

Criminalising search and rescue activities can only lead to more deaths in the Mediterranean

Search and rescue activities have provided life-saving assistance to migrants in the Mediterranean, but they have also been portrayed by some actors in Europe as a 'pull factor' that encourages more migrants to attempt dangerous crossings. Eleanor Gordon and Henrik Kjellmo Larsen argue that efforts to criminalise the provision of search and rescue services by private vessels, together with the alleged use of 'pushbacks' to encourage boats to return to shore, can only lead to more deaths.

There are increasing reports of asylum seekers and other migrants attempting to cross the Mediterranean being '[pushed back](#)' from Europe's shores. This follows six years of European governments attempting to rid the Mediterranean of Search and Rescue (SAR) capabilities, assuming they constitute a '[pull factor](#)' for migrants to the EU. Rather than deterring migrants from crossing the Mediterranean, pushing back and removing so-called pull factors have, instead, culminated in what the UNHCR warned in 2019 would become a '[sea of blood](#)'.

Pushbacks and pull factors

There have been allegations of migrants attempting to cross the Mediterranean being pushed back by [EU](#), [Greek](#), [Italian](#) and [Maltese](#) authorities to the high seas and towards [Libya](#) and [Turkey](#). Pushbacks involve larger boats [causing waves](#) to drive or frighten off boats carrying migrants, coastguard authorities [firing shots](#) into the water near boats, [authorities requesting commercial boats push back](#) other vessels, and leaving migrants stranded in the Mediterranean for days, [sometimes weeks](#). Pushbacks are unlawful and endanger lives – both at sea and when migrants are forced back to [war-torn Libya](#). Earlier this month, the UN High Commissioner for Refugees, Filippo Grandi, referred to these pushback tactics as '[shameful](#)'.

[International law](#) obliges states to rescue people in distress at sea. It also [requires others](#), such as humanitarian groups, to provide such life-saving assistance, and obliges the state to facilitate that protection. And yet, the EU and states bordering the Mediterranean have withdrawn SAR capabilities over the last [six years](#) and [criminalised NGOs](#) and [private individuals](#) who have stepped in to fill the gap in SAR provision.



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The argument has been that SAR constitutes a ‘[pull factor](#)’, encouraging smugglers to send more boats while assuring migrants that they will be rescued by SAR teams, thus contributing to an influx of migrants. SAR activities have also been blamed for encouraging criminal smugglers to use [less sea-worthy boats](#) in the knowledge that SAR boats patrol the area, thus endangering the lives of migrants. Those stepping in to fill the SAR gap are, thus, [paradoxically blamed](#) for putting migrants’ lives at risk.

The pull-factor argument has been widely [refuted](#), not least because it fails to take into account ‘push factors’ such as war, persecution and extreme poverty, and the desperation of migrants, as well as the complexity of all [driving and contextual factors](#). [Statistical evidence](#) also discredits the idea there is a positive correlation between the presence of SAR capabilities in the Mediterranean and migratory flows. Nonetheless, the [pull factor argument continues to inform](#) policy and practice. Consequently, NGOs and individuals engaged in SAR activities in the Mediterranean have been the target of increased policing and criminalisation over the last three years.

Criminalisation of Search and Rescue Activities

Increased policing and criminalisation have included [arresting those engaged in SAR activities](#), perceived [targeting](#) practices by the police, [deflagging SAR boats](#), [preventing disembarkation](#), [seizing SAR boats](#), and other [restrictive measures](#). Most arrests have been related to the 2002 EU Facilitation Directive and Framework, which [fails to distinguish between people smuggling and humanitarian assistance](#), and allows EU member states significant [discretion](#) in determining what constitutes a crime.

Such criminalisation occurs in the broader context of an increasing number of people across Europe being arrested [for offering humanitarian assistance](#) or aid to migrants. Our own research has indicated that the increasing number of arrests of those providing SAR assistance, notably a [number of high profile arrests](#), is regarded by those targeted as intended to both delegitimise humanitarian action as well as to deter others from engaging in such action. It is also regarded as part of the effort to reinforce the rhetoric that migrants are threatening, rather than threatened, and to be feared and distrusted rather than helped.

This, in turn, fuels anti-migrant sentiment and [right-wing extremist violence](#), exposing migrants to further insecurity. Such violence and harassment also extends to [humanitarian actors](#), with authorities often ‘[turning a blind eye](#)’. Such violence also serves to discourage humanitarian actors from engaging, as has been seen on the island of Lesbos, Greece, for instance, with a number of NGOs ceasing operations and volunteers leaving the island, resulting in the security of migrants being further undermined.

However, there is a distinction between the intended and unintended effects of the criminalisation of SAR activities. In our research, we found that increased policing and targeting practices emboldened most humanitarian actors we spoke with, reaffirming their commitment to help migrants in distress at sea. Nonetheless, many became more cautious in their work, and less trustworthy and willing to cooperate with authorities, including the police and coastguard, which can have negative consequences for the security of migrants. Moreover, many recognised actors would be less willing to assist migrants as a result. Indeed, criminalisation has resulted in [a significant reduction in SAR capabilities](#) in the Mediterranean in 2019 and 2020, with currently no [SAR activities present in the Central Mediterranean](#).

A sea of blood

In spite of these developments, migrants continue to come, belying the argument that the presence of SAR activities constitutes a ‘pull factor’. What the lack of SAR capabilities does mean, though, is [riskier journeys](#) for migrants. The curtailment of SAR capabilities has also contributed to greater loss of life in the Mediterranean, with almost [700 people reported to have drowned](#) this year alone. On 25 October, the [third boat within a week sunk](#) in the Mediterranean, with everyone aboard assumed drowned.

Even if SAR activities did constitute a ‘pull factor’, to make migration less attractive and force migrants to choose between the heightened risks of travelling or remaining in, often, insecure environments is neither ethical nor justifiable. To allow migrants to drown at sea in order to deter others is even more indefensible. [Covid-19](#) has further compounded the insecurity of migrants, resulting in a further depletion of SAR capabilities and many countries closing their ports and disallowing disembarkation to those rescued at sea. In effect, the pandemic has [further legitimised](#) efforts to renege on the legal duty to assist those in distress at sea.

The lack of SAR capacity in the Mediterranean prompted the UNHCR's '[sea of blood](#)' warning in 2019. Last month, Grandi [revisited these remarks](#), reminding the EU's authorities that curtailing SAR capacity or pushing back people at sea will not deter migrants from coming, but will 'only lead to more deaths and the further erosion of refugee protection'.

For more information, see the authors' forthcoming article in [Disasters](#)

Note: This article gives the views of the authors, not the position of EUROPP – European Politics and Policy or the London School of Economics. Featured image credit: [Stephen Ryan / IFRC \(CC BY-NC-ND 2.0\)](#)
