

Migrants, the EU and NGOs: The 'Practice' of Non-Governmental SAR Operations

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Abstract²: *Migration issues are dominating current debates at all levels. The perception of migrants as a threat quite often prevails over the human dimension and is associated to the immediate emergency management phase, particularly in respect of recent developments in the Mediterranean. The analysis of the roles of NGOs, a combination of traditional assistance to development and social integration and more active interventions i.e. Search and rescue operation in the Mediterranean may offer some interesting insights. The paper is a preliminary analysis of such trends, and is enriched by the results of an expert survey research on the performance of Mare Nostrum and its capacity to manage the crisis. There are three major considerations consisting in an assessment of the literature on the role played by NGOs in EU migration policies, an analysis of the use of SAR by different actors, including the non-governmental, in order to investigate the impact on the management of the crisis and finally empirical data which are used to assess current trends and raise future perspectives.*

Keywords: *European Union, NGOs, member States, migrants, search and rescue operations*

Migration issues are currently dominating government agendas, public opinion and academic considerations. The need to guarantee the security of EU borders by Member States and to ensure legitimate cross-border mobility on the one hand, and the urgency to foster irregular migration and human trafficking, on the other, has produced differing institutional experiments and political innovations which have been extensively tested and debated. However, in the face of contemporary events this ambitious balance has demonstrated its structural weaknesses. Thus, the security paradigm, which conceives migrants as a threat, seems to prevail over the legal obligations which impose the protection

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of human beings, particularly in respect of recent developments in the Mediterranean. An analysis of the roles of civil society organisations, particularly NGOs, a combination of traditional assistance to development and social integration and active interventions offer some interesting insights.

The article is a pilot analysis of such trends, and aims at answering the following questions: is there an impact NGOs can exert on a Member state and at the EU level? If so, is this impact able to produce long-term and established practices beyond the emergency phase? Are NGOs search and rescue (SAR) operations at sea becoming a kind of civilian practice to be associated to governmental ones?

The empirical part of this article is based on the results of an expert survey research conducted by researchers of the University of Catania within the FIR2014 project on the performance of Mare Nostrum and its capacity to manage the crisis³. The theoretical framework, developed within the project, is particular relevant to understanding NGOs actions within EU development. Attinà states that the process that has led to the present EU crisis management can be traced by using four scenarios that followed one another in the time period between 2011-2015 up to the present day (Attinà, 2015b). In the first scenario (2011-2013), the response is conventional, that is to say, based on the lack of recognition of a threat and a need to change the existing EU policy towards migration. This policy is represented by the Commission's 2011 Communication *Global Approach to Migration and Mobility* (GAMM), approved by the Council. The second (Oct. 2013-Oct. 2014) is marked by the launch of the Mare Nostrum operation, as an Italian initiative, to manage and assist the humanitarian rescue of migrants in distress at sea. Attinà calls the third scenario (Nov. 2014-Sept. 2015) the EU Turn, because a more comprehensive approach is adopted by the EU, through the end of the Mare Nostrum and the launch of the Triton mission, together with a structured set of SAR tools and tasks. The last (Oct. 2015 to present) is a return back to the protection of external borders and the reintroduction of controls, or a Fencing Europe. The approach shown by NGOs followed this development and was particularly visible and relevant in the third scenario, through the direct management of SAR.

The article analyses such development into three parts. Firstly, civil society organisations, and specifically NGOs, are analysed within the theoretical studies on migration, in order to stress their roles and approaches and understand their relevance in such an analysis. Secondly, the influence and the impact exerted by NGOs on EU migration policies are explored. A special focus is devoted to the recent use of SAR operations at sea by NGOs to rescue people in the Mediterranean. It is based on the assumption that operations directly run by NGOs represented a complementary tool to the governmental one and, in some periods, contributed to filling the gap opened up by the lack of EU intervention. Therefore, their use has the potentiality to become more than a temporary solution and constitutes an innovative and consolidated practice of 'non-

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governmental SAR operations'. Lastly, empirical data, taken from the abovementioned survey, are used to assess the perception of such a practice and to discuss its political and social legitimation.

1. The Civil society, NGOs and migration studies

In the contemporary era, migration debates dominate government agendas, public consciousness and academic discussions. Globalisations, as well as economic, social and demographic inequalities are factors which increase mobility and accelerate international migratory movements. Additionally, the formation of regional and supranational institutions is transforming national borders into something to be adapted to the new conditions. However, a noticeable paradox has been manifesting in recent times. The increasing porosity of state borders all over the world is producing, at the same time, the simultaneous tightening of national borders in respect to the movement of human beings. Masses of people are forced to escape, because of local conditions, as in the political failure of some states (Libya, Eritrea) or institutional instability (Tunisia), civil war (Syria) and the effects of organised smuggling activities. Whilst international migration is by no means a recent phenomenon, the discourse surrounding contemporary patterns, and the effects of economic crises, the unexpected amount of people crossing the Mediterranean or the Balkans and the fear of ISIS infiltration, has become increasingly concerned with its relation to security questions, especially after 9/11.

The more recent events occurring in the Mediterranean as well as in the Balkan region are demonstrating that Europe is, undoubtedly, a region of immigration and this has political implications. It is clear that the issue of external migration represents a political test for the EU and its values, *"a test to assess [the] EU's practical adherence to its founding values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights"* (Marin, 2001, p.470).

As a result of the abovementioned considerations, immigrants, asylum seekers and refugees are at the core of public debates, policy-makers' speeches and academic reflections and the security paradigm appears dominant. Next to a traditional policy approach which emphasizes asylum as a human rights question and which proposes human rights instruments in dealing with the question, migrants are more frequently framed as a security problem, in terms of lives to save and rescue, while political refugees are to be protected and asylum seekers are to be managed and integrated into European societies.

The security paradigm directly concerns migration studies. The identification of threats is essential in order to structure political integration and provide criteria for membership in a specific community. According to Bigo, security practices permeate the whole community's way of life by shaping a potential response to an existential threat. The community defines what corresponds to a good life and what should be considered as part of societal danger such as the criminal, the diverse and the invading enemy. Therefore, political discourse and security practices are legitimated through their capacity to stimulate people to contract into a political community and to ground political authority on the

basis of reifying dangers (Huysmans, 2000; Bigo, 2011). In the case of the EU, member states community practices and policies have been designed over the years through the integration process and the building up of a common European security culture. The more recent events have contributed, however, to amplify divergent views and to fragment the constellation of actors, norms and approaches, shifting the focus from the need of integrating people to the need of managing the emergency of migration 'waves'.

This article aims at contributing to the current debate, by focusing on the impact of civil society organisations and NGOs in respect of migrants' emergencies. It offers a preliminary reflection of the state of the art of the scholarly debate at EU level, which is relevant to the understanding of the approach towards the phenomenon of the 'boat people' in the Mediterranean.

Civil society organisations, and particularly the more structured NGOs, have played a pivotal role over the years in the assistance of migrants at all levels. It is true in fact that an investigation of their roles may appear quite repetitive. The position of civil society as a factor in the contestation, change, or integration of public policies on immigration is already part of the scholarly debate (among others Geddes, 2003). However, as prominent scholars in the field have observed, civil society activities with respect to service provision has not yet been adequately explored at the local level, and neither from a more comparative angle (Ambrosini, 2013b). Moreover, the events in the Mediterranean are changing such roles as well, producing a combination of traditional assistance to development and social integration and more active interventions i.e. the action of SAR boats run by NGOs. Therefore, the analysis of this increasing and unusual combination and its implication on migration policies at member states and EU level may offer some interesting insights.

This debate can be included into the broader and controversial issue of civil society engagement in political participation, representation, and democratization of the decision-making processes, at state, regional and international organizations level. Also, it cannot avoid a specific emphasis on NGOs, which do not represent civil society as a whole, but are those actors which have structured a dialogue with political power (Irrera, 2013). The major contribution of the analysis of NGOs role in migration studies are inevitably influenced by these preliminary considerations and can be summarised into three main sub-topics: firstly, their impact on policies (local, national, European); secondly, the inputs provided through development programmes and thirdly, their efforts in promoting the return of migrants.

As far as the first is concerned, scholars have observed that in addition, and/or sometimes in reaction, to state policies towards the needs of migrants, civil society has responded in very different ways, producing various forms of support, aid, and supply of essential services (Fernandez-Kelly, 2012).

Although it is sometimes remarked that NGOs may often outstep the state directly or indirectly in the provision of essential services and basic rights, there is very little empirical data on the kinds of services NGOs in reality offer to immigrants that are not eligible for certain state-funded services and how they do so in different settings. In other words, one

cannot take for granted that NGOs always support migrants' policies, as many studies seem to suggest. Some NGOs and social movements instead oppose pro-migrant policies and argue against the granting of social rights to irregular migration. Thus, civil society organizations more or less openly play a role in the support of immigrants who live in legal ambiguity or, in other cases, in protesting against their admission and settlement (Ambrosini & van der Leun, 2015).

Another aspect concerns the limitations that NGOs themselves may confront and the condition in which they are allowed to operate. Local governments have to align with state policies, but at the same time they face effective issues of residing populations. If certain services are not granted to people in need, insecurity can rise, the sense of discrimination of minorities could be increased and the moral legitimacy of public institutions can be weakened, that is their capacity to obtain the loyalty of citizens as bearers and defenders of basic human rights. At the end of the day, the exclusion of a part of the migrant population may lead to major problems for local authorities. Therefore, local authorities often try to provide necessary services, not directly, but by delegating these tasks to NGOs or by indirectly facilitating or funding their activities. In the specific case of EU humanitarian action, for example, the relations with NGOs have been strongly developed over the years through the aid programme and within ECHO activities. At the same, they have developed and strengthened direct relations with member states, in a more or less coordinated manner (Irrera, 2014).

As for the relationship between migration and development, it is widely acknowledged that, through transnational activities such as the sending of remittances, migrants make significant contributions to the development of their countries of origin. Co-development policy is aimed at controlling migration and regulating the established tradition of the transnational involvement of immigrants, by stimulating the transfer of immigrants' savings and knowledge to sending countries (Nijenhuis and Broekhuis (2010). Joint policies by authorities in countries of origin and residence, as well as programmes funded by international agencies have attempted to channel migrants' transfers of financial, social and human capital towards planned development. This implies that the discussion and research on co-development sometimes overlaps with migration and diaspora mobilization.

The third subtopic, return policies, represents the natural thing to do for migrants, but also the most controversial. In migration studies, return is conceived as an indicator of the economic and social growth of a state and a way of contributing towards the peace processes of post-conflict countries or, as a means of reversing ethnic cleansing and other problem related to divided societies, as for example in the case of the former Yugoslavia. Towards return policies the NGOs that are involved in development and migration present divergent attitudes. While some NGOs working with migrants, refugees and development are very reluctant to see the perspective of return as a danger for many people, others focus on return, as a way to help migrants in facing the increasingly restrictive asylum policies. Therefore, many NGOs cooperate with partner organisations in societies of return, assisting migrants to return independently and safely to their country of origin, and contributing to viable resettlement.

Even though this NGOs involvement deals with a long-term impact on migrants' life and may overlap with other research lines, that is to say conflict transformation and state-building processes, scholars have developed some interesting contributions. Van Houte and Davids have analysed, for example, the relationship between the NGOs role in favouring migrants' return and the reactions of governments. On one hand, claims that their assistance can lead to sustainability and even development creates expectations among potential returnees but also among policy makers. On the other, governments can use these claims as a further legitimisation of their return policies. Alternatively, since the efficacy and security of return is dependent on internal migration policies, a new role for NGOs working with the issue of involuntarily returning migrants might be to start a strong lobby of host governments to remove the inconsistencies in migration policies by applying more humane and less restrictive policies (Van Houte & Davids, 2008). To some extent, such debate is coherent with the first scenario, highlighted by Attinà, in which migration is essentially an economic phenomenon, which drives people in the search of better jobs towards high growth and job opportunity areas. The migrants' remittances contribute to enhancing the nexus migration/development, which is at the core of GAMM and at the same time, the main concern of NGOs working in this field. There is a growing interplay between a service-oriented role of NGOs and a political necessity to be more influential. It is true that such an interplay can be observed in several policy fields at all levels. However, in the specific case of migration, and particularly in the Mediterranean, NGOs traditional and more recent roles are more and more dominated by the security paradigm and the need to understand how to manage the emergency phase. In 2011, NGOs started to seriously denounce the weakness of GAMM and the consequent lack of strategy shown by the EU.

2. NGOs and EU migration policies in the Mediterranean

The recent events occurring in the Mediterranean have forced policy-makers to reshape their discourse and scholars to refresh their research agenda. Waves of migrants who have crossed the basin over the last 10 years by using insecure boats provided by organised crime groups and smugglers are not a new phenomenon. The dramatic events which occurred in 2015, and are continuing in 2016, are only the most recent, visible and sad manifestation of a longer pattern. The practical implications they produce can be analysed through the lenses of established scholarship, but at the same time they open new research lines in terms of policy prescriptions.

In the last decades, within the EU, among member states and at European level, migration has been locked in the refugee debate and linked to terms of restrictive admission. While the latter focused on the need to protect those persons whose civil and political rights are violated from further violence and persecution, the migration debates are sustained by socio-economic interests and values and have produced efforts in terms of socio-economic development policy ⁴. However, the terms of the emerging debate

⁴ Particularly, in terms of labour market measures, family and gender policies, social inclusion strategies and pension policies, in order to face typical European problems, such as labour market shortages, skills gap and an ageing population.

are distinctly different from those being used in the refugee debates. The Balkan wars with their shocking ethnic cleansing represented the first major political event to produce masses of refugees and impose to the newborn EU the need to identify an ad-hoc policy. The successive Euro-Mediterranean dialogue shifted EU efforts towards democratisation policies and local civil society empowerment, for promoting a greater plurality of the political system (Feliu, 2005). However, the Arab Spring demonstrated the failure of such an approach and the war in Syria constituted the last chance, in chronological order, to understanding that migrants, asylum seekers and refugees on their way to Europe need a renovated political approach, which cannot simply be an adaption of old practices.

Scholars have extensively analysed the EU mode of governance in the field of migration. It has followed a path of intense political reforms, within the pillar of Justice and Home Affairs. In parallel with the increased relevance of EU agencies such as Frontex, this has produced a mode of governance which has been defined by the majority of scholars as neither predominantly intergovernmental nor supranational (Caviedes, 2016). Deeper analyses have focused on the different actors involved in such process. Sandra Lavenex (2015: 368) has used the label *transgovernmentalism* to name a combination of elements of traditional 'communitarisation' with more intergovernmental practices, based on some kind of cooperation. In this context, marked by an often asymmetric balance between European institutions taking the lead and Member States influencing decisions through their preferences, it is hard to identify the role of non-state actors.

Even here, as already experienced in several other policy fields, European NGOs have consolidated an established set of formal and informal consultations with institutions and governments, which usually works quite well. NGOs are generally considered as useful actors, informed about current initiatives and able to enrich the agenda with their own proposals. In order to increase the level of information and participation among non-governmental actors working on the national level, several initiatives have been promoted within the specific field of European migration policies. All kinds of consultations have demonstrated that, even in this field, as in many others, NGOs working on the national level do not feel sufficiently informed about the European dimension of migration policies. The main problems are often dealing with poor access to information, its format and the speed with which it is delivered. Additionally, the technical nature of many EU documents makes it hard for organisations to use information and to disseminate it to the wider public. On the opposite, links with local stakeholders can provide direct access to information on legislative initiatives as well as on governmental and non-governmental positions (Niessens and Schibel, 2004).

The impact of NGOs on EU policies is generally difficult to measure. In migration policy, it is even more fragmented and controversial, given the dominant roles of Member states and the strong influence of intergovernmental preferences. Therefore, the majority of NGOs have continued to work within the traditional field of assistance, by developing a wide variety of approaches. Some of those that had initially worked on migration responded to the end of legal immigration and to the growing dominance of control and admission issues by shifting their focus to integration, anti-racism or multiculturalism. Similarly, NGOs that developed a strong focus on asylum may now

recognise that migration is emerging as an alternative mode of entry into Europe, and that questions relating to the assessment of migration needs and the design of migration systems deserve close non-governmental attention. Generally speaking, this action was turned into another traditional role of non state actors, that is to say, as the watchdog of EU policies and member states behaviour and the consequent production of documents, position papers and press releases which express critical views. More recently, the main target of such positions has been the use of SAR by states, individually or within the EU through FRONTEX, to rescue people in the Mediterranean and reduce fatalities, or at least, in the way SAR were conducted.

3. NGOs and SAR: who is rescuing people in the Mediterranean?

The most interesting debate came in respect of recent EU initiatives regarding border controls through military and civilian operations. In October 2013, the arrival by sea of unwanted people to Europe dramatically demonstrated that there was a real humanitarian crisis in the Mediterranean, which could not be simply denied, and forced the Italian government to launch the Operation Mare Nostrum (OMN). It was established with the aim of tackling the dramatic increase of migratory flows during the second half of the year and consequent tragic ship wreckages off the island of Lampedusa. According to the Italian position, Mare Nostrum was complying to international law norms such as those on the Search and Rescue of persons in distress at sea, and humanitarian values, endorsed by many international treaties and state constitutions (Attinà, 2015(a)). Additionally, OMN was also coherent with a 2004 national law, since it empowered the Migration Flows Control (CFM) activities carried out within the Italian Navy operation Constant Vigilance.

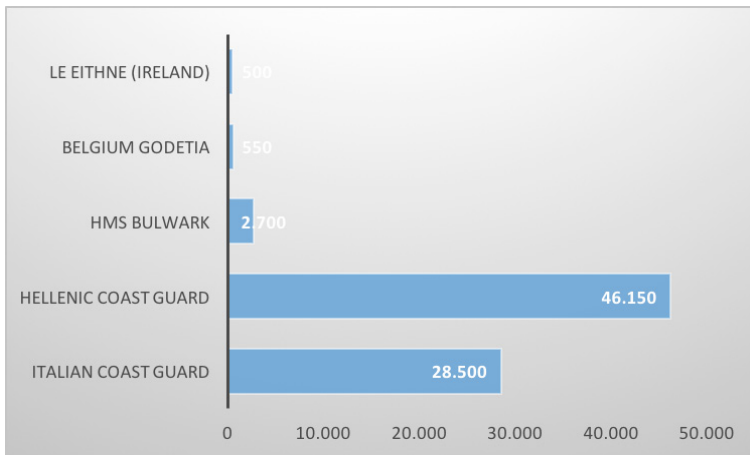
The debate on the efficacy of SAR and the pertinence of its use is still quite controversial. According to reports, NGOs claim that people die because of, or despite, these operations, and they consider that border controls are a form of military war against migrants. Mare Nostrum was provided with ample powers and was able to rescue more than 100.000 people in the Central Mediterranean. However, NGOs expressed very critical views, in line with documents produced by UN agencies, like IOM and UNHCR. They restarted to use the terminology of Fortress Europe and they criticised Frontex operations because, even though the military are not deliberately killing migrants, they do not make efforts to save them and do not demonstrate a human approach. According to some researchers, it is possible to talk about a militarization of EU borders by way of the implication of military personnel. In this line of thought, the border controls' logics are understood as a "pre-war of civilisation opposing the Islamists and the rest of the world" by some navy personnel, or as a "war on migrants" by the NGOs criticising this divide between friends and foes (Walters et al., 2010). The number of death at sea is not the result of a "war", an active "fight" against migrants, it is a shift in responsibility between different actors that avoid taking action in a managerial process, which is not integrated, but strongly heterogeneous in terms of goals and strategy and is clearly the result of the construction of the Mediterranean Sea as a locus of danger (Omeje, 2008; Bigo, 2011). Such an approach was exacerbated by the launch of Triton, a Frontex operation, provided with specific, but limited when compared to Mare Nostrum, search and rescue tasks. Triton was

officially presented not as a replacement of Mare Nostrum, but as a new effective part of a comprehensive strategy, aiming at saving lives, giving protection to refugees and managing the root causes. However, while NGOs previously expressed very critical views on the Mare Nostrum performance, they then decided to become more active, as a consequence of the so-called EU Turn.

As already seen, TRITON started its operations in November 2014 and was expanded in terms of budget and equipment in May 2015. From that date, its ships were able to rescue about 10,600 people. However, it was not enough according to NGOs, which showed the same concern as other UN agencies, especially if compared to Mare Nostrum performances. As Attinà points out, the comprehensive approach, as developed by the EU to manage this acute phase, was mainly based on the recognition of *exceptional circumstances*, which caused the waves of migrants, and on the need to coordinate efforts among EU (Triton) and member states (Attinà, 2015b).

The humanitarian duties requested of coastal states and of others in the name of solidarity turned into a mixture of reluctant willingness, forced reactions and self-protective closure. It is true that some Member states continued to be very actively engaged in the Central Mediterranean. The Italian and the Hellenic coastguards and navy have been the busiest to patrol the area together with the British HMS Bulwark, the Belgian Godetia and the Irish Le Eithne which joined the efforts, with various levels of commitment. As visible through data of rescued people in 2015 in Figure 1, these combined efforts, made by states, were able to replace OMN, to some extent, and contribute to mitigate the effects of the crisis.

Fig. 1 – No. of rescues by governmental SAR Operations 2015



Source: Missing Migrants Project (IOM)

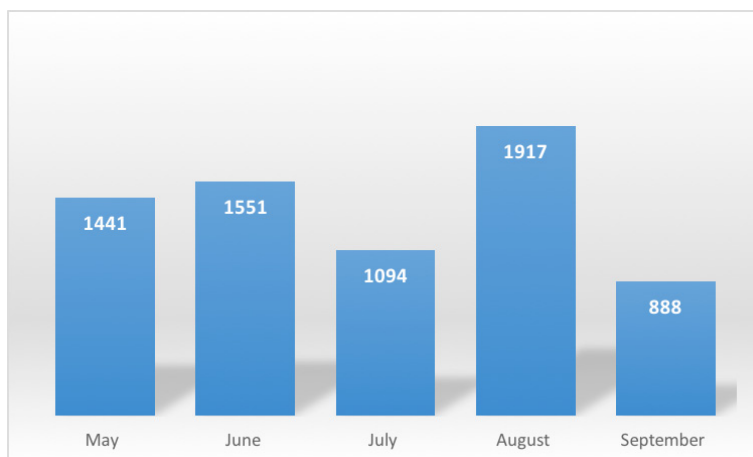
However, this was mainly due to the willingness, or to the necessity, of some member states, rather than a EU collective effort. In this scenario, more than in the past, NGOs

started to be more publicly critical and to align with views expressed by IOM and UNHCR, denouncing the inability of the EU to properly evaluate the humanitarian crisis in the Mediterranean as well as its member states to change current policies. Critics were particularly focused not only on the rescuing capabilities, but also on the ways migrants were gathered, once rescued, in the reception centres, which placed together asylum seekers, refugees and irregular migrants

In Spring 2015, several NGOs announced a series of search and rescue operations in the Mediterranean Sea, directly ruled by a 'non-governmental approach'. In April 2015, Médecins Sans Frontières (MSF) started this initiative together with MOAS (Migrant Offshore Aid Station), an NGO registered in Malta, which consists of international humanitarians, security professionals, medical staff, and experienced maritime officers who have come together to help prevent further catastrophes at sea.

The MY Phoenix, a 40-metre rescue ship equipped with high speed rigid hull inflatable boats and surveillance drones, was stationed in the central Mediterranean with aboard lifesaving support for those in distress. MSF funded 50% of the budget needed and offered medical care from primary care right through to resuscitation and advanced life support. Additionally, the Bourbon Argos was launched in May 2015, carrying a total crew of 26 people, of which 14 are MSF staff, including an experienced search and rescue crew as well as medical staff, water and sanitation experts and logisticians. Lastly, Dignity I was launched in June 2015 and was provided with a crew of 18, including medical staff, and the capacity to carry 300 rescuees. As represented in Figure 2, their activities have been constant over the summer and started to decrease in September. In total, from May to September 2015, the two organisations were able to rescue 7368 people to be brought in Lampedusa and other rescue centres, where MSF have their own missions.

Fig. 2 – No. of rescues by MOAS/MSF SAR Operations May-September 2015

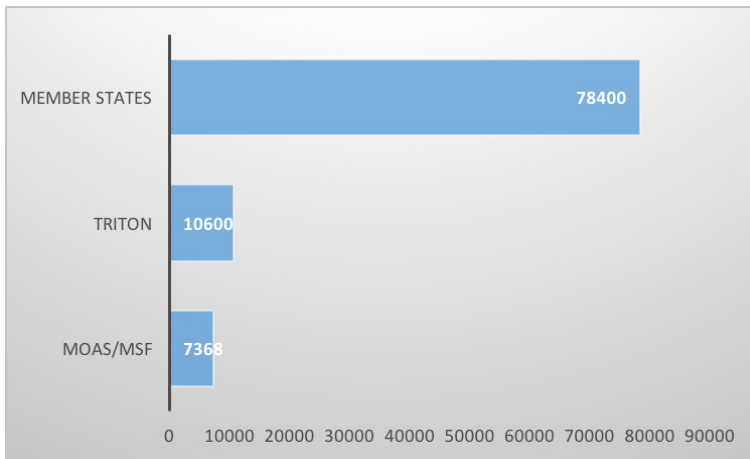


Source: MSF; MOAS

MSF and MOAS are not the only NGOs active in the area to rescue people. Other organisations, like SeaWatch, Medecins du Monde and the Norwegian Society for S&R deployed their ships during summer 2015. More recently, SOS Méditerranée, was created by a German doctor, with the specific aim of rescuing migrants and refugees. The MS Aquarius was turned from a fisheries protection vessel into an emergency tool and started to sail the sea in May 2015. As it is clear from data, the number of organisations is still limited as for personnel and as a time slot however, it is correct to consider SAR operations led by NGOs as a contingent action.

Instead, the continuous and structured set of operations by NGOs, individually or jointly, provided a wide range of services to be offered to migrants, the ability to deploy all required equipment and the level of coordination with other ships operating in the area demonstrate the existence of ‘non-governmental SAR operations’ as an established practice which can work wherever there are people to rescue at sea. As a whole, they were not in contraposition to Triton, nor to member states, rather such operations aim at bridging others’ gaps, with the final result that, in the same period (May-September 2015) and over the same area, the continuous floods of migrants benefited from rescues operated by differing actors.

Fig. 3 –Total No. of rescues by SAR operations Spring 2015



Source: MissingMigrants Project (IOM); MSF; MOA

Figure 3 incorporates the total number of rescued people by SAR operations made by states, EU and NGOs in the period May-September 2015. Data on rescues are collected by different sources and constantly updated according to the crisis trends, however, they are sufficient to give an overview of what happened in spring 2015 in the Mediterranean and to demonstrate how different the kinds of interventions, both intergovernmental, governmental and non-governmental, interact. NGOs are obviously more limited in terms

of budget and equipment, but their contribution is smaller if compared to states rather than Triton. This brings us to four main conclusions, which are relevant for understanding the EU turn. Firstly, different actors operated in the same environment without coordination, but also without significant frictions, with the unintended but paradoxically fruitful consequence of mitigating the effects of the emergency while secondly, EU action was perceived as extremely weak and slacker and thirdly, member states preferences and needs dominated the action, far from any solidarity approach. Finally, NGOs expressed very critical views towards the way the comprehensive strategy was launched by the EU, but they were substantially coexisting with states operations and, in some cases, cooperating with them⁵. It is worth affirming that such non-governmental SAR operations offer a contribution which is undoubtedly useful to partially help member states actions and are benefiting the whole emergency phase. At the same time, such kinds of action may also appear as unusual and be criticised as a way of substituting EU intervention without legitimation. It would be more interesting to analyse whether and how such self-legitimated and yet non-governmental initiatives will be embedded into broader EU policies. The analysis of data collected within the expert survey provides some interesting insights.

3.1 Non-governmental SAR operations: towards a consolidated practice?

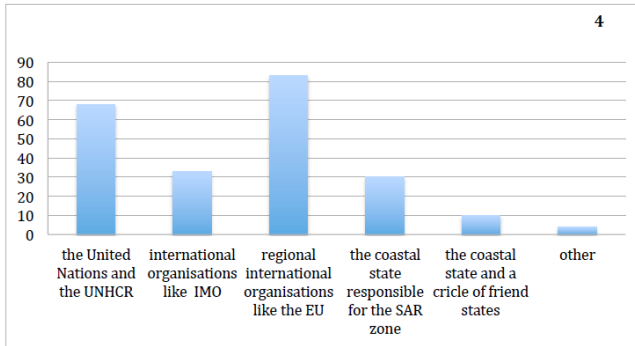
Media have discussed MSF's SAR operations as a controversial initiative, since it lies outside MSF's usual business and on the contrary MSF try to 'justify' its decision by saying that *'Saving lives is our core business, whether it is on land or at sea'*⁶. Indeed, this initiative was welcomed by public opinion with a mixture of positive curiosity and usual scepticism. The opinions expressed by experts within the FIR2014 projects were substantially in favour of a continuation of it. The invitation to participate in the survey was sent to the experts on 21 September, and the form was filled in from 30 September - 20 October 2015. The sample was composed of several categories of respondents, including opinion-makers (journalists, academics, think tanks members) and practitioners (politicians, NGOs officers, civil protection workers). They were asked to reply to a structured set of questions on Mare Nostrum, its performance and its impact on the crisis. Few questions were devoted to civil society and NGOs roles, but they give an overall perspective on their action. They are linked, for example, to the perception they have on EU policies and on SAR.

It is true that the migration crisis is not easily managed on an intergovernmental level. However, especially in the Mediterranean, it is essential to constantly monitor and provide surveillance on a high number of ships carrying people in difficult conditions. In other words, the main problem is the humanitarian dimension. According to the experts, then, even though the coastal state is directly involved and should intervene to manage the emergency, collective actors, namely the UN agencies and the EU are the first to be responsible and are entitled to do so according to international humanitarian law.

⁵ There are some examples of services offered by NGOs to ships deployed by member states, like Save the Children operating on the Italian coast guard ships.

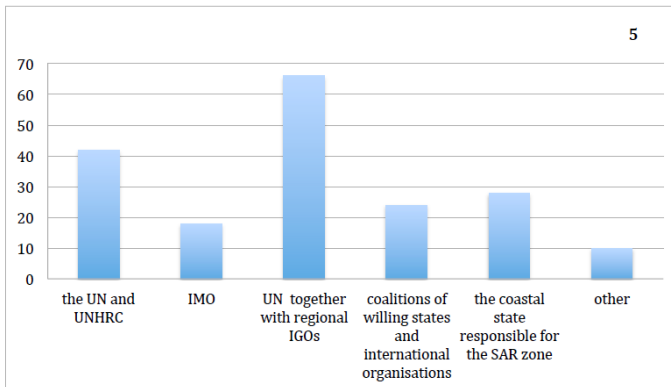
⁶ Declaration by Aurélie Ponthieu, MSF Humanitarian Adviser on Displacement, Brussels, April 2015.

4. The costs of the SAR operations in the Mediterranean should be borne by (multiple answer possible)



Even on the actors responsible for the settlement of people rescued by SAR opinions are quite clear and coherent. After rescue, migrants need to be supported and helped in the asylum procedures, and this is considered as a second step of the crisis management process, which should be provided by the same intergovernmental organizations, both international and regional. Some experts, however, affirm that coastal states are not completely free from responsibilities.

5. Who should bear the task of providing settlement to the migrants rescued by SAR operations? (multiple answer possible)

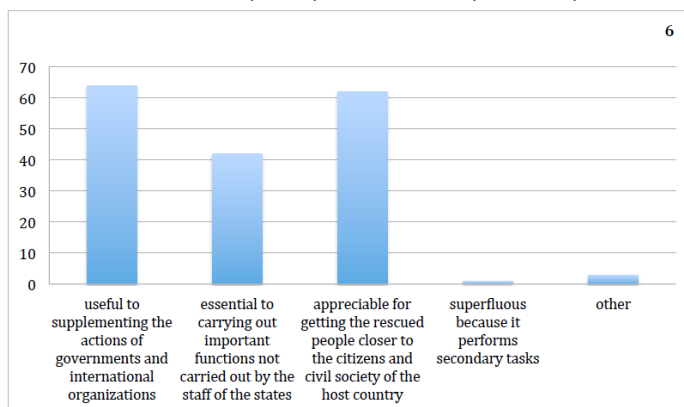


These data are coherent with those about the criticisms raised during the EU Turn period, that is to say, the comprehensive strategy launched by the EU consisted into a reduction of the collective commitment towards a stronger involvement of member states. This produced, as seen in the previous paragraph, the rise of non-governmental SAR operations.

Opinions on the roles of NGOs and other civil society organisations in SAR are extremely positive. They are first of all useful in supplementing the lack of other responsible

actors and appreciable as a link between migrants and local communities, a role which is traditionally associated to civil society. The dominant idea which is coherent with those expressed in this chapter is that governmental, or public, action and non-governmental, or private, should be complementary and far from old-fashioned divisions of frictions.

6. The free participation of non-governmental and non-profit organizations in rescue and reception operations is (multiple answer possible)



Generally speaking, the migration crisis is another meaningful example of the current complexity of world politics, in which global and regional institutions are undergoing a process of change, and national interests, common values and different competencies may interact and clash.

4. Conclusions

As announced in the introduction, this article aims at being a preliminary analysis of the state of the art on the impact of civil society organisations and NGOs in respect of migrants' emergencies and launching some considerations on SAR as a potential new established practice.

As an initial consideration, it is certainly possible to affirm that, even in this policy field, as in other sensitive fields, in the large and structured NGOs community, there are great differences in approaches to problems and at times ideological and political divergences. Such differences reflect in the relationship with political power, which is always central and determining.

On a national level, several countries present long and established cooperation with civil society and a set of laws and practices which have strengthened the private-social sector. Therefore, it is possible to argue that the public sector cannot be expected to solve the integration puzzle without relying extensively on and leveraging the resources of the private and non-governmental sector.

Additionally, more and more immigrant communities are emerging and, even though many migrants rely on their own resources and/or informal networks, they are expected to be a future source of support for the non-governmental sectors. Dialogue and interactions between these organisations and between them and the public institutions should be empowered and improved.

At the EU level, NGOs are more and more influenced by the security paradigm and by the need to protect and emphasize the human dimension against a discourse which targets migrants as a threat also in societal terms. This has produced, next to traditional assistance to development and social integration, a series of more active interventions i.e. SAR operations, associated to the immediate emergency management phase, particularly in respect of recent developments in the Mediterranean.

By using the scenario scheme developed by Attinà, NGOs have been analysed in relation to EU policy development. While they remained critical during the deployment of Mare Nostrum by raising concern about the quality of assistance effectively provided to people after rescue, in the following scenario, the so called EU turn, NGOs decided to supplement the lack of proper interventions.

As described through data, the continuous and structured set of operations by NGOs both individually or jointly provided a wide range of services to be offered to migrants, the ability to deploy all required equipment and the level of coordination with other ships operating in the area demonstrate the existence of 'non-governmental SAR operations' as an established practice which can work wherever there are people to rescue at sea.

The last scenario, a Fencing Europe, is still difficult to evaluate, in respect of NGO actions. It corresponds to the current phase and most likely to the waves which are expected in the next spring/summer. Some NGOs such as MSF and SeaWatch have not yet declared their official continuation of SAR operations, while others such as MOAS and SOS Méditerranée are expected to proceed, since they have been created with this specific aim. It will be subsequently necessary to wait to verify whether non-governmental SAR operations will be consolidated or changed. In the face of a fencing Europe, however, and a general trend of a return to the protection of borders the need for 'private' action can only increase.

REFERENCES

- M. Ambrosini & J. Van der Leun, *Introduction to the Special Issue: Implementing Human Rights: Civil Society and Migration Policies*, *Journal of Immigrant & Refugee Studies*, 13:2, 103-115, 2015.
- F. Attina, *Mare Nostrum e Triton: la valutazione degli esperti*, ReShape Online Papers Series, Paper no. 13/15 - February 2016.

- F. Attina (a), *The Mare Nostrum Operation and the migration crisis in the Mediterranean. Expert online survey*, ReShape Online Papers Series, Paper no. 12/15 - November 2015.
- F. Attina (b), *Europe faces the immigration crisis. Perceptions and Scenarios*, ReShape Online Papers Series, Paper no. 10/15 - October 2015.
- D. Bigo, 'Globalisation and Security' in Edwin Amenta, Kate Nash and Alan Scott (eds.) *The New Blackwell Companion to Political Sociology*, (London: Blackwell, 2011).
- Caviedes, *European Integration and the Governance of Migration*, Journal of Contemporary European Research. 12 (1), 552-565, 2015
- L. Feliu, *Global Civil Society Across the Mediterranean: The Case of Human Rights*, Mediterranean Politics, 10:3, 365–383, 2005.
- Geddes, *The politics of migration and immigration in Europe*. Sage, 2003
- J. Huysmans (2000), *The European Union and the securitization of migration*, Journal of Common Market Studies, 38:5, 751–77, 2000.
- D. Irrera, *Humanitarian NGOs and EU emergencies response policy: continuity or change?* in R/Evolutions, A. Filipiak, E. Kania, J. Van den Bosch, R. Wiśniewski (eds.), Revolutions Research Center, Poznań, pp. 100-124, 2014.
- Irrera D. (2013), *NGOs Crisis Management and Conflict Resolution: Measuring the Impact of NGOs on Intergovernmental Organisations*, Edward Elgar, Cheltenham.
- S. Lavenex, Justice and Home Affairs: Communitarization with Hesitation, in H. Wallace, M. A. Pollack, and A. R. Young (eds) *Policy-Making in the European Union* (7th ed), (New York, NY: Oxford University Press, 2015), 367-387.
- L. Marin, *Policing EU's External Borders: A Challenge for the Rule of Law and Fundamental Rights in the Area of Freedom, Security and Justice? An Analysis of Frontex Joint Operations at the Southern Maritime Border*. Journal of Contemporary European Research. 7:4, 468-487, 2011.
- G. Nijenhuis & A. Broekhuis, Institutionalising transnational migrants' activities: the impact of co-development programmes, International Development Planning Review 32:3/4, 245-65, 2010.
- J. Niessen J. & Y. Schibel, Promoting Debates on European Migration Policies, European Journal of Migration and Law 4: 469–475, 2003.
- P. Ruspini, Overview of Public Policies and NGOs Services for Immigrants' Integration in Italy in Mary J. Fischer Paolo Ruspini Nicholas Glytsos Hana Kabeleova (eds.) *What can we learn from European and American experience?* – Conference proceedings, Fundacja Instytut Spraw Publicznych, Warsaw, 2003.
- M. Van Houte M. & T. Davids, *Development and return migration: from policy panacea to migrant perspective sustainability*, Third World Quarterly, 29:7, 1411–1429, 2008.