de> (Accessed: 08.01.2020)

Eleven years after the shipwreck of the *Salvador* and three years after the founding of the state of Israel, the *Convention Relating to the Status of Refugees*¹¹ was signed and proudly paraded by Europe in the canon of human rights and international law, over the following decades. A comfortable moment to draw great lessons from the *breach with civilization* (ger. *Zivilisationsbruch*): six years after the end of the war, in the full bloom of a reconstruction economy, supported by world powers, where every immigrant represented much needed labour force and every refugee from the Eastern Bloc a confirmation of the own superiority.

2.1 – How Trans-Mediterranean Migration became illegal

After heavily relying on (i.a. trans-Mediterranean) low-cost migrant labour in the post-war years, due to reconstruction and a lack of 'manpower', the Oil Shock in 1973 turned the tables and brought the *Wirtschaftswunder* (economic miracle) to an abrupt end.

One of the reactions of the countries affected was to restrict labour immigration.¹² The tightening of the visa regime not only laid the foundation for today's European border policy – and thus the so-called "refugee crisis in the Mediterranean" – it also set its constitutive dispositif: illegality.

It is common sense to state that illegality is a product of how legality is defined and the law enforced, and this applies to migration just as to any other phenomenon. Migrants crossing the Mediterranean Sea from south to north at the risk of their lives did not make a significant appearance until the 1970s when, one after the other, Western European States shut the door to legal labour migration by imposing visas on people until then exempted, and sparingly delivering the new visas.¹³

11 UNHCR (2010): *Convention and Protocol Relating to the Status of Refugees* in: UNHCR, December 2010, Available at: <https://www.unhcr.org/3b66c2aa10> (Accessed: 22.05.2020)

12 Moretti / Cela 2014, p. 120 f.

13 Fargues, 2017. p.8

This groundbreaking moment of what is today known as the *Fortress Europe* "irreversibly changed the global and European geography of migratory flows"[^13].

Philippe Fargues explains the two main consequence like this:

First, for fear of not being allowed to re-enter in the future, seasonal migrant workers employed in Europe decided not to return home [...] [which led to] the subsequent establishment of populations with a migrant background. The second consequence was that trans-Mediterranean labour migration continued but in an irregular manner, at which time clandestine migration and the smuggling business commenced.¹⁴

Or, as the Italian journalist and human rights activist Gabriele del Grande couches it in his open letter to Matteo Salvini:

[...] there are two market laws that continue to be ignored. The first is that demand generates supply. The second is that prohibition supports the mafias. In other words, as long as someone is willing to pay to travel from Africa to Europe, someone will offer them the opportunity to do so. And if the airlines won't do it, the smugglers will.¹⁵

Since then far more than 2.5 million [^16] migrants have crossed the Mediterranean Sea on three main routes:

- **The Western Route**, from northern Morocco to southern Spain, was the first and shortest south-north crossing, with only 15 kilometers to be covered through the Strait of Gibraltar.
- **The Eastern Route**, from Turkey to Greece, particularly busy between 2014 and 2016, when over a million refugees, mostly from Syria, Afghanistan and Iraq, took to the boats after the passage of the Evros river was made impossible by the completion of a border fence.

¹⁴ Fargues 2017, p. 8

¹⁵ Gabriele del Grande: Lettera al Ministro dell'Interno Matteo Salvini, Facebook, 12.06.2018. Available from: <https://www.facebook.com/100000108285082/posts/2105161009497488/> (Author's translation, accessed: 02.05.2020)

- **The Central Mediterranean Route**, which actually includes a number of routes across the Central Mediterranean Sea. In the beginning, most boats started from Tunisia into the Sicilian Channel, less from Algeria and Egypt. Later Libya became the main hub of central Mediterranean migration and has maintained this position until today.¹⁶

The Central Mediterranean route is by far the most dangerous passage, with more than 15.800 official reported deaths, since 2014, compared to 3.359 in the west and east. (see *Figure 1*) Relying on verified numbers the Central Med is the deadliest border in the world. At the same time, there are indications that the unknown number of lives lost in the Sahara, on the way to the Mediterranean Sea, might be even higher.¹⁷

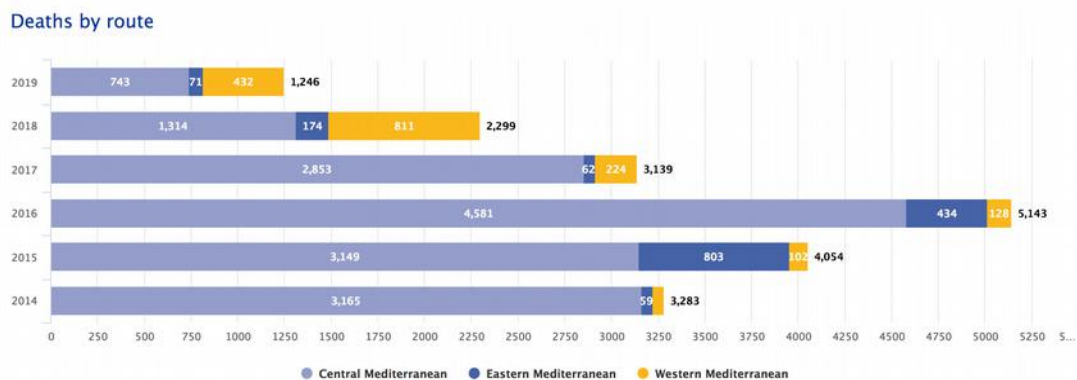


Figure 1: *Deaths by route*. Source: *Missing Migrants Project. Tracking Deaths Along Migratory Routes*. International Organization for Migration IOM, available at: <https://missingmigrants.iom.int> (As of: 28.12.2019)

Even though *Sea-Watch* and other sea rescue organizations deployed boats to the Aegean Sea in 2015 and 2016, the focus of this work is exclusively on the developments in the central Mediterranean. In 2004, there had already been an attempt to establish a civil sea rescue service, which – looking back at it now – seems like an image from the future: On June 24 of that year, the *Cap Anamur* of the German organization *Deutsche Not-Ärzte* (German emergency doctors) had rescued 37 people

¹⁶ Vgl. ebd. S. 9 ff.

¹⁷ Tom Miles, Stephanie Nebhay: *Migrant deaths in the Sahara likely twice Mediterranean toll: U.N.*, in: Reuters, 12.10.2017, <https://www.reuters.com/> (Abrufdatum: 10.12.2019)

from a leaking rubber dinghy. The rescue resulted in a first stand-off in front of Italy, during which the captain declared a state of emergency and thus was able to enter the port despite a blockade by navy ships and helicopters. The ship was confiscated, the captain charged and – not before the end of an expensive, five years lasting court procedure – finally acquitted.¹⁸

2.2 – Sea-Watch and the Civil Fleet

Almost 10 years later and a few days after the shipwreck of October 3, 2013, which left around 390 migrants dead off Lampedusa and sparked international concern, Italy started its own large-scale sea rescue operation. Named after an ancient Roman term for the Mediterranean – *Mare Nostrum: Our Sea* – the major effort of the Italian navy and coast guards led to the safe arrival of over 150.000 people within one year. After Italy had repeatedly asked the other EU member states in vain to find a solution for the distribution of operating costs on the one hand and the rescued people on the other, Mare Nostrum was discontinued in October 2014. The hesitantly announced EU follow-up mission *Triton* – with its focus on border security, an operational area only 30 miles off the coasts of Europe and only a third of Mare Nostrum's funds – wasn't meant to come anywhere near the achievements of its predecessor.¹⁹

Against this backdrop, a small circle of middle-class citizen activists around the merchant Harald Höppner, came together at the end of 2014. They no longer wanted to watch the 'failure of the EU' – this being the initial analysis – and decided to buy an almost 100 years old fishing cutter from 60.000 Euros out of Höppner's private fortune. On June 20, *World Refugee Day 2015*, the *MS Sea-Watch* first set sails from

18 Cf. Paolo Cuttitta (2017) *Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean*, *Geopolitics* (23:3), p. 632-660, here: 637.

19 Cf. Karl Hoffmann: Italiens Flüchtlingspolitik vor einem Kurswechsel, in: Deutschlandfunk Online, 01.12.2014, <http://www.deutschlandfunk.de> (Accessed: 10.12.2019)

Lampedusa towards the search and rescue strip (or SAR zone), off the Libyan coast. One day later, the *Dignity 1* of *Médecins Sans Frontières* (*Doctors Without Borders / MSF*) set off from Malta and was joined shortly after by the *Bourbon Argos*.

After the initiators of civil sea rescue had been celebrated as heroes in the first year²⁰, the civil fleet blossomed in the second:

In February 2016, SOS Méditerranée chartered a 77 metre ship [A/N: Aquarius] to conduct operations in partnership with the Amsterdam branch of MSF. The non-for-profit spin-off of the Spanish lifeguard company Pro-Activa and two other German NGOs – Sea-Eye and Jugend Rettet – also started rescuing migrants in the Central Mediterranean a few months later.²¹

Later that year, the dutch *Boat Refugee Foundation* and *Save the Children* also joined the fleet. "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"²².

Meanwhile, *Sea-Watch* – so far neither able nor willing to take larger numbers of people on board or shuttle them to land – became increasingly aware that the original plan to increase the intervention of European authorities through monitoring, awareness-raising and calling in state rescue assets was not going to be successful; although their rescues were carried out in close cooperation with the Italian coast guard and EU military, the capacities were repeatedly insufficient. In 2016 they therefore exchanged the *Sea-Watch (1)* for the bigger and better equipped former research ship *Clupea*, renaming it *Sea-Watch 2*.

20 In this documentation, I have chosen to ignore the controversial organization MOAS (Migrant Offshore Aid Station), which had already deployed the rescue ship Phoenix in 2014 and which certainly had an exemplary character for the subsequent initiatives. MOAS was founded by the owner of Tangiers Group and is listed on the website as part of this Maltese multivariate enterprise, which deals in insurance, services and information in crisis areas. MOAS has repeatedly received donations from government organisations and companies, including such trading in military technology. The crew of the Phoenix consisted partly of former military personnel. Due to these diverse and obscure entanglements with governmental & economic stakeholders, I do not consider MOAS a 'civil' sea rescue organization. (See also Cuttitta 2017 p. 644 ff.)

21 Eugenio Cusumano: *How NGOs took over migrant rescues in the Mediterranean*, in: EUobserver.com, 01.09.2016, <https://euobserver.com/> (Accessed: 10.12.2019)

22 Cuttitta 2017, p. 633 (Total numbers, including MOAS' Phoenix.)

All in all, the first major dilemma of political-humanitarian work condensed in this process of upgrading rescue capacities: the political understanding that sea rescue was no solution to the politically implemented state of exception collided with the humanitarian responsibility, which was imposed on the organizations simply by being-there and being able to rescue. Giorgia Linardi elaborated on this in our first interview in 2016:

There is a lot of operational focus that takes away the rest and we're all seeing that. We're being a little bit eaten by this situation. [...] — *look: in the Mediterranean there is plenty of rescue happening! Everybody is working happily together, civilians and non-, to save the people...* — and we're actually hiding what keeps happening behind and making it look less gross.²³

2.3 - The wind is turning

In the early summer of 2017, the civilian fleet comprising thirteen vessels and *Sea-Watch's* new reconnaissance aircraft *Moonbird* was at its high point. However, instead of letting themselves be pressured to action, the state actors used that as an opportunity to withdraw. As Paolo Cuttitta explains on Oxford University's *Border Criminologies* blog:

While Eunavfor Med and Frontex Triton had contributed to search and rescue in the area next to Libyan waters in late 2015 and 2016, their assets [...] gradually withdrew from that area between 2016 and 2017, in order to leave the Libyan Coast Guard free to push back migrants, as well as to chase and intimidate NGO vessels. This resulted in a sharp decrease (from 66% in 2016 to 49% in 2017) in the share of people rescued by state and EU vessels on the total number of people who landed in Italy, while the share of civil assets increased from 34% to 51%. [A/N: 41% of this NGOs & 10% commercial ships].²⁴

²³ Il Lou Huber-Eustachi, Chris Grodotzki (2016b): Interview Giorgia Linardi, 15.08.2016, Malta.

²⁴ Paolo Cuttitta (2018a): *Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the*

The so-called Libyan Coast Guard (LYCG) implemented this implicit mandate quite explicitly: as early as April 2016 armed militias had first threatened and then boarded the *Sea-Watch 2*. With a break-neck maneuver, crossing its bow on May 10, 2017, they again gravely endangered ship and crew.²⁵ In August they fired at and then boarded the *Bourbon Argos*, in September they hijacked the speedboat *Speedy* and its crew to Libya (the crew was soon released, but not the boat).²⁶ Finally, in November the patrol boat *Taleel 267* mistakenly jeopardised the crew of the German navy frigate *Mecklenburg-Vorpommern*.²⁷

In parallel, in the first half of 2017, key positions of European institutions began to instil the allegation into the discourse that the NGOs were collaborating with people smugglers, in one way or another. It all started when the EU-Border and Coast Guard Agency *Frontex* in its annual risk analysis of February 2017 imputed an unintentional responsibility: "Apparently, all parties involved in SAR operations in the Central Mediterranean unintentionally help criminals achieve their objectives at minimum cost, strengthen their business model by increasing the chances of success."²⁸ Only two days later, the Sicilian public attorney Carmelo Zuccaro claimed that there was intent and announced that he ordered an investigation into connections between the NGOs (note: not "all parties") and the smugglers.²⁹ The Austrian Foreign Affairs Minister at the time, Sebastian Kurz, immediately took advantage of the allegation to claim during his visit to Valletta at the end of March: "There are NGOs that do good work, but there are

Humanitarian Turn (Part I), in: Oxford University Faculty of Law Border Criminologies Blog, 18/04/2018, <https://www.law.ox.ac.uk/> (Accessed: 12/10/2019).

25 Nikolaus Steiner & Andreas Maus (2017): *Aggressiv und Rücksichtslos: Das brutale Vorgehen der libyschen Küstenwache*, in: ARD Monitor, 15/06/2017, <https://www1.wdr.de/daserste/monitor> (Accessed: 10/12/2019)

26 Paolo Cuttitta (2018b): *Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn (Part II)*, in: Oxford University Faculty of Law Border Criminologies Blog, 19/04/2018. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0> (Accessed: 10/12/2019).

27 Matthias Gebauer: *Libyen entschuldigt sich für aggressives See-Manöver*, in: Spiegel Online, 25/11/2017, <https://spiegel.de/> (Accessed: 10/12/2019)

28 Frontex: *Risk Analysis for 2017*, in: <https://frontex.europa.eu/> (Accessed 10/12/2019)

29 Forensic Oceanography (2017): *Blaming the Rescuers. Report*. in: Forensic Architecture: Blaming the Rescuers, 09.07.2017, <https://blamingtherescuers.org/> (Accessed: 10/12/2019)

also many that are partners to traffickers."³⁰

In April, Zuccaro went even further: "We have proofs that there are direct contacts between some of the NGOs and traffickers in Libya: telephone calls from Libya to certain NGOs, floodlights lighting up the way to the boats of these organizations."³¹ Proofs that until the day present have not been made public nor have led to any legal action. However, what was made public were Zuccaro's "working hypotheses", including his conjecture that there is a reason for alleged cooperation - namely "*that some organisations want to bring Migrants to Italy to weaken its economy*". This allegation was seized upon by the two Italian oppositional parties of the time, *Movimento 5 Stelle* (M5S) and *Lega Nord*, which, almost exactly one year later, would form a joint government.³²

The head of *Frontex* Fabrice Leggeri and the German Internal Affairs Minister Thomas de Maizière didn't dare go that far. However, they pretty much blew into the same horn with statements such as: "*Ruthless human traffickers are including boats off the Libyan coast into their 'business model'*" (Leggeri), or "*boats are entering into Libyan territorial waters and are switching on their floodlights right in front of the coast*" (de Maizière). NGOs were left with no other choice but to deny and to repeat a mantra that there is no evidence to substantiate these claims and that they "remain active only because the EU is not able to provide comprehensive sea rescue programmes."³³ "Every day we have to deal with a pile of foul garbage", said at the time Loris De Filippi, the President of *Medicins sans Frontières Italy*.³⁴

Garbage or not, if we were to conduct a discursive analysis, we would find two highly unequal sides opposite each other here: on the one side, state institutions that

30 APA: Mittelmeer-Mission: *Kurz will "NGO-Wahnsinn beenden"*, in: Der Standard, 24/03/2017, <https://www.derstandard.at/> (Accessed: 10/12/2019)

31 Forensic Oceanography 2017

32 Thomas Pany: *Migranten aus Libyen: Vorwürfe gegen NGOs und Schleuser*, in: telepolis, 09/05/2017, <https://www.heise.de/tp/> (Accessed: 10/12/2019)

33 Sea-Watch & Jugend Rettet: Dear Mr. Fabrice Leggeri, 26/04/2017, <http://sea-watch.org> (Accessed: 10/12/2019)

34 Lena Klimkeit: *Retter in Bedrängnis*, in: Sächsische Zeitung, 03.05.2017, <https://www.saechsische.de/> (Zugriff: 10.12.2019)

resorted to what Judith Butler has described as "power of the state to ratify what will be called reality"³⁵ – *Frontex* and Italian public attorneys making unsubstantiated claims³⁶ that politicians in the highest public offices take for granted and reproduce. As *official sources* – that is, sources that command the monopoly of legitimate information – they have, as Bourdieu argues, an "extraordinary symbolic power [...] to define [...] the journalistic agenda and the hierarchy of importance assigned to events."³⁷ In the media context they establish realities and, as a result of their unquestioned position, reduce to absurdity the presumption of innocence.

On the other side, NGOs such as *Sea-Watch*, *Jugend Rettet* and *Medicins sans Frontières*, forced to take a defensive position, only able to push back against the allegations and face an impossible task of proving their innocence. As Titus Molkenbur of *Jugend Rettet* made it clear:

We see a defamation campaign waged against us in public, and this has shifted the public perception in the last couple of months. When the Internal Affairs Minister de Maizière is quick to repeat these allegations in front of the camera, then we are put in an extremely difficult position. Sooner or later some of that will catch on.³⁸

2.4 – The Crackdown

What was supposed to catch on, and this was the purpose of the public defamation campaign, *Jugend Rettet* would get to feel on its own skin. Starting from this pre-established discursive foundation, in July 2017 Italian authorities tried to push sea rescue NGOs into signing on to a *Code of Conduct*. This "controversial document

35 Judith Butler (2010): *Torture and the Ethics of Photography: Thinking with Sontag*, in: *Frames of War: When is Life Grievable*, p. 63-100, here: 66 / *Folter und die Ethik der Fotografie. Denken mit Susan Sontag*, in: *dies.: Raster des Krieges. Warum wir nicht jedes Leid beklagen* (2009), Frankfurt a.M.: Campus, p. 65-97, here: 67.

36 To break it down why the allegations against *Jugend Rettet* and the crew of *Iuventa* have no legal substance would require going into too much detail here. A detailed dissection can be found in *Forensic Oceanography 2017*.

37 Pierre Bourdieu (1998): *On Television*. New York. 1996. P. 70 / *Über das Fernsehen*. Frankfurt a.M. 1989. S. 106

38 Johanna Montanari (2017): "Unsere Motivation ist, Menschen zu retten" Interview mit Titus Molkenbur, in: *Der Freitag*, 04/08/2017, freitag.de (Authors translation. Accessed: 10/12/2019)

with little if any juridical relevance"³⁹ would have limited NGOs from conducting transshipments (i.e. transfer of rescued people onto other, larger boats) and would have obliged them to take on board armed Italian police. And the document drew directly on many of Zuccaro's allegations.⁴⁰

On 2 August, only two days after the German NGO Jugend Rettet had refused to sign the code, its vessel *Iuventa* was seized by the Trapani court, claiming there had been contacts between the NGO and smugglers. While accusations seem to rest on weak foundations [...] In this climate of hostility, several NGO vessels abandoned the Mediterranean – among them MSF's *Bourbon Argos* and MOAS' *Phoenix*.⁴¹

On the other side of the Mediterranean, the extended arm of the EU took advantage of this moment of shock for the civil rescuers and switched into a higher gear: Already since the end of 2016 the EU naval mission *Sophia* was training assorted groups of militias that banded under the name *Libyan Coast Guard*.⁴² Italy had placed on its disposal patrol boats and – an open secret for quite a while – even stationed a warship in the port of Tripoli to serve as a coordination centre.⁴³ The Italian *Maritime Rescue Coordination Center* started to refer distress cases to the Libyan forces and pressured NGO vessels to stay away. With this course of action Italy and the EU circumvented the non-refoulement principle of the Geneva Refugee Convention and externalized the infringement onto the Libyan forces, as international law professor Nora Markardt confirms:

The European Union and the Federal Government undoubtedly know about the conditions in Libya, know about the push-back actions, and know that a part of the returned migrants then ends up being locked up, rounded up in camps and subjected to mistreatment. And in providing assistance in that, knowing what goes on there, from

39 Cuttitta 2018b

40 Montanari (2017)

41 Cuttitta 2018b

42 Steiner & Maus 2017

43 Cuttitta 2018a

the point of view of international law they can be held accountable and make themselves complicit.⁴⁴

Who the EU is cooperating with can be exemplified by the above-mentioned patrol boat *267/Taleel*, operated by the "Coast Guard" of Zawiya. The boat has been sighted in action repeatedly – to this day. Its crew is responsible for death of several people, who drowned when they violently intervened in a *Sea-Watch* rescue operation on October 21, 2016.⁴⁵ The unit is headed by Abdurrahman Al-Milad, better known as Al-Bija: an officer of the so-called Libyan Coast Guard. The UN Security Council lists him as a sanctioned individual due to his involvement in human trafficking and violent felony, including "the sinking of migrant boats by means of firearms"⁴⁶. The *Taleel* is a *Stan Patrol 1605*-type vessel produced by the Dutch *Damen Shipyards Group*. The company in 2012 and 2013 sold and transferred several of these patrol vessels to Libya – despite the already existing UN arms embargo. Subsequently the boats have repeatedly appeared in war operations, armed with heavy machine guns.⁴⁷

Already in March 2018 the *Open Arms* had been denied entry into Italian ports for two days. This, after the crew – threatened at gunpoint – had refused to surrender 218 rescued persons to a Libyan patrol vessel.⁴⁸ Subsequently the ship got seized in Italy. After the its release, the legal actions were suspended. However, the incident provided a glimpse into the future: On the weekend of June 8-10, 2018, a total of more than 1200 people in distress at sea were rescued by diverse vessels. Right afterwards, Matteo Salvini, Internal Affairs Minister and Deputy Prime Minister (who back then only had been in office for ten days) closed Italy's ports to the *Aquarius* – via Twitter.⁴⁹

44 Steiner & Maus 2017 (Author's translation) // cf. also Cuttitta 2018b

45 Chris Grodotzki / *Sea-Watch: Taleel-thread*, in: [twitter.com / @seawatchcrew](https://twitter.com/@seawatchcrew), 04/07/2019. Available from: <https://twitter.com/seawatchcrew/status/1146847877748183040> (Accessed: 01/01/2019).

46 Ayman al-Warfalli: *Exclusive: Sanctioned Libya coastguard commander says hits migrants to protect them*, in: Reuters, 19/05/2018, <http://reuters.com> (Accessed: 31/12/2019)

47 Christiaan Triebert: *Bija-thread*, in: [twitter.com / @trbrtc](https://twitter.com/@trbrtc), 08/05/2018. Available from: <https://twitter.com/trbrtc/status/1004913524487925760> (Accessed: 31/12/2019)

48 Cf. Steering group of the Osservatorio Solidarietà della Carta di Milano: *The Seizure of the Open Arms boat as a paradigm of the European Union's war against human rights*, in: Statewatch, April 2018, <https://statewatch.org>, p. 2f. (Accessed: 08/01/2020)

49 Cf. Matteo Salvini: *#chiudiamoiporti* ("#WeCloseThePorts"), in: Twitter, 10/06/2018.

The ensuing eight-day odyssey with 629 guests on board – which ended in Valencia, Spain – marked the ending of a period of efficient, state-coordinated civil sea rescue. And it marked the beginning of an unprecedented era of resistance against state repression by non-governmental organisations – supported by social movements on-shore.

As shortly afterwards the *Lifeline* got stuck close to Malta in a similar situation, the Netherlands intervened in the conflict and revoked the ship's flag. Being at it already, they also revoked the flag of *Sea-Eye's Seefuchs*, which at the time was docked in Malta. Both ships' longstanding registration status as non-commercial yachts allegedly was no longer sufficient. When the *Lifeline* was allowed to disembark in Malta – after six days of waiting and a first of many *ad-hoc solutions* distributing the rescued persons among various EU states – the authorities confiscated the ship and pressed charges against the captain.⁵⁰ Malta's *Grand Harbour*, since 2016, had been used as a operational base by almost the entire civil rescue fleet. The local authorities, being the closest, safe and open port, apparently felt pressured by the tough stance in Italy, and quickly found a solution to prevent further landings by detaining also the de-flagged *Seefuchs* and the close-by moored *Sea-Watch 3* in an act of collective punishment. The registration of *Sea-Watch 3* was placed under investigation by Malta, despite not being doubted by the flag state itself. On 4 July, eventually, also the search aircraft *Moonbird* was forbidden to take off.⁵¹

2.5 - Europe: united in blockade

Roughly a month later, after all the required checks on *Sea-Watch 3* were done, the ship was still detained. Only on 20 October, almost four months after its detention,

<https://twitter.com/matteosalvinimi/> (Accessed: 14/12/2019)

50 Cf. dpa: *Rettungsschiff 'Lifeline' darf nach Malta – und dann das Aus*, in: Zeit Online, 27/06/2020, <https://zeit.de> (Accessed: 08/01/2020)

51 Sara Geisler: Am Boden. In: fluter, 06/07/2018, <https://fluter.de> (Accessed: 01/01/2019)

the ship was allowed to leave Malta towards a Spanish shipyard. Four months during which 500 people drowned in the central Mediterranean.⁵² But also four months during which tens of thousands protested on the streets under the banners of *Seebrücke* and *Solidarity Cities* to fight against the continuous dying in the Mediterranean. And four months during which – with the support of *Sea-Watch* – a new Italian ship had set off on its mission: the *Mare Jonio* operated by the left-wing platform *Mediterranea*.

At the same time another ship was approaching the end of its time as a rescue vessel: After *Aquarius* had lost two flags (of Gibraltar and Panama) due to the political pressure from Italy, in November 2018 charges for "illegal garbage disposal" were pressed against the ship. The refugees' clothes and hygiene articles were declared to be special waste. In December 2018, *MSF* and *SOS Méditerranée* announced that they would discontinue their operations with *Aquarius*.⁵³

Shortly before, *Sea-Watch*, *Mediterranea* and *Open Arms* had joined forces under the label *#United4Med* to jointly return to the SAR zone. However, the *Sea-Watch 3* had to drop out of the first mission of the new alliance, as it was first refused offshore refuelling off Malta and then, despite stormy weather, refused to enter the port of Zarzis, Tunisia. After a detour to Gibraltar, the ship returned to the area of operations in mid-December. Two days before Christmas and one day after the *Open Arms* had taken more than 300 people on board, the *Sea Watch 3* saved thirty-two people more. The *Open Arms* set course for Spain after having been refused entry to Italy. In Spain the vessel got detained because they had not fulfilled their obligation to take those rescued at sea to the next safe port – which would've been Italy.⁵⁴ For the *Sea Watch 3* the rescue led straight into the longest standoff to this day:

52 Sea-Watch: *Sea-Watch 3 verlässt Malta*, 20/10/2019, <https://sea-watch.org> (Accessed: 01/01/2019)

53 Doctors without Borders: *Search and rescue. Forced to end – Last weeks on Aquarius*, 21.12.2018, <https://msf.org.uk/> (Accessed: 08/01/2019)

54 Marta Rodriguez Martinez: *Spain blocks rescue ship from leaving Barcelona port*, in: Euronews, 14/01/2019, <https://euronews.com> (Accessed: 01/01/2019)

For 19 days the ship "loitered" off Malta's coast (as the Maltese coast guard formulated it in an email to the captain) until the 28 member states of the EU managed to agree on the "distribution" of the 32 rescued persons.⁵⁵ These exhausting situations of blockade, often combined with a weeks-long impoundment in Italy, became the *standard operating procedure* for civil sea rescuers over the next six months: until August 2019 the crews of *Mediterranea*, *Sea Eye* and *Sea Watch* had to weather out ten standoffs, some of them lasting for weeks. During this period of supposedly closed ports hardly any ship could bring rescued people to Europe – apart from courageous individual actions, such as the ones of the offshore supplier *Asso 25*⁵⁶, and – more or less voluntarily – of the *El-Hiblu 1*:

On 27 March 2019, the day on which the end of the EU anti-trafficking mission *Sophia* was announced, the crew of the Turkish tanker *El-Hiblu 1* rescued 103 people off the Libyan coast. Their first intention was to bring the rescued back to Libya. However, once their guests noticed where the journey was going, they convinced the crew emphatically to change the course to the north. The captain informed the authorities of this shift in the chain of command aboard, and Maltese special forces stormed the ship. Nobody was injured and all the rescued arrived on European terrain safely. However, three of them, aged 16, 17 and 19, were immediately imprisoned and confronted with charges of terrorism and piracy. Matteo Salvini, too, had reiterated the latter accusation once again while the ship was still at sea.⁵⁷ "But they are not terrorists," an engineer of *El Hiblu 1* objected after the rescue, "only refugees".⁵⁸

55 I was myself on board of *Sea-Watch 3* during missions 16 and 17, from mid-November 2018 to the beginning of January 2019, and here I'm speaking from own experience. The refusals of port entry in Tunisia and bunkering off Malta, as well as the email to captain, were not published.

56 Watch the Med: 05/06: *One boat rescued by Maltese coastguards and one boat rescued by an Italian cargo ship*, 06/062019, <http://watchthemed.net/> (Accessed: 01/01/2019)

57 Oliver Meiler: *Verzweifelungstat auf hoher See*, in: SZ, 28/03/2019, <https://sueddeutsche.de/> (Accessed: 06/01/2020)

58 Paul Schwenn: *Wir haben mit der Crew gesprochen, deren Schiff von Geflüchteten gekapert wurde*, in: VICE, 30.03.2019, <https://vice.com> (Accessed: 01/01/2019)

2.6 - The return of the rescue ships

At the end of June, in the middle of the *Sea-Watch 3's* standoff with Carola Rackete in the captain's chair, the *Open Arms* sailed back into the SAR zone. The crew thus defied both the high fines threatened by Spain and Salvini's new Security Decree. This law came into effect right as the *Sea-Watch 3* was approaching Italian territorial waters and was directly aimed to prevent sea rescue NGOs entry. The *Open Arm's* was followed by the *Ocean Viking* (the new rescue vessel of *MSF* and *SOS Méditerranée*) on August 5. *Mission Lifeline's Eleonore* joined the fleet shortly after. Together, these three ships saved more than 600 people in August alone.^[^76] On August 28, Matteo Salvini and his *Lega* were deposed by a surprising coalition between *M5S* and the Social Democrats of the *PD*. This came after Salvini had withdrawn confidence to Prime Minister Giuseppe Conte in order to provoke new elections.⁵⁹ A major political turnaround with regards to sea rescue, however, did not arrive. This is hardly surprising: it should not be forgotten that it was a *PD* government under which the *Iuventa* was seized.

Salvini's *Security Decree Bis* - as of December 2019 - is (apart from some minor corrections) still in force. The *Sea Watch 3* was released from the detainment by a court order on December 19, 2019. Currently, the operational ships can execute their rescue activities with relatively short waiting times and without spectacular standoffs - but often with long distances to disembarkation. At the same time, the Italian *Rescue Coordination Center* continues to refuse any cooperation that would lead to more efficient rescue operations. Rarely the provisional conclusion from Deleuze's *Postscript on the Societies of Control* has applied so neatly to a concrete social struggle: "There is no need to fear or hope, but only to look for new weapons".⁶⁰

59 Cf. Michael Braun: *Er hat sich verzockt*, in: *Zeit Online*, 20/08/2019, <http://zeit.de> (Accessed: 01/01/2019)

60 Gilles Deleuze (1993): *Postscript on the Society of Control*, in: *October*, Vol. 59. (Winter, 1992), pp. 3-7, here: 4

Conclusion

At the beginning of this thesis, I posed the question of whether and to what extent the humanitarian act of sea rescue may constitute political resistance.

Since a quick yes-or-no answer would not help anyone, this project hopes to inspire discourse. With the inclusion of the history presented here, and early attempts to formulate answers as offered in the subsequent chapter, my exhibition could become a space for shared reflection on this question and its implications. To this end, what follows is a political interpretation of the second chapter of this thesis and, finally, a personal review of the project, its relevance and perspective as well as some of the lessons learned.

Sea Rescue as Political Resistance

The continuously evolving political process of the past five years is, on the one hand, one of revelation and, on the other, one of growing awareness: whereas initially, from the tragic boat accident in October 2013 until the "refugee crisis" in 2015, one could still assume a malfunction of European institutions, the developments in the years since have patently shown that the supposed *accidents* and *catastrophes* were no accidents and catastrophes whatsoever. Everything from boats sinking in the Mediterranean and the Aegean; over thousands upon thousands dying on the EU-borders,⁶¹ which were externalized and made fluid as a consequence of the migration control policy; to further thousands of migrants held captive on Greek islands, all of that was intentional or, at the very least, accepted with approval in the name of the

⁶¹ Cf. Christian Jakob et al.: *Migration Control*, in: taz, June 2017, <https://migration-control.taz.de> (Accessed: 08/01/2020)

politics of exclusion.

The politics in the EU had both the means and the capacities to save refugees fleeing the hell of Syria and Libya. But they are left to drown. Their death is tolerated; their death is accepted. It should act as a deterrent for other refugees; it should stop them from fleeing. Europe is using dead refugees to shield itself from refugees.⁶²

Civil sea rescue didn't change this policy. In fact, it might have even assisted it, in so far as it provided operational support and – before it started to be criminalized – it provided a humanitarian and de-politicising legitimation to the very border regime it sought to criticize. Paolo Cuttitta thus remarks:

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. [...] 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 [...] converged to establish a space of governance in which the depoliticized issue of how to better manage SAR interventions was the main common ground.⁶³

However, Cuttitta at least concedes that as early as July 2017 the role of the civilian sea rescue began to fluctuates between what he names *depoliticisation* and *repoliticisation*. That is, willing participation in – or resistance to – the tendency to obscure the political character of border politics, transforming it into a neutral, technocratic process in which disagreement and contestation is limited or even denied.⁶⁴ As this is, according to Cuttitta, a dominant tendency in border politics, depoliticisation / repoliticisation (in the context of this thesis) can be viewed in terms of a more general opposition of conformity/resistance. Depending on whether sea rescue acts as conforming/de-politicising or resistant/re-politicising, it elicits two very different state

⁶² Heribert Prantl: *Wie die EU Flüchtlinge tötet*, in: Süddeutsche Zeitung, 18/04/2015, <https://sueddeutsche.de/> (Accessed: 13/10/2019)

⁶³ Cuttitta 2017, p. 639

⁶⁴ *Ibid.* p. 634 f.

and supra-state reactions: In the first case, an appropriation of non-governmental humanitarian sea rescue as an additional asset of the *humanitarian governmentalization of international waters* or, in the later period, as a place of symbolic differentiation of European liberal politicians from the token villain Salvini. In the latter case, criminalization that all those liberal politicians have – except in the case of Carola Rackete – not even bothered to comment let alone criticize.

Concretely, Cuttitta names as re-politicising the moments in the first two years where rescuers acted as uneasy witnesses, *Sea-Watch's* years-long refusal to take people in distress aboard their own ship, and instead only secure the scene and wait for state actors to do their job, finalize the rescue and bring the survivors to land. He adds, interestingly, the related refusal (also found in *MSF's* work, but in a different way) to hand over photos and videos that could be used by the criminal persecution system.⁶⁵ The re-politicising tendency prevailed particularly in the first half of 2019, in the form of a constant and open confrontation with authorities and repeated breach of the Italian port entry restrictions (cf. Chapter 2.6).

Forensic Oceanography in its inquiry *Blaming the Rescuers* reached a less ambivalent conclusion. It suggests that the resistant character of sea rescue is already inscribed in the act itself, irrespective of its discursive implications – in so far as this act keeps the Mediterranean route open:

The attempt to criminalise and limit the rescue activities of the NGOs, most of whom have been forced to suspend their activities since summer 2017, should be understood as part of a two-pronged strategy by Italian and EU authorities to close of the central Mediterranean at all cost.⁶⁶

Both Cuttitta and *Forensic Oceanography's* inquiries, however, disregard the symbolic

65 *Ibid.* p. 643 f.

66 *Forensic Oceanography* 2018

aspect: a ship, as Michel Foucault argued, can not be reduced to its functional aspect. It also offers "the greatest reserve of the imagination. The ship is the heterotopia par excellence."⁶⁷ What Foucault claims here for the ship as a form of space also goes, in part, for the port. It borders on *heterotopia*, and not only as a reserve of imagination: It is a place where different sites, different spaces, that in themselves cannot be reconciled (sea and land) touch, it assumes a system of opening and closing, and – as can be seen from the topic covered here – its function can be changed by society.⁶⁸

The civilian sea rescue activists have loaded both the ship and the port with idealism, solidarity and disobedience, claiming an "effectively enacted utopia in which the real sites, all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted."⁶⁹, and thus have protected their heterotopian character against the incursion of governmental control. Relatively independent from how de-politicising the embedding of civilian sea rescue into a – what might have at the time seemed humanitarian – border management regime, the image of the rescue ship was nonetheless seized upon by a number of re-politicising movements. As Beppe Caccia and Sandro Mezzadra of *Mediterranea* write: "Our ship has been appropriated and somehow reinvented from a wide range of standpoints that go from occupied social centers to parishes, universities and schools, from small town circles to metropolitan assemblies."⁷⁰ Ships such as *Aquarius*, *Mare Jonio*, *Iuventa* or *Sea-Watch 3*, are not only vessels for people, but also a vessel for an idea of a Europe in solidarity. As such they hold enormous significance and resistant character, or in Foucault's words: "in civilizations without boats, dreams dry up, espionage takes the place of adventure, and the police take the place of pirates."⁷¹

67 Michel Foucault (1984): *Of Other Spaces: Utopias and Heterotopias*, in: *Diacritics*. 16 (1): 22–27. p. 27

68 Cf. *ibid.* p. 26

69 *Ibid.* p. 24

70 Caccia & Mezzadra 2018

71 Foucault 1984, p. 27

The most recent culmination of that story, the arrest of Carola Rackete, added a strong, care-full and rebellious-feminist layer to this projection screen, as Georg Seeßlen outlined in *Jungle World*:

First, it was a man who fared the seas and ventured into the world, leaving his docile and lamenting wife back home on firm land. But now it is men that stay back lamenting [...] vile, hysterical men that barricade themselves up with their followers in ever narrower confines and that understand less and less of the world that surrounds them the more they get worked up by it — a world of far-travelled, brave, cool and independent women-captains. For sure, the reality is more complicated than that, and after all it is the bad guys that mostly win. But at least we again have a story that instils hope and awakens the spirit of rebellion to life.⁷²

⁷² Georg Seeßlen: *Oh Captain, mein Captain*. In: *Jungle World*, 26/07/2019, <https://jungle.world/> (Pirate Care Translation. Accessed: 08/01/2020)

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