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**Shifting Bordering and Rescue Practices in the Central Mediterranean Sea,
October 2013-October 2015**

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Introduction

The bordering of migration across the Central Mediterranean Sea has been in the past years a striking laboratory wherefrom novel legal arrangements, surveillance technologies, and institutional assemblages have emerged at dazzling speed. The record number of people who have recently crossed the Sicily Channel (over 308,000 people between January 2014 and October 2015 [UNHCR 2015]) as well as the record numbers migrant deaths at sea (more than 6,500 in the same period) have in fact spurred unprecedented responses, in particular after the tragic shipwreck of 3

October 2013, in which more than 366 people died only a few meters off the coast of Lampedusa. While historically the task of rescuing people in between Italy and Libya has been mainly entrusted to the Italian and Maltese Coast Guards and that of securing those maritime borders has been chiefly the mission of the *Guardia di Finanza* (the Italian customs police), in the last two years there has been a multiplication of actors involved in bordering and rescue practices, and rapid shifts in their missions and operational logics.

Broadly speaking, we can identify different phases of this engagement. First, the spectacular “Mare Nostrum” operation was launched by the Italian Navy in October 2013 with the military-humanitarian task of combining border control and rescue at sea. At the end of 2014, however, when Mare Nostrum came to be perceived as a “pull-factor” for migrants by EU member states, it was replaced by Frontex’s more limited “Triton” operation, which was specifically designed as a border control operation and not as a search and rescue mission. Following two shipwrecks where more than 1,200 people lost their lives in April 2015, Triton’s operational area was extended and the EU launched also the EUNAVFOR MED operation, with the aim of disrupting “smuggling and trafficking” networks. On top of these governmental or inter-governmental initiatives, two main non-governmental actors have also been operating off the coasts of Libya recently: commercial ships—which rescued 40,000 people in 2014 alone (Migreurop 2015)—as well as civil society rescue vessels such as those operated by Médecins Sans Frontières (MSF—Doctors Without Borders).

These different initiatives, however, should not be considered in temporal and spatial isolation. Their specific temporal extensions, operational aims, and zones of intervention have in fact often overlapped or entered in conflict with each other, in ways that have substantially shaped the Mediterranean space. Their spatial and temporal entanglement can be read as a revealing index not only of the institutional battles that have taken place across the EU and its national member states concerning the management of migration, but also of the civilian responses to this shifting situation.

The picture of the Mediterranean Sea that emerges is that of a highly contested and rapidly evolving border zone, which results in a regime of hierarchized mobility.

Contrary to the popular representation of the maritime territory as a homogeneous and lawless expanse sitting outside the reach of state power, the sea appears here as laboratory for the contemporary transformation of the relation between territory, authority and rights, in which different forms of “unbundled sovereignty” (Sassen 2006) are extended through variegated jurisdictional spaces and practices of mobile government (Heller and Pezzani 2014). The following maps seek to provide introductory elements for a spatial understanding of this shifting borderscape, of the frictions that have shaped it, and of how these affect the danger of sea crossings.

The Italian Navy’s Mare Nostrum Operation

Figure 1 here

Figure 1: Mare Nostrum Operational Area

(source: various press photos depicting Italian Navy maps)

The military-humanitarian operation Mare Nostrum coordinated by the Italian Navy to rescue migrants at sea was launched on 18 October 2013, soon after two major shipwrecks that caused the deaths of more than 600 people at the beginning of that month. In both cases Italian authorities were accused of fatal delay in rescue operations.ⁱ Mare Nostrum marked a significant shift in the way in which military forces were publicly engaged in saving migrants, as for the first time military forces were presented as humanitarian actors in charge of saving migrants at sea. The units deployed by the Italian Navy were one amphibious vessel, two frigates and two corvettes, four helicopters, three planes and unmanned aerial vehicle (Marina Militare 2015). These operated patrols in the central Mediterranean up to the limits of Libyan territorial waters—and sometimes intervening also inside—in order to rescue migrants in distress and disembark them in the ports of Southern Italy. The monthly cost of the operation for the Italian Navy was about 9.5 million Euros. The operation was also used for intercepting and seizing the so-called “mother-ships” in order to arrest migrants’ smugglers, and for identifying migrants—in some cases also by fingerprinting them onboard. The Mare Nostrum operation spurred heavy criticism

from several sides. The right-wing in Italy strongly opposed the military-humanitarian operation, accusing it of ferrying “illegal” migrants to the Italian coasts and of constituting a considerable “pull factor” for people fleeing wars. The latter position was echoed in the voices of other EU member states’ politicians, such as the UK Foreign Office minister, Lady Anelay, who used it in October 2014 to justify the UK’s unwillingness to offer financial support for the continuation of Mare Nostrum (The Guardian 2014). United Nations Rapporteur on Migrants’ Rights François Crépeau however noted that such a position amounted to using deaths at sea as a deterrent (OHCHR 2014). Mare Nostrum was in force until December 2014, after when it was terminated and effectively replaced by more limited Frontex mission Triton. The ending of Mare Nostrum was unanimously criticised by several human rights organisations, who predicted that the end of the mission would not lead to less crossings but rather to more deaths (see, for example, Amnesty International 2014; Human Rights Watch 2014).

Frontex’s Triton Operation

Figure 2 here

Figure 2: Triton Operational Areas

(source: for Phase 1, Frontex 2014; for Phase 2, map based on press sources and an interview conducted with Frontex International Coordination Centre [ICC] in Pratica di Mare)

Frontex has been conducting joint missions to police the Central Mediterranean since 2006, immediately following the agency’s creation. The first joint mission “Nautilus” was replaced by “Hermes” after the fall of the Ben Ali regime in January 2011 and in response to the several thousands of Tunisians who crossed the sea. Hermes was in turn replaced by Triton, which officially started in November 2014, but became effectively operative only in January 2015 in parallel with the phasing-out of the Mare Nostrum operation. Triton has a radically different operational mission from Mare Nostrum, as its primary mission has been that of border control: if assets operating

within Triton could be called upon to operate rescue, this would only be a secondary outcome in relation to its primary task. Moreover, Triton's budget has also been much more limited than that of Mare Nostrum—initially 2.9 million Euros a month—meaning fewer available assets. Finally, instead of proactively patrolling the waters immediately off the Libyan coast as Mare Nostrum, Triton's operational area was initially limited to an area extending up to 30 nautical miles from Lampedusa (EU Observer 2014). The prediction of the human rights community that these more limited means and shift in operational priority would lead to more deaths was soon confirmed: on 12 and 19 April 2015 more than 1,200 migrants died in two shipwrecks that occurred close to the Libyan coast when their boats capsized while commercial vessels were approaching them to operate rescue. In the aftermath of these events, the European Council decided to increase the budget of Triton and to extend its operational zone up to 138 nautical miles south of Lampedusa (Frontex 2015).

Commercial Vessels

Figure 3 here

Figure 3: 19 April 2015 Shipwreck—Merchant Shipping Involvement

(source: based on AIS data acquired through <http://www.marinetraffic.com> [AIS analysis by Rossana Padaletti, GIS and remote sensing specialist]; please note that this map is the preliminary outcome of an ongoing investigation and other vessels—not accounted for in the dataset currently in our possession—might have been present)

The Sicily Channel is one the world's busiest sea-lanes: it represents a choke point for ships transiting across the Mediterranean. Until 2014, the flow of commercial ships was left relatively unconcerned by the plight of migrants at sea. Since 2014 however, the shipping industry has been involved in rescue operations at an unprecedented level. According to the European Community Shipowners' Associations (ECSA), commercial vessels rescued 42,061 people in 2014, i.e. 25.2% of the total number. In the first five months of 2015, the incidence of commercial ships' mobilisation became even more important: the 14,769 people they rescued represent in fact 29% of the

total.ⁱⁱ This has effectively made the merchant shipping industry the second largest search and rescue (SAR) operator in the Mediterranean, well ahead of the contribution brought by the means deployed by Frontex in the frame of its Triton operation (8%) but also ahead of the authority officially entrusted with the task of carrying out SAR operations in the Sicily Channel, the Italian Coast Guard (27%). While commercial vessels have contributed to save thousands of people, their involvement has also posed serious challenges in terms of safety, as large vessels are not apt at operating very difficult rescue operations with overcrowded and unstable boats. The map above illustrates rescue operations that followed the shipwreck of 19 April 2015 in which more than 800 people died and which occurred at the start of the rescue operation run by King Jacob, a 147m long cargo ship. The ships' tracks recorded by the Automatic Identification System (AIS) exemplify the deep involvement of the shipping industry during rescue operations.

Non-Governmental Organizations' Rescue Missions

Figure 4 here

Figure 4: MSF Rescue Vessel (Bourbon Argos) Operational Area

(source: https://twitter.com/MSF_Sea/status/597737601584504832)

The involvement of non-governmental organizations and private actors in rescue operations started in the summer of 2014, when a wealthy Maltese couple launched the Migrant Offshore Aid Station (MOAS), a rescue operation that aimed at patrolling the Central Mediterranean and was equipped with a 40-metre rescue ship (the Phoenix) and with drones in order to support national authorities in saving migrants at sea.ⁱⁱⁱ The privatization of rescue and the engagement of humanitarian actors increased between 2014 and 2015, especially after the end of Mare Nostrum. In May 2015, MSF and MOAS launched a joint search, rescue and medical aid operation in the Mediterranean. In addition to the joint operation conducted with MOAS, MSF started search and rescue operations on board of the boats Bourbon Argos and Dignity I (MSF 2015). The main patrolling and rescuing areas of MOAS and MSF have so far

been the Libyan coast near Tripoli and Zuwara. Actually, MSF stresses that saving migrants in distress at sea cannot be the real solution to the migration crisis, since it is the visa regime that is responsible for deaths at sea. In May 2015, Sea-Watch, an independent first aid and rescue operation initiated by a group of German citizens, sailed to the central Mediterranean.^{iv} In the summer of 2015 the boats of non-governmental and private actors were the only ones, together with those of the Italian Navy and Coast Guard, to go close to the Libyan waters to patrol the sea and rescue migrants in distress. Both the Phoenix operation and Sea-Watch ended in September 2015. An additional initiative of this kind, SOS Mediterranee, is currently undertaking a crowdfunding campaign to fund its first rescue mission.^v

The EUNAVOFR MED Mission and Other Military Ships

Figure 5 here

Figure 5: EUNAVOFR MED Operational Area

(Please note that the operational area of the EUNAVFOR MED mission has not been made public, so the area represented on the map is entirely notional. However, since activities within the Libyan territorial waters have not been authorized, it can be inferred that most military assets are operating near the edge of the Libyan territorial waters represented on the map.)

On 22 June 2015, the EUNAVFOR MED operation was launched. It represents the first military EU operation officially put into place to fight migrant smugglers, and hence represents an unprecedented step in coordinating EU states in the area of militarized migration management. The vessels that operate in the frame of the military operation are five planes (respectively, one from France, one from Luxembourg, two from Italy, and one from the UK) and four ships (one from Italy, two from Germany, and one from the UK). The EU military operation is planned for being conducted in three stages: surveillance and information gathering on smuggling networks; search and diversion of suspect vessels; and disposal of the vessels and apprehension of migrant smugglers. Phase three involves entering Libyan national

waters and requires the approval of Libyan authorities. Despite its official mandate—a military mission to dismantle the network of traffickers and smugglers—the humanitarian discourse does not remain out of the horizon of EUNAVFOR MED: the European Union, in fact, presents it as an operation tasked with “protecting life at sea”. However, rescuing migrants is clearly not the operational priority of EUNAVFOR MED. For instance, the UK’s HMS Enterprise taking part in the mission is a case in point: during eight weeks of deployment near the Libyan coast at the outset of the operation, it rescued no migrant (The Independent 2015). Recently, however, more rescue operations were carried out by the EUNAVFOR MED fleet. On 13 October 2015, EUNAVFOR MED stated that in less than four months the military-humanitarian operation had been “involved in several rescue activities contributing to save the life [*sic*] of more than 3,400 migrants” (EUNAVFOR MED 2015) It is actually a very small number, if compared to the rescue operations conducted by a non-governmental organization like MSF which rescued 16,350 people in its first five months of activity (MSF 2015). In the summer of 2015, Ireland launched its own military-humanitarian mission, following the country’s refusal to be part of Triton, the operation run by Frontex. “Pontus”, an operation of the Irish Naval Service, rescued 7,000 migrants in the Mediterranean between May and September 2015.

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i

On the 3 October 2013 shipwreck see the report on *Siciliamigranti* (in Italian only): <http://siciliamigranti.blogspot.it/2013/10/ritardi-nei-soccorsi-e-gravissime.html> On the shipwreck that occurred on 11 October, see the report on *Watch the Med*: <http://www.watchthemed.net/reports/view/32>

ii

Source: 6 July 2015 presentation at the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee hearing in Strasbourg by Patrick Verhoeven, ECSA Secretary General, based on figures provided by the Italian Coast Guard.

iii

See: <http://www.moas.eu/>

iv

See: <http://sea-watch.org/en/>

v

See: <http://sosmediterranee.org/>