

Is 'Saving Lives at Sea' still a Priority for the EU?

19. April 2018 by [Lina Vosyliūtė](#)

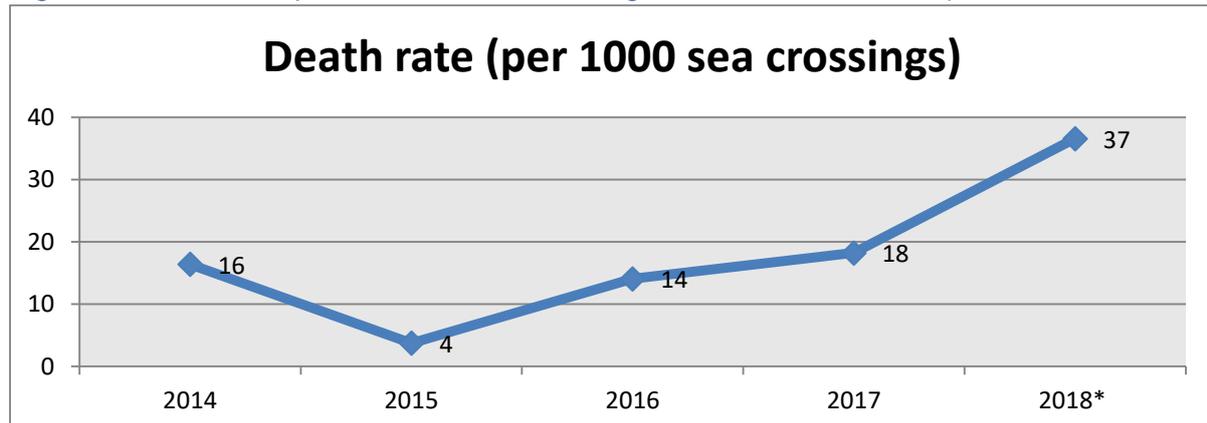
Saving the lives of refugees and other migrants has been reiterated as a number one priority within the European Agenda on Migration. This document puts 'saving lives at sea' above fighting migrant smuggling, relocation and resettlement, stating that 'Europe cannot stand by whilst lives are being lost.'¹ This timely and solemn declaration was made by the Commission on behalf of the European Union. But is 'saving lives at sea' only of declarative value, or was the EU really heading towards a new commitment to humanitarianism at sea? And most important, is it still the case?

Death rates have increased ninth fold since 2015

An inconvenient truth is that the death rate of those crossing the sea has increased more than nine times (Figure 1) since 2015. Meanwhile, EU policy makers and EU agencies showcase the drop in the absolute numbers of deaths as a victory or as evidence that they are delivering on the European Agenda on Migration. Indeed, the absolute number of individuals dying in the Mediterranean has dropped (Figure 2) from 3,771 in 2015 to 486 in 2018, though this number better correlates with an overall reduced number of sea crossings (Figure 3).

From the statistics we can see a paradox. Although the number of sea crossings decreased, the death rate is increasing in an unprecedented way. In 2015, **four** persons would be reported as dead or missing out of 1,000 trying to cross the sea. Three years after the aforementioned solemn declaration which came with substantial additional funding for the relevant EU agencies and their operations in the Mediterranean, already, **37** lives were lost per 1,000 sea crossings. Such a simple arithmetic exercise is hardly seen in any reports of relevant EU agencies, begging the question, why? And what is (not) being done about it?

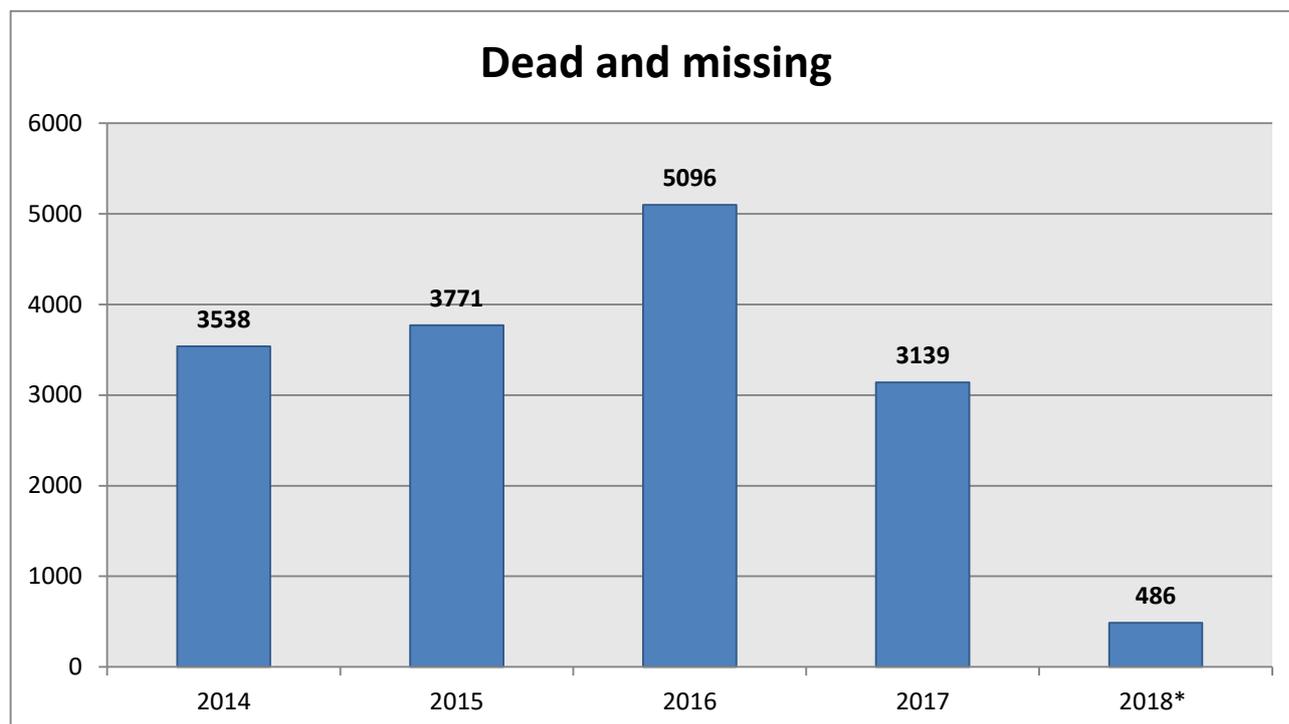
Figure 1. Death rates per thousand sea crossings in the Mediterranean (2014 – 2018 March)



Note: * 2018 data as of 23 March 2018. Source: UNHCR, "Mediterranean situation", as of 23 March 2018 (<http://data2.unhcr.org/en/situations/mediterranean>).

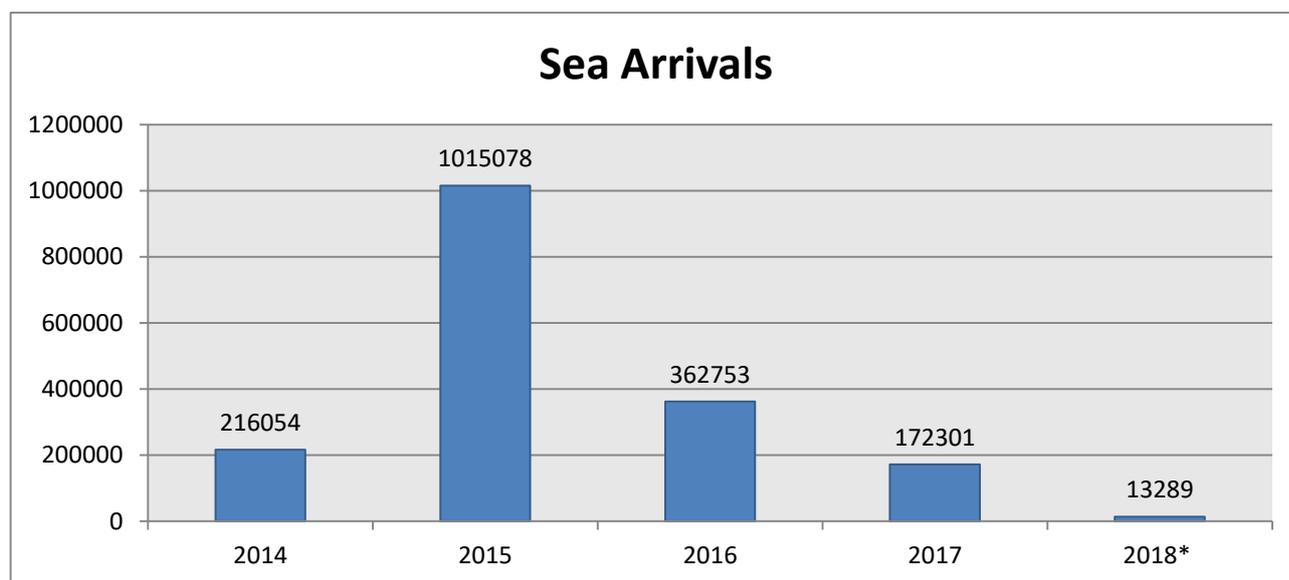
¹ European Commission (2015) "A European Agenda on Migration" COM(2015) 240 final, Brussels, 13.5.2015, p.2.

Figure 2. Absolute numbers of dead and missing refugees and other migrants in the Mediterranean sea



Note: * 2018 data as of 23 March 2018. Source: UNHCR, “Mediterranean situation”, as of 23 March 2018 (<http://data2.unhcr.org/en/situations/mediterranean>).

Figure 3. Absolute numbers of sea arrivals of refugees and other migrants via the Mediterranean sea



Note: * 2018 data as of 23 March 2018. Source: UNHCR, “Mediterranean situation”, as of 23 March 2018 (<http://data2.unhcr.org/en/situations/mediterranean>).

How is the EU measuring 'success'?

This is an important question, because 'success' may mean different things to different actors. If we are serious about the EU's priority of 'saving lives at sea', can absolute reduced numbers of reported migrant deaths be an indication of a successful intervention? Here parallels would help. For example, in the other regrettable area of statistics on child mortality, would this hold? International institutions and agencies, such as the World Bank showcase statistics of infant mortality rates, counting numbers of occurrences per 1,000 live births.

It is logical that various donors (including the EU) would be looking at the changes in the death rate rather than absolute number. They know too well, that while the total number of infant deaths can be declining, for example, if there are simply less births taking place. In a meantime, the death rates may remain the same or increasing, if necessary maternal health and other services are still underdeveloped or not affordable to many. Therefore, death rates should be the key indicator if we are serious about having any positive results on 'saving lives at sea' rather than 'window dressing' other underlying political priorities.

Was saving lives ever a 'serious priority'?

The EU's 'solemn declaration' was not operationalised as a fully-fledged search-and-rescue mission, despite this being the initial promise in the European Agenda on Migration. Although, it states:²

'Search and rescue efforts will be stepped up to restore the level of intervention provided under the former Italian "Mare Nostrum" operation. To triple the budget for the Frontex joint-operations Triton and Poseidon, the Commission has already presented an amending budget for 2015 and will present its proposal for 2016 by the end of May.'

The Italian Mare Nostrum operation proved that if there is a political will, there is a way. The Italian navy was entrusted to run the first truly humanitarian operation - search and rescue being its core activity. Mare Nostrum proved to be efficient in saving lives, as it helped 150 thousand refugees and other migrants to reach safety. The death rate at that time was four persons per 1000 crossings.

In order to replace Mare Nostrum, the EU leaders have enhanced two European Patrol Network Operations, Poseidon in the Aegean and Triton in the Central Mediterranean, and a military operation, EUNAVFOR MED Operation Sophia. Operation Triton was re-baptised in February 2018 Operation Themis, with one main change – not having automatic authorisation to disembark saved refugees and other migrants in Italy.³ None of these operations have search and rescue as their primary goal, thus none of them has actually replaced Mare Nostrum. Rescuing obligations arises for the EU-funded operations under international maritime law, as for any other vessel at the high seas, such as cargo or merchant ships.

² European Commission (2015) "A European Agenda on Migration" COM(2015) 240 final, Brussels, 13.5.2015, p.2.

³ Operation Triton as of 1st of February, 2018 replaced by Operation Themis Reuters (2018) 'In new EU sea mission, ships not obliged to bring migrants to Italy' Article by Reuters staff. February 1, 2018 (<https://www.reuters.com/article/us-europe-migrants-italy/in-new-eu-sea-mission-ships-not-obliged-to-bring-migrants-to-italy-idUSKBN1FL62M>).

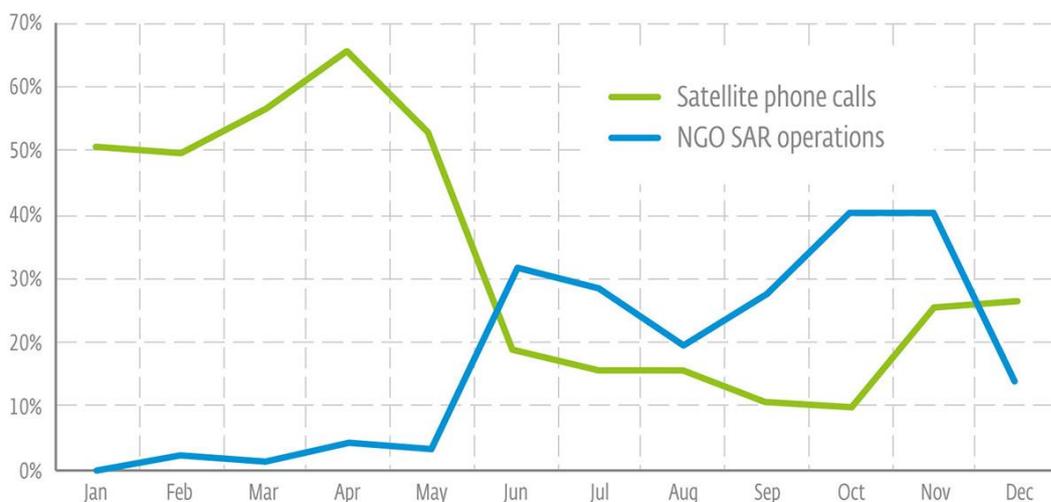
Though, unlike for other vessels in the high seas, their budgets were increased for precisely this purpose – ‘to save lives’.

When ‘helpers’ become ‘criminals’?

The EU operations at sea have increasingly focused on combating migrant smuggling. This has led to clashes with civil society actors who *do* proactive search-and-rescue, as to fill-in the gap left after the end of the Mare Nostrum operation. The NGOs became easy targets for accusations of being a ‘pull-factor’ (similar accusations were earlier directed at Mare Nostrum).

‘Policing mobility of society’ covers a broad spectrum of measures, from suspicion to actual criminal prosecutions.⁴ The initially unfounded accusations by the Italian prosecutor Carmelo Zuccaro back in 2016 raised widespread suspicion about the activities of civil society at sea.⁵ Even though these accusations did not hold the parliamentary scrutiny in Italy, the general climate of mistrust further facilitated the imposition of the governmental ‘Code of Conduct’ on NGOs saving lives at sea.⁶ Since 2017, Frontex has started to differentiate who saved how many migrants and refugees at sea. Frontex made a specific focus on NGO’s with the clear undertone that they saved ‘too many’ or ‘too quickly’ - not waiting for the actual distress phone call, but doing pro-active search and rescue (see figure 4).⁷

Figure 4. Monthly comparison between rescue operations performed by NGOs and rescue operations initiated via satellite phone calls of migrants in the distress at the Central Mediterranean



⁴ Carrera, S., V. Mitsilegas, J. Allsopp, L. Vosyliute (2018) “Policing Humanitarianism: EU Policies Against Human Smuggling and their Impact on Civil Society”, Hart Publishing, 2018. (<https://www.bloomsburyprofessional.com/uk/policing-humanitarianism-9781509923014/>).

⁵ Flori, F. and L. Bagnoli (2017) “Accusations against Ngos at sea: what is false or misleading in that smear campaign”, May 19, 2017. (<https://openmigration.org/en/analyses/accusations-against-ngos-at-sea-what-is-false-or-misleading-in-that-smear-campaign/>).

⁶ Though, NGOs already applied the voluntary code that these organisations themselves subscribed to. Human Rights at Sea (2017) “European Parliament: Human Rights at Sea outlines voluntary SAR NGO Code of Conduct”, Press Release, 31.03. 2017. (<https://www.humanrightsatsea.org/european-parliament-human-rights-at-sea-outlines-voluntary-sar-ngo-code-of-conduct/>).

⁷ Frontex, Risk analysis, Q1. (http://frontex.europa.eu/assets/Publications/Risk_Analysis/FRAN_Q1_2017.pdf).

Source: Frontex (2017) Annual Risk Analysis (for 2016), 15 February 2017, p. 32.

The IOM's Missing Migrants project has been another attempt to provide more nuanced statistics on saving lives in the Mediterranean and to measure the average death rate per incident. Though the number of deaths does not correspond with those of the UNHCR as only 'migrant fatalities' are recorded, excluding missing migrants (see table 1). These numbers give the impression that death rates per incident have decreased. The reduced fatalities per incident could also be assigned to NGOs that were patrolling closer to the places of incidents, than European operations (see figure 5). The proximity to incidents though, was one of the main arguments to accuse such organisations of being 'migrant taxis'.

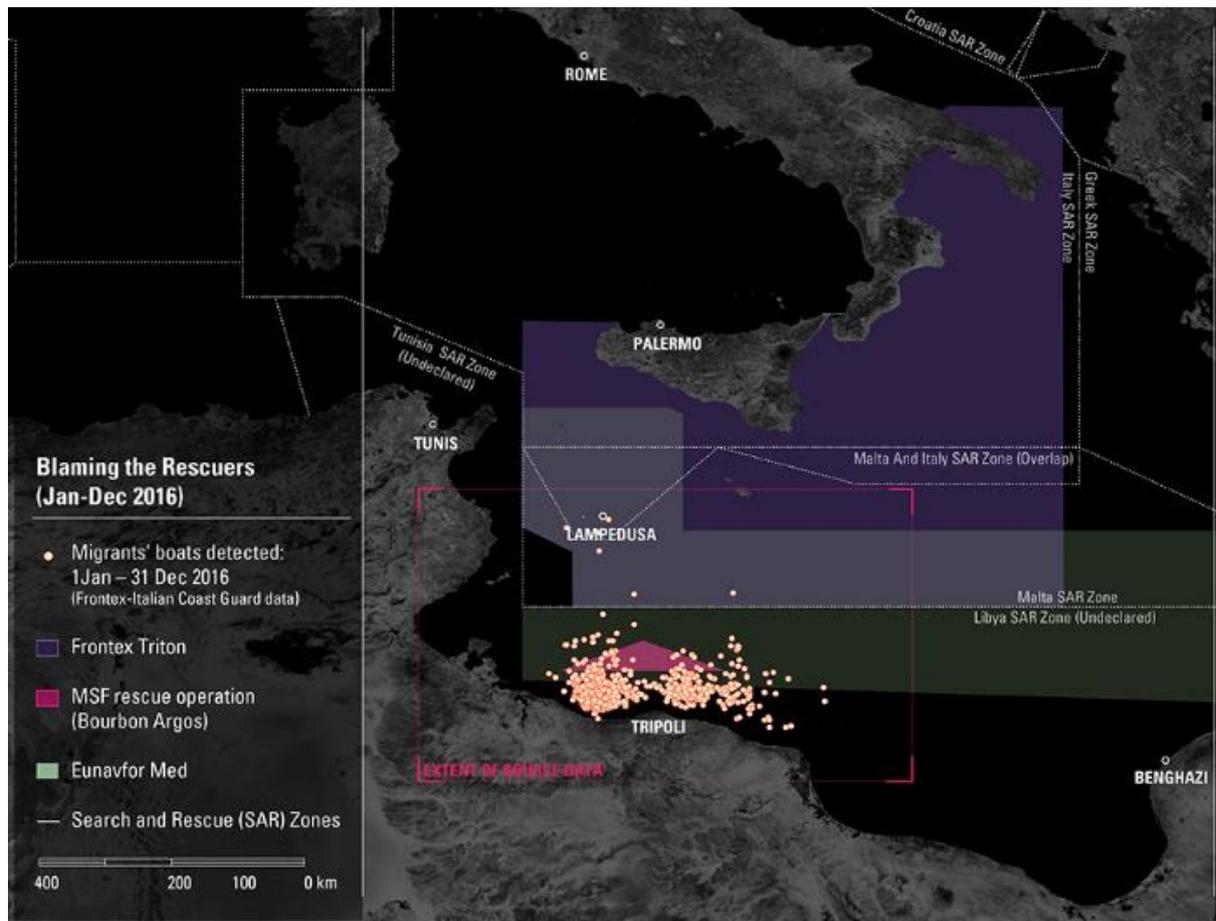
Table 1. Average number of fatalities per incident recorded in the Central Mediterranean January – July, 2014 - 2017⁸

	Incidents recorded	Total migrant fatalities recorded	Average number of fatalities per incident
2014	32	1,542	48.19
2015	32	1,970	61.56
2016	54	2,692	49.85
2017	127	2,224	17.51

Source: IOM's Missing Migrants Project, 2017, (<https://reliefweb.int/sites/reliefweb.int/files/resources/C%20Med%20fatalities%20briefing%20July%202017.pdf>).

⁸ Numbers within different IOM's Missing Migrant Project also differ, see Table 3 for example in https://publications.iom.int/system/files/pdf/fatal_journeys_volume_3_part_1.pdf.

Figure 5. Incidents and operational zones of EU's operations and civil society in Central Mediterranean



Source: Forensic Oceanography (2017) Report “Blaming Rescuers” by Charles Heller and Lorenzo Pezzani, was produced as part of the Forensic Architecture agency at Goldsmiths (University of London). (<https://blamingtherescuers.org/>).

The first precedent of criminalising humanitarianism in the recent crisis was set by the Greek authorities. In January 2017 they arrested five rescuers who had been saving lives in the Aegean. Five volunteers of Team Humanity and Proem-Aid rescuers will be facing trial in Lesvos, on 7 May 2018.⁹

In August 2017, the Jugend Rettet ship *Iuventa* was confiscated and criminal investigations were opened by the prosecutor of Trapani.¹⁰ Recently, a ship of Proactiva Open Arms was also seized as of 18 March 2018.¹¹ Such mix of suspicion, uncertainty and hostility, led to a withdrawal of the majority of organisations from the Central Mediterranean leaving only three

⁹ Team Humanity (2018) “Danish Lifeguard fighting a battle of injustice” a Crowdfunding Campaign (<https://startsomegood.com/danish-lifeguard-fighting-a-battle-of-injustice>).

¹⁰ The Independent (2017) “Charity demands return of seized rescue ship as court hearing begins”, by Samuel Osborne, on 19.09.2017. (<https://www.independent.co.uk/news/world/europe/italy-refugee-rescue-ship-jugend-rettet-iuventa-libyan-smugglers-mediterranean-migrant-a7955796.html>).

¹¹ Amnesty International (2018) “How Italy’s seizure of an NGO ship exposes Europe’s dangerous policy”, 22.03.2018. <https://www.amnesty.org/en/latest/news/2018/03/how-italys-seizure-of-an-ngo-ship-exposes-europes-dangerous-policy/>.

to operate today.¹² Though, the ones that are remaining - are experiencing immense pressures to go against their ethos,¹³ including handing over rescued persons to the Libyan authorities, in violation with international law.¹⁴ Blaming and criminalising rescuers thus became another strategy illustrating that the EU's underlying priority was to prevent the arrival of refugees and other migrants.¹⁵ Noble cause of 'saving lives at sea' was rather used to package it better before EU citizens.

Unintended effects of EU missions

In the past, the boats used to arrive at Italian territory, now most boats which set sail are not even equipped to arrive at international waters – trips have become increasingly more insecure and risky. The absolute numbers as well as the rate of dead and missing people in the Central Mediterranean from 2015 to 2016 has almost doubled according to the UNHCR statistics.¹⁶ The explanations of this phenomenon of increasingly deadly routes have been often oversimplified by some actors who blame the proximity of the NGO's activities.

Frontex risk analysis acknowledges that less and less wooden boats depart from Libya,¹⁷ but Frontex does not identify it in any way as a factor causing more incidents closer to Libya's shores. Thus, responsibility for the incidents and overall 'increased number of irregular migrants departing from Libya' is shifted to the NGO SAR activities. Thus, such risk analysis does not (aim to) provide a holistic picture and to change the situation in the countries of origin and conflict-torn Libya itself.

The UK's House of Lords annual assessment of Operation Sophia reached the conclusion that 'an unintended consequence of Operation Sophia's destruction of vessels has been that the smugglers have adapted, sending migrants to sea in unseaworthy vessels, leading to an increase in deaths'.¹⁸ A similar conclusion was reached by the 'Blaming Rescuers' report.¹⁹ Though, again structural problems, such as lack of legal and safe ways to reach Europe, need to be put back into the picture.

In the name of 'Saving Lives at Sea'

In the EU and the majority of its Member States, it seems that preventing arrivals of refugees and other migrants is a much higher political priority than 'saving lives at sea'. Numbers of

¹² Ed Sutton (2018) "Disobedient Movement," Rescues and Repression in the Mediterranean" in Alternative Structures, Hearth & Home, Revelations" (<https://antidotezine.com/2018/02/09/disobedient-movement/>).

¹³ ECRE(2018) Interview: Civil society extends to the sea, search and rescue NGO's in the Mediterranean 16th March 2018 (<https://www.ecre.org/interview-civil-society-extends-to-the-sea-search-and-rescue-ngos-in-the-mediterranean/>).

¹⁴ Statement by 29 academics on Open Arms seizure, (<http://www.statewatch.org/news/2018/mar/open-arms-statement.pdf>).

¹⁵ Carrera, S., V. Mitsilegas, J. Allsopp, L. Vosyliute (2018) "Policing Humanitarianism: EU Policies Against Human Smuggling and their Impact on Civil Society", Hart Publishing, 2018. (<https://www.bloomsburyprofessional.com/uk/policing-humanitarianism-9781509923014/>).

¹⁶ UNHCR (2018) <https://data2.unhcr.org/en/documents/download/56289>. (latest numbers available from UNHCR).

¹⁷ Frontex, Risk Analysis, 2017 Q1, p.17.

¹⁸ The UK's HOUSE OF LORDS (2017) European Union Committee, "Operation Sophia: a failed mission", 2nd Report of Session 2017–19 HL Paper 5, London, 12 July 2017, para. 45, p. 14.

¹⁹ Forensic Oceanography (2017) Report "Blaming Rescuers" by Charles Heller and Lorenzo Pezzani, was produced as part of the Forensic Architecture agency at Goldsmiths (University of London). (<https://blamingtherescuers.org/>).

reduced arrivals of refugees and other migrants are increasingly openly celebrated as ‘political’ victories. This was seen with the EU-Turkey Statement, which was sold to the public as ‘not perfect, but the only realistic tool’ for ‘stemming flows’.²⁰

The precedent was set and soon such victories were taken at any costs, including by making deals outside of the EU and national law, even including bribing various militias in Libya. The Italian Minister of Interior, though in the beginning trying to hide the usage of lush funds to bribe Libyan militias,²¹ eventually has openly defended such methods as they ‘led to 87% drop in migrants from Libya’.²² Thus, it is no longer clear what comes first – the lives of refugees and other migrants or their absence?

‘Realistic solutions’ or ‘lightness of leadership’?

The ‘realism’ of current policy approaches is not only ‘not perfect’ but also very ‘short-termistic’. Indeed, Italy’s deals with Libyan militias, the EU-Turkey Statement with an increasingly authoritarian regime, are already starting to show its ‘long-term’ deficiencies.²³ Namely, that the lack of democratic accountability in both processes carries a price-tag for externalising the EU’s and its Member State’s international obligations over persons in need of humanitarian protection and decent living conditions.

While making ‘deals’ Libya as well as with Turkey, EU pressures to tackle migration have grown at the expense of the fundamental rights and lives of refugees and other migrants. The focus has been redirected from institution building and Rule of Law in these countries to the strengthening of various actors with financial and material support. In the case of Libya, these actors were ‘militias’ acting outside of and challenging the already fragile, internationally recognised Government of National Accord.

This ‘realistic’ approach of the EU adheres to a very damaged moral compass. As Eugenio Ambrosi, has aptly highlighted, “this is a crisis that we still have to come to terms with”.²⁴ Indeed, the EU had overpromised. Though, not so much in terms of the EU’s capacity to ‘save lives at sea’, but in the sense that human mobility could be simply stopped and stemmed by making deals with governments (or militias) of third countries. Fabrice Leggeri, Executive

²⁰ European Parliament (2016) EU-Turkey deal on migrants: not perfect but most realistic tool to tackle crisis, Press Release, 13-04-2016. (<http://www.europarl.europa.eu/news/en/press-room/20160408IPR22136/eu-turkey-deal-on-migrants-not-perfect-but-most-realistic-tool-to-tackle-crisis>).

²¹ VOA News (2017) Italian Government Accused of Paying Libyan Militias to Curb Migrant Trade, by Jamie Dettmer, 28.08.2017. (<https://www.voanews.com/a/italian-government-accused-of-paying-libyan-militias-migrant-trade/4003690.html>)

²² The Guardian (2017) Italian minister defends methods that led to 87% drop in migrants from Libya by P. Wintour, 07.09.2017. (<https://www.theguardian.com/world/2017/sep/07/italian-minister-migrants-libya-marco-minniti>).

²³ The Guardian (2017) Italy’s deal to stem flow of people from Libya in danger of collapse, by P. Wintour, 03.10.2017 (<https://www.theguardian.com/world/2017/oct/03/italys-deal-to-stem-flow-of-people-from-libya-in-danger-of-collapse>).

²⁴ EurObserver (2017) The unbearable lightness of leadership, Opinion by Eugenio Ambrosi, Brussels, 18.10.2017. (<https://euobserver.com/opinion/139507>).

Director of Frontex, has also recognised that ‘border controls are not panacea’ and that they are not intended to address the root causes of migration.²⁵

Instead of conclusions

Let’s come back to a project in a given country X. Now let’s imagine that in a country X we fund a project that has been created to prevent child mortality. The funds have been tripled. However, after three years, while project officers are claiming in their reports that absolute numbers of child mortality have dropped, the mortality rates have spiked ninefold. What would we do? Obviously, such a project would be immediately stopped and carefully investigated as to whether it also had some (un)intended effects and replaced with one that is better suited for addressing the needs.

We would be extremely shocked if we were to find out that our money aimed to prevent child mortality, was misused to fund forced contraception, while disregarding the human dignity and choices of women. While we can easily sympathise with women, this is lesser the case for refugees and other migrants. Their dignity and agency is largely disregarded when ‘saving lives’ are delegated to the Libyan Coast Guards. It is too well, known that when persons are towed back to Libyan coast, their lives are put on hold in detention centres and slave markets.²⁶

We, live in interesting times, when criminals are considered to be ‘helpers’ and helpers – ‘criminals’. While the Italian Ministry of Interior is generously bribing the high rank militias involved in migrant smuggling,²⁷ actual criminal investigations are opened against helpers. The Court of Trapani was investigating not only NGO’s doing search-and-rescue, but also Eritrean Priest who was nominated for the Nobel Peace Prize.²⁸ History is yet to show who, in this time of lightness of leadership, will be remembered as heroes and who were simply buying and trading the fears for their short term political goals.

Whether for the EU ‘saving lives at sea’ is a priority and whether it is delivering on this priority concerns all of us. As EU citizens and as EU tax payers we indirectly support such ‘interventions’. We thus have the right to demand from EU authorities and national leaders that saving human lives shall be more important than ‘stemming flows’. If not, we will lose something very precious as a society - our shared humanity’.

²⁵ DW (2017) Frontex-Director Fabrice Leggeri: 'Border control itself is not a panacea', by Astrid Prange, 19.08.2017. (<http://www.dw.com/en/frontex-director-fabrice-leggeri-border-control-itself-is-not-a-panacea/a-40153595>).

²⁶ The Guardian (2017) Italy's deal to stem flow of people from Libya in danger of collapse, by P. Wintour, 03.10.2017 (<https://www.theguardian.com/world/2017/oct/03/italys-deal-to-stem-flow-of-people-from-libya-in-danger-of-collapse>).

²⁷ The Guardian (2017) “EU's policy of helping Libya intercept migrants is 'inhuman', says UN”, 14.11.2017 (<https://www.theguardian.com/world/2017/nov/14/eu-libya-coastguard-detention-centres-migration-mediterranean-un-zeid-raad-al-hussein>).

²⁸ BBC (2017) Eritrean priest in Italy denies 'people smuggling', Article by Nomia Iqbal, 17.08.2017, Rome. (<http://www.bbc.com/news/world-africa-40949062>).