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Bordering the Central Mediterranean Search and Rescue Assemblage



Abstract

Since the beginning of 2015, the news about migrant boat disasters in the Mediterranean Sea have been filling the headlines of major national and international media. Horrible pictures of boat wrecks and floating bodies of migrants have made it to covers of well-known newspapers. Very soon, statistics suggesting that 2015 might be the deadliest year for migrants who have been crossing the Mediterranean Sea in search of a better life appeared. However, the death of so many migrants comes as a surprise, as the Mediterranean Sea belongs to one of the busiest shipping lanes in the world. Various different actors (national search and rescue bodies, merchant vessels, fishing boats, military vessels, civilianvolunteer manned vessels, NGO craft and boats under the Frontex mandate), bound by the international search and rescue legislation, can come to rescue migrants' boats in distress. Since the international search and rescue obligation has not been always followed to the letter, this research has been dedicated to searching for an understanding of the inclusions and exclusions of actors in search and rescue operations in the Central Mediterranean Sea (an area between Northern Africa and Italy). It has also aimed to outline the boundaries that actors may face when entering or exiting the area of search and rescue. This research has conceptualized search and rescue as an assemblage composed of heterogeneous elements that entangle one another and that are entrusted with a strategic purpose. Moreover, it has specifically used Bruno Latour's approach to assemblages and their mapping, as this has allowed the researcher to understand how inclusions and exclusions of actors in the assemblage arise and what constitutes the boundaries of the assemblage. It is argued that different elements of the search and rescue assemblage - such as legislation, actors' scripts or their discursive strategies - can become means of both actors' inclusion in and actors' exclusion from the assemblage. These elements can at the same time become boundaries for involvement of actors in rescue operations. However, the irregular rhythms of actors' inclusions and exclusions in search and rescue suggest that actors' experience of political subjectivity can determine the shape of the assemblage and its boundaries. Furthermore, it is argued that the shape of the Central Mediterranean Search and Rescue assemblage can largely depend on the mechanisms of power being exercised within the assemblage. It is for the lack of power mechanisms that would force actors into the assemblage and also for the existence of mechanisms that make it less probable and more difficult for certain actors to get involved in search and rescue that so many migrants die on their way to Europe.

Introduction

Since the beginning of 2015, the news about migrant boat disasters in the Mediterranean Sea have been filling the headlines of major national and international media. Horrible pictures of boat wrecks and floating bodies of migrants have made it to covers of well-known newspapers. Very soon, statistics suggesting that 2015 might be the deadliest year for migrants who have been crossing the Mediterranean Sea in search for a better life appeared (Crilly et al. 2015; Kingsley and Gayle 2015). However, the death of so many migrants comes as a surprise, as the Mediterranean Sea belongs to one of the busiest shipping lanes in the world (Appendix I).

Different actors (national search and rescue bodies, merchant vessels, fishing boats, military vessels, civilian-volunteer manned vessels, NGO craft and boats under the Frontex mandate), bound by the international search and rescue legislation, can come to rescue migrants' boats in distress (Council of Europe 2012). Although many of these actors have been involved in search and rescue (further as SAR) operations related to migrants at sea, reports (BBC 2014; Council of Europe 2012; FRA 2013; 2014; Heller, Pezzani, Studio 2012) suggesting that, at times, they have not reacted to the difficulties experienced by migrants in unstable dinghies in danger emerged. While some of the actors are said to be even deliberately avoiding boats that could require assistance by switching off their radars (BBC 2014) or changing their normal routes of operation (Moloney and Paris 2015), others have been keen on participating in SAR. Since 2014, two civilian initiatives – the Migrant Offshore Aid Station (MOAS) and Sea Watch – have been launched to carry out rescue operations at sea (MOAS; Sea Watch). A non-governmental organization (NGO), Médecins Sans Frontières (MSF), has gotten involved in SAR as well (MSF 2015e).

It has been precisely the goal of this research to understand how some actors are able to distance themselves from SAR operations in the Mediterranean Sea and how others are able to get involved in these operations. The study of inclusions and exclusions of actors in the area of SAR has come hand in hand with the study of boundaries and boundary rules that determine what actors are legitimate when it comes to saving the lives of migrants at sea. The study of boundaries that various actors could face when entering or exiting the area of SAR further helps to shed light on the reasons why so many migrants still die on their way to Europe. However, this research has been also interested in examining how various actors included in and excluded from SAR operations experience subjectivity. This research has therefore tried to answer the following research questions: How have been actors able to enter and exit the Central Mediterranean Search and Rescue assemblage? What are the boundaries of the Central Mediterranean Search and Rescue assemblage, and how are they created? How do the actors included in and excluded from the assemblage experience political subjectivity? It should also be

mentioned that this research has treated the Central Mediterranean as an area between Northern Africa and Italy (Frontex 2015a).

The concept of assemblage provides the theoretical framework for this research. It takes the area of SAR as a composition of various elements - machines, raw matter, bodies, discourses, ideas, affects and others (Acuto and Curtis 2014: 94) — "that jostle, co-exist [with], interfere [with] and entangle one another" (Allen 2011: 4) and that are entrusted with a strategic purpose (Li 2007: 264). However, this research does not consider every element of the assemblage, but focuses on actors, their discourses and practices that have helped the researcher to understand the inclusions and exclusions of actors in the assemblage. Following the discourses and practices of the actors under scrutiny has also helped the researcher to determine the boundaries of the SAR assemblage. Bruno Latour's approach to assemblages and their mapping has been specifically chosen for the research, as it allows one to follow the above mentioned elements of the assemblage (Loughlan, Olsson and Schouten 2015).

The theoretical foundations are outlined in the beginning of this research article - in Chapter 1. Chapter 2 is dedicated to discussing the function of the institutionalized discourse of the SAR assemblage and the inclusions and exclusions of actors that arise on its basis. Discursive strategies as means of entering and exiting the assemblage are the theme of the third chapter. The fourth chapter focuses on outlining the importance of actors' pre-existing scripts for their inclusion and exclusion in the assemblage. The conclusion then highlights the significance of actors' subjectivities and power relations for the production of assemblage boundaries.

In particular it is argued that different elements of the search and rescue assemblage – such as legislation, actors' scripts or their discursive strategies – can become means of both actors' inclusion in and actors' exclusion from the assemblage. These elements can at the same time become boundaries for involvement of actors in rescue operations. However, the irregular rhythms of actors' inclusions and exclusions in search and rescue suggest that actors' experience of political subjectivity can determine the shape of the assemblage and its boundaries. Furthermore, it is argued that the shape of the Central Mediterranean Search and Rescue assemblage can largely depend on the mechanisms of power being exercised within the assemblage. It is for the lack of power mechanisms that would force actors into the assemblage and also for the existence of mechanisms that make it less probable and more difficult for certain actors to get involved in search and rescue that so many migrants die on their way to Europe.

1. (Un)Making of Assemblages and Letting the Actors Speak

For the purpose of this research, SAR - officially defined as the search for and "assistance of vessels in distress" (IMO) - has been conceptualized as an assemblage. The concept has been chosen for its ability to offer liberation from the limits that the traditional style of thinking and the existing social theories hold in times of rapid change in "the natural and social worlds" (Acuto and Curtis 2014: 2). As "a sort of anti-structural concept", assemblages permit the researcher "to speak of emergence, heterogeneity, the decentred and the ephemeral in nonetheless ordered social life" (Marcus and Saka 2006: 101 in Acuto and Curtis 2014: 60). They are seen as compositions of "heterogeneous elements that may be human and nonhuman, organic and inorganic, technical and natural; assemblage is part of a more general reconstitution of the social that seeks to blur divisions of social-material, near-far and structure-agency" (Anderson and McFarlane 2011: 124). Assemblages, which are, according to Li, provided with a strategic purpose – the will to govern – can be made of "discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, [and] philosophical, moral and philanthropic propositions" (Foucault 1980: 194 in Li 2007: 264).

The SAR in the Central Mediterranean Sea (Appendix II) – the SAR of migrants' boats in distress - can be seen as such a composition of heterogeneous elements invested with a strategic purpose. The Search and Rescue assemblage (further as the SAR assemblage) is indeed composed of a variety of actors and elements. To begin with, the assemblage consists of socially situated subjects (actors) – defined as a "range of different global, regional and local, public and private agents that cooperate and compete to produce new institutions, practices, and forms of [...] governance" (Abrahamsen and Williams 2009: 3; own emphasis). These are national SAR bodies (e.g. Guardia Costiera for Italy), military or private actors (merchants, fishermen, civilian volunteers, NGOs) and regional actors (e.g. Frontex, which currently operates under the Operation Triton framework), each of them endowed with their own objectives (Council of Europe 2012). The elements of the SAR assemblage further include things (boats, helicopters, lifeboats, lifebuoys, lifejackets, and others), technologies (radars, surveillance systems, and so on), ideas (e.g. about how the SAR should be executed) and discourses (institutionalized and other).

However, the SAR assemblage should not be viewed as a structural phenomenon characterized by a stable set of actors and elements (Schouten 2014: 85). According to Allen, assemblages need to be seen as sets of "relationships and things that jostle, co-exist [with], interfere [with] and entangle one another" (2011: 4). The relationships are unstable and constantly shifting (Schouten 2014: 85); some of them "form, take hold and endure" (Anderson and McFarlane 2011: 125); others disperse and vanish. The assemblage thinking therefore allows its users to speak

and think "through processes of composition and decomposition" (Acuto and Curtis 2014: 10), assembling and disassembling and making and unmaking. Assemblages "remain open to transformative change through the addition and subtraction of elements or the reorganization of relations between them" (Bousquet 2014: 94).

The SAR assemblage experiences this addition and subtraction of actors, things, technologies, ideas, discourses, practices and other objects. It reminds one of a "vibrating plateau" (Ong 2014: 19) characterized by flows of various components. Recently new components, such as pieces of international legislation setting the international standards of SAR or new technologies (like unmanned drones) (Gaffey 2015) or mobile satellite communication networks (Inmarsat), have entered the assemblage. Meanwhile other elements and things (such as cork and balsa wood lifejackets) have disappeared from the assemblage or have been replaced (for example, by lifejackets made from plastic) (Edmonds 2015). The shifting of elements also becomes apparent when one considers the actors of the SAR assemblage that seem to be in a constant process of entering and exiting the assemblage. While in some cases fishermen have been active in saving migrants' lives in the Mediterranean Sea (The Guardian 2013), in other cases they have been said to avoid SAR by simply "sailing away" (Council of Europe 2012: 10). Military ships some of them used precisely for SAR operations during Italy's Mare Nostrum Operation (Ministero della Difesa) – have been also reported on occasions to ignore migrants' boats in distress (FRA 2013: 37-38). Even the commercial boats that, in February 2015, saved hundreds of migrants off the Libyan coast (Spark 2015) have at times distanced themselves from the SAR assemblage by switching off their radar devices (BBC 2014).

It is this shifting element of the assemblage that this research set out to explore. It is precisely interested in understanding: how actors have been able to enter and exit the Central Mediterranean Search and Rescue assemblage; what the boundaries of the Central Mediterranean Search and Rescue assemblage are and how they are created; and how actors included in and excluded from the assemblage experience political subjectivity. Here boundaries have been defined as membership rules of the assemblage that are products of social processes (Wimmer 2008: 971). They are the lines of division between insiders and outsiders that are negotiated between the actors through a classificatory struggle (Wimmer 2008: 973; 2013: 19). Meanwhile the concept of subjectivity¹ has been treated as a dual

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¹ With regard to the concept of subjectivity, this research borrows from the literature on citizenship and thinks about subjectivity as "encompassing the relations between the personal, the political and the moral" (Werbner 2002: 3 in Krause and Schramm 2011: 126). Subjectivity is not only about subjection to power, but also about experiencing agency and gaining recognition (Krause and Schramm 2011: 126). This take on subjectivity is inspired by Michel Foucault's understanding of subjectivity as a dual process of "self-making and being made by power-relations" (Ong 1996: 737 in Krause and Schramm 2011: 127).

process of "self-making and being made by power-relations" (Ong 1996: 737 in Krause and Schramm 2011: 127).

Moreover, in order to untangle the puzzles outlined above, the research has made use of Bruno Latour's approach to assemblages and their mapping. Latour, as a proponent of the actor-network shape of assemblage thinking, doesn't see assemblages as a "patterning of the flight of the bumblebee" (Ong 2014: 19), but rather as a result of human decision. Latourian "actants" do not move within pregiven fields, but they are endowed with agency, and with their own objectives they contribute to the making and unmaking of certain assemblages (actor-networks) (Loughlan, Olsson and Schouten 2015: 39). The actors are constantly in the process of closing controversies and "indicating who should or should not be considered part of their group" (Ibid.). "The actors themselves describe the connections, passage points, inequalities and imbalances that make up an actor-network" (Ibid., 38). However, Latour acknowledges that a given assemblage is not only about actors (and their agency) (Ibid.). Being an advocate of relational ontology, Latour proposes that phenomena are constituted only by their associations to other entities (Schouten 2014: 86). Actors are "composed and become relevant" through associations - "connections between heterogeneous elements" (Loughlan, Olsson and Schouten 2015: 38).

For Latour, the dictum is to "follow the actors" (human or non-human) and their transformation as they "undergo new associations" (Schouten 2014: 86). Engaging in assemblage thinking is therefore characteristic of granting agency to actors under scrutiny and paying attention to relations of these actors and the "forces that impel them to act in the way they do" (Lisle 2014: 72). To describe and understand the inclusions and exclusions that arise one needs to let actors "articulate themselves in whatever way they can" and listen "carefully to what is articulated" (Ibid.). It is crucial to "let the actors speak" (Ibid.), and let them describe the inclusions and exclusions, their associations to SAR and its boundaries. The Latourian approach therefore allows for a methodological orientation towards actors' linguistic expressions and actions (Ibid.).

It incites analysis of the actors' discourses and practices that are perceived as the actors' meaning-making activities (Schwartz and Yanow 2012: 41-42). While the study of discourses implies the analysis of stories (in written, spoken, or visual texts) about the social stated in relational terms that have social and political implications, the study of practices implies studying "how actors act and how they give meaning to their action" (Côté-Boucher, Infantino, Salter 2014: 196-197). It refers to "a methodological orientation towards the meaning of particular policies, institutions or ideas as understood by the actors in [the corresponding] fields" (Ibid.). As elements of assemblages, discourses and practices are seen as endowed with productive capabilities contributing to the creation of a certain form of governance,

inclusions and exclusions (Loughlan, Olsson and Schouten 2015: 37). In its search for an understanding of how particular forms of the SAR assemblage are created, how inclusions and exclusions in the assemblage arise and what constitutes the boundaries of the assemblage, the research has engaged in "following the actors" and their meaning-making activity (Schouten 2014: 86) — their discourses and practices in connection to SAR.

Moreover, the research has approached boundaries as products of a power struggle. It has conceptualized power as relational, as held collectively, but asymmetrically within the assemblage (Loughlan, Olsson and Schouten 2015: 39-40). Power can be mapped as an effect; it is both fluid and unstable (Ibid.). Power is not held within one individual, but it can be found in "connections and translation processes between humans and nonhumans" (Passoth and Rowland 2010 in Loughlan, Olsson and Schouten 2015: 40). Resources are situated in the knots and nodes that are connected to and extend through the assemblage (Latour 1987: 180 in Loughlan, Olsson and Schouten 2015: 40). Through a mapping of the complicated business of rescues, the research has tried to highlight the power relations that decide whether migrants in the Mediterranean Sea live or die. This map has been used to devise a few recommendations that would make the SAR more effective.

2. Mapping the Role of Legislation

It is suggested by the actors of the Central Mediterranean SAR assemblage that legislation represents one of the crucial elements for their inclusion in and exclusion from SAR operations. In particular, two legislative pools based on two diverging traditions have been mentioned to influence actors' involvement in SAR. One of the legislative pools institutionalizes the shipmasters' tradition of rendering assistance to boats in danger at international as well as national level and encourages actors to participate in SAR operations (Scheinin, Burke, and Galand 2012). However, actors seem to be also discouraged from taking part in SAR in the Mediterranean by international, regional and national legislation criminalizing the procurement of irregular migration, which has embodied the need to control migration flows and combat illegal immigration to Europe (FRA 2014; Umbriano 2013). This section maps how actors draw on the institutionalized discourse² of the SAR assemblage to enter and exit the assemblage and set its boundaries.

It seems that different actors take part in SAR operations because they are authorized to do so. They also often perceive SAR as their humanitarian obligation, an idea which has been only recently (in the 20th century) codified in several international and national treaties. The Brussels *Convention for the Unification of*

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² Structures, "the rules that tell us how to do social life", become researchable in discourses and institutions (Demmers 2012: 121). The researchable stories about signification and legitimation can be turned into tangible products: the values and norms become institutionalized (Ibid.). Legislation can be treated as a form of such institutionalization of norms and values (Ibid.).

Certain Rules of Law Respecting Assistance and Salvage at Sea from 1910 (Trevisanut 2010: 527) can be seen as the first serious effort on the international level to pin down the "long-standing humanitarian tradition" (FRA 2013: 32) – the customary law of the sea – that urges shipmasters "to assist and rescue those who are imperilled at sea" (Scheinin, Burke, and Galand 2012: 1). Besides promising remuneration to the saviours of those boats in distress, the discourse enshrined in this treaty obliges shipmasters to provide "assistance and salvage of seagoing vessels in danger" (Kenyon 2006). However, the 1910 Brussels Convention was only binding on State Parties³ to the Convention and only applicable in their territorial waters (Trevisanut 2010: 527). This has limited the involvement in the SAR assemblage just to the State Parties to the Convention (including Italy). A lot has changed since 1910, however. With the beginning of the second half of the 20th century and the establishment of the UN and the International Maritime Organization (IMO), the international treaties dealing with SAR are nowadays far more inclusionary (Scheinin, Burke, and Galand 2012).

The 1982 United Nations Convention on the Law of the Sea (UNCLOS), which replaced the 1958 United Nations Convention on the High Seas (UNCLOS I) (United Nations 2012: 2-3), obliges shipmasters, the crews of ships and even the passengers to come to the rescue of persons in distress regardless of their "nationality, status or the circumstances in which they are found" (Scheinin, Burke, and Galand 2012: 2). Furthermore, it obliges the State Parties to the treaty to enforce this duty of shipmasters and to establish and maintain their own national SAR services (IMO, ICS and UNHCR 2015). In Article 98 of the treaty, the 166 parties to the UNCLOS Convention have agreed to institutionalize a discourse (United Nations 2013) that obliges all ships to render assistance to any person in danger found at sea. It also obliges every coastal State to promote the "establishment, operation and maintenance of an adequate and effective search and rescue service" (1982).

Similarly, the 1974 International Convention for the Safety of Life at Sea put forward by IMO provides for the responsibility of any shipmaster of a ship at sea to render assistance to any boat or person in distress and proceed with all possible speed in such cases (FRA 2013: 32). The 1979 International Convention on Maritime Search

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The Convention became binding to the following parties: "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, for Austria and Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Chile; the President of the Republic of Cuba; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; the President of the Republic of Nicaragua; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Romania; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden; the President of the Republic of Uruguay" (Kenyon 2006).

and Rescue (SAR Convention) and the 1989 International Convention on Salvage (Article 10), which, in 1989, replaced the ground-breaking 1910 Brussels Convention, continue in the codification of the shipmasters' duty to rescue persons in danger at sea (Ibid.). The SOLAS and SAR Conventions are in line with UNCLOS and put special emphasis on the national actors (like Italy), which are required to establish specialized SAR facilities and coordinate the SAR efforts (Ibid.). However, it is apparent that the obligation of SAR is not limited to these national bodies (e.g. Guardia Costiera in Italy), but extends to all ships operating in the Mediterranean Sea.

The ships and shipmasters are drawn into the SAR assemblage by the international institutionalized discourse (at international and national level) that can be reproduced in actors' discourses and social practices (Ibid.). At the same time, legislation can be regarded as an authorizing tool which requires actors to take part in SAR operations (Allan 2014: 267-269). Legislation can be perceived as embedded with authority, which, according to Dahrendorf, is a form of legitimate power defining social organization (1959: 166 in Allan 2014). Since it is binding to the actors under scrutiny it can be said that legislation imperatively coordinates associations (Allan 2014: 267-269). The current international institutionalized discourse of the SAR assemblage – which was translated into the Italian law that obliges shipmasters to rescue those in distress (Umbriano 2013: 3) – authorizes various actors to take part in SAR operations and therefore associates these actors (national, private or regional) with the Central Mediterranean SAR assemblage.

Moreover, actors are being tied to the Central Mediterranean SAR assemblage by various sorts of guides, guidelines and training manuals that establish their relevance. Marieke de Goede and Stephanie Simon refer to these guides and training manuals as authorization and activation tools that work through "embedding expertise" - offering various actors knowledge frames for carrying out large SAR operations for migrants' boats in the Mediterranean Sea - and align actors with the assemblage (2012: 326). De Goede and Simon propose that it is in such a way that actors "are recruited into the assemblage and authorized to act in its name" (Ibid., 325). Fundamental Rights Training for Border Guards: Trainer's Manual, devised by Frontex in 2013, Large Scale Rescue Operations at Sea: Guidance on Ensuring the Safety and Security of Seafarers and Rescued Persons (ICS 2014a) and Rescue at Sea: A Guide to Principles as Applied to Refugees and Migrants, devised by the International Chamber of Shipping (ICS) in cooperation with IOM and the United Nations High Commissioner for Refugees (UNHCR) in 2015, are just a few examples of these guides that are in line with De Goede and Simon's conceptualization of an actor's recruitment into the assemblage.

It indeed seems to be the case that for some actors the legislative measures and activation and authorization tools represent points of entry into the SAR

assemblage. They become involved in reproductions of the institutionalized humanitarian language of care for people in danger at sea, and they consider the SAR operations as their humanitarian obligation. As the ICS, claiming to represent 80 per cent of "the world merchant fleet" (ICS 2013), highlights, "The rescue of persons in distress is a humanitarian obligation which the shipping industry has always accepted without question." (ICS 2014a: 2) The ICS also added that "whatever may be decided by policy makers in EU Member States, the legal and humanitarian obligation of merchant ships to provide assistance to anyone in distress at sea will remain unchanged" (ISWAN 2014). Captain Dhadwal, the captain of a commercial ship that, on 22 April 2015, rescued 510 migrants heading towards the shores of Italy, stressed that commercial ships need to continue pursuing rescues and uphold their obligations under maritime regulations (Shettar 2015a). These words are certainly matched by actions. In a letter to the Heads of State/ Heads of Government of EU/EEA Member States, the leaders of the European Community Shipowners' Associations (ESCA), the European Transport Workers' Federation (ETF), the ICS, and the International Transport Workers' Federation (ITF) suggest that in 2014 commercial vessels saved around 40 000 migrants from drowning in the Mediterranean Sea (Rehder et al. 2015).

Frontex also acknowledges its humanitarian obligation under the law of the sea by pinpointing that in some situations it will be required "to provide assistance to persons or vessels in distress" (European Commission 2014a). In the beginning of June 2015, Frontex boats deployed in Operation Triton in the Central Mediterranean Sea already rescued 5 600 migrants travelling in unsafe dinghies towards Europe (Frontex 2015d). The leaders of MOAS and the Sea Watch boat, which represent the new actors in the SAR assemblage that are privately-funded, also aim to follow the international obligation to rescue (Montenegro and Siegfried 2015; Sea Watch). Similarly, the Doctors Without Borders-ledboat (Appendix IV) has been placed in the Mediterranean with the aim of saving lives through SAR operations (MSF 2015). Fishermen interviewed for the European Union Agency for Fundamental Rights (FRA) also emphasized their international obligation to save lives (FRA 2013: 37). Some of them regularly get involved in saving migrants from the dangers of the Mediterranean Sea (Ibid.). As the Tunisian captain Zenzeri claims: "Solidarity is never a crime. It is the law of the sea." (Del Grande 2009)

However, legislation does not always represent a means of inclusion in the SAR assemblage. Laws punishing solidarity with sinking migrants' dinghies, which also characterize the SAR assemblage, can become a deterrent against actors entering the assemblage. Such legislative measures that stress the need to control migration flows and combat illegal immigration to Europe (Avramopoulos and Mogherini 2015) set different types of rules and obligations that can undermine actors' involvement in SAR operations. Several international, regional, and national legislative instruments criminalize not only irregular migrants, but also persons

"engaging with migrants in an irregular situation" (FRA 2014: 8). Shipmasters who rescue migrants in danger at sea can face criminal punishment and prosecution (Ibid.).

On the international level, the criminalization of procurement of irregular entry and stay can be found in "the UN Smuggling of Migrants Protocol supplementing the UN Convention against Transnational Organized Crime" (Ibid.), which obliges State Parties to the protocol to punish procurement for financial gain or other material benefit (Ibid.). On the European Union level, the fight against irregular migration is codified in the 1985 Schengen Agreement (Article 27(1)), which obliges EU Member State Parties to introduce penalties for people who assist or try to assist an alien to enter EU Member States' territory for financial gain (Ibid.). With the enforcement of the EU Facilitation Directive (Directive 2002/90/EC) and the Framework Decision 2002/946/JHA in 2004, the EU Member States came under the obligation "to punish anyone who intentionally assists a person to irregularly enter or transit through a Member State" (Ibid.).

In Italy, the failure to provide assistance to boats in distress represents a criminal offence under the Italian Navigation Code; however, the facilitation of illegal immigration has been labelled as a criminal offense as well, and shipmasters involved in "transporting" or "rescuing" migrants from the depths of the Mediterranean Sea can face several charges and prosecution (Umbriano 2013: 1). Law no. 943/1986 was the first Italian law that considered the facilitation of illegal immigration as a crime (Ibid.). Since then, the punishment for seafarers involved in facilitating migrants' journeys to Italy has been getting stricter. The Italian Martelli Act (Law no. 39/1990) punished the crime of encouraging illegal immigration with imprisonment (Ibid., 1-2). However, the 1998 Turco-Napolitano Act (Article 12 of the Immigration Consolidated Text) puts forward even harsher penalties for facilitation of irregular migration: the offenders (the shipmaster and his crew) are to be arrested in flagrante delicto, and their means of transportation (their boat) is to be confiscated (Ibid., 2).

Since 1998, Article 12 of the Turco-Napolitano Act has been amended several times, yet the harsh punishment for facilitating illegal entry has not been elevated, but rather the definition of "facilitation" has changed (Ibid.). The 2002 Bossi-Fini Act no longer prosecuted facilitation, but the procurement of illegal entry (Ibid.). In the end, with the 2009 Security Degree entering into force, anyone who illegally "promotes, manages, organises, finances, or carries out the transport of foreigners" to the Italian territory can be punished and charged with a criminal offence (Ibid.). Such legislative measures are further supplemented by "deterrent cases" of shipmasters who were prosecuted for aiding illegal migration – such as those of the

NGO Cap Anamur⁴ or a group of Tunisian fishermen⁵ (Boardman 2013; Del Grande 2007; Frenzen 2011; Steinberg 2009).

It is precisely the fear of being criminalized and labelled as a trafficker of human beings that is sometimes cited as a reason for non-involvement in SAR operations in the Central Mediterranean Sea. Giusi Nicolini, the mayor of Lampedusa, explains the refusal of some fishermen to provide aid to migrants' boats in distress by referring to Italy's "long history of bringing fishermen who saved human lives to court, charging them with aiding and abetting illegal immigration" (Boardman 2013). According to a survey done by FRA, "the fishermen are often concerned that if they assist migrants they may find themselves involved in long bureaucratic legal procedures or be prosecuted for aiding illegal immigration" (FRA 2013 web). This finding comes out of a series of interviews with fishermen that actively operate on the Central Mediterranean route (Ibid.). A 44-year-old fisherman named Enzo from Lampedusa confirms these findings by suggesting that it is the Italian immigration law that is "killing people" and that makes fishermen doubt whether they should get involved in SAR operations (Kington 2013). To avoid criminalization of its activities, the privately funded Sea Watch boat is careful to declare its role as an emergency aid boat but not its role as a transporter (Sea Watch).

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In 2004, the crew of the Cap Anamur boat, which belonged to a German charity of the same name (Boardman 2013) and operated in the Central Mediterranean with the purpose to "rescue and support" (Umbriano 2013: 4), ran against these legislative measures criminalizing facilitation of illegal immigration. On 20 June 2004, the rescue ship encountered a migrant boat heading from Libya to the coasts of Italy, with 37 migrants from Northern Africa (probably Sudan) on board (Kreickenbaum 2004). The boat was taking on water, and there was smoke coming from the engine. "In addition, the weather conditions were very bad." (Umbriano 2013:4) The Cap Anamur crew therefore performed a rescue operation and headed towards the Empedocle Port in Sicily to disembark the survivors in a "place of safety" (Steinberg 2009). Yet, the Italian authorities denied the Cap Anamur boat the permission to dock in or enter the Italian territorial waters and used navy frigates and helicopters to force it back to the open seas (Statewatch a n.d.). It was only after 12 days of sailing in the high seas that the ship finally docked in the Italian port. However, the Cap Anamur boat was immediately confiscated by the Italian authorities, and the organization's president, the captain and the first officer were arrested and charged with aiding illegal immigration (Boardman 2013) on the basis of pursuing financial gain (or publicity for the NGO).

⁵ Similarly, the Tunisian fishing boat captain Abdelbasset Zenzeri and six of his crew members faced charges of facilitating illegal immigration after rescuing 44 migrants heading from Libya towards Lampedusa on 8 August 2007 (Frenzen 2011). After taking the migrants, whose boat had been deflating, on board, the Tunisian fishermen headed towards Lampedusa as the nearest port of safety (Del Grande 2007). Again the port authorities "did not authorize their entry into Italy, ordering them to turn back towards the North African country, although they had been previously ordered to head into Italian waters to allow inspection" (Statewatch b n.d.). Although the Italian navy and Guardia boats tried to block entry into the Lampedusa harbour, the Tunisian boat was, in the end, successful in entering the port (Ibid.). But after disobeying the orders of the Italian authorities, the Tunisian fishermen were not only charged with aiding illegal immigration, but also with "resisting a public officer" and "committing violence against a warship" (Boardman 2013). It took the fishermen four years to overturn all the charges and get their confiscated boats back (Ibid.).

The criminalization of procurement of irregular migration becomes an element of the assemblage that is portrayed as its boundary (Boardman 2013; Euronews 2013; FRA 2013; FRA 2014; Kington 2013). While the criminalizing legislation is mentioned in certain reports as a possible boundary for commercial vessels (Council of Europe 2012), it is mostly fishermen who stress the fear of being prosecuted for aiding illegal migration. They draw the division line between them and SAR and establish themselves as outsiders of the assemblage (Boardman 2013; Euronews 2013; FRA 2013; FRA 2014; Kington 2013). The recorded discourses highlighting the concern about being criminalized for carrying out SAR and the related practices of non-involvement of certain fishermen in SAR operations in the Central Mediterranean suggest that legislation can be negotiated among actors as a boundary of the SAR assemblage (Ibid.). This can lead to migrants being left at sea to fight for their life alone.

However, this negotiated boundary has not been negotiated among all of the actors. While the privately-funded SAR initiatives, such as MOAS and Sea Watch, make sure that they address the issue of criminalization by carefully declaring their role as rescue boats and not transporters of human beings (MOAS; Sea Watch), the legislation has not stopped them from entering the SAR assemblage. Rather than being discouraged by criminalization, these actors draw on the international obligation to provide assistance to boats in distress (MOAS; Sea Watch). Similarly, the NGO Doctors Without Borders stresses its international obligation to save migrants from drowning (MSF 2015d) and thus crosses the boundary of criminalization. This is done notwithstanding the fact that another NGO (the Cap Anamur organization) has been criminalized for its SAR efforts (Boardman 2013). However, it needs to be said that Italian as well as European officials are reluctant to propose any criminal charges that would specifically target MSF, MOAS or Sea Watch (Cacciottolo 2014).

The legislation criminalizing the procurement of irregular migration is rarely mentioned by captains of commercial vessels as a reason for non-involvement in SAR operations. Even the category of fishermen is divided in terms of their perceptions of the assemblage boundaries. While some fishermen actively place themselves outside of the assemblage by presenting criminalization as a boundary (Kington 2013), others emphasize the solidarity with migrants at sea and their international obligations and regularly get involved in SAR operations on the Central Mediterranean route to Europe (FRA 2013: 36). The legislative boundaries of the assemblage therefore seem to be largely subjective. Drawing on the concept of subjectivity mentioned in the theoretical part of this research, the different legislative pools of the assemblage can be said to "make" the actors fit certain roles; yet, the space to experience agency leaves the actors with a possibility to define themselves and the boundaries of the assemblage (Krause and Schramm 2011).

3. Deployment of the "Pull Factor" Argument

In the beginning of October 2013 a boat with 500 migrants on board sunk off the Italian island of Lampedusa, leaving 350 migrants, mostly from Eritrea and Somalia (Appendix V), at the bottom of the Mediterranean Sea (Hartikainen 2014: 1). Only a few days after this tragic loss of life, another disaster followed, costing a further 34 migrants from Northern Africa their lives (Ibid.). "In light of the resulting international and domestic outcry, the Italian government launched Operation Mare Nostrum" (meaning "Our Sea") (Borelli and Stanford 2014: 65) on 18 October 2013. According to the official discourse, carrying out SAR operations has been the main objective of this operation (Carrera and Den Hertog 2015: 5). Mare Nostrum was an extension of the operation Constant Vigilance, which was carried out by the Italian navy since 2004 (Dimitriadi 2014: 12). By deploying aircraft, naval units and staff from the Army, the Navy, the Air Force, the Customs Service, the Carabinieri, the Coast Guard, the Police and other national agencies in SAR activities, the operation has been regarded as "unprecedented in scale and scope" (Ibid.). Until October 2014, Mare Nostrum's operational area, which encompassed around 43,000 square kilometres, stretched way beyond the territorial waters of Italy into the Maltese and Libyan SAR zones (Amnesty International 2014: 23). It cost the Italian government €9 million a month, and by the last days of October, it had saved 150,810 persons (Carrera and den Hertog 2015: 4).

Yet, the Italian-launched operation, which strengthened the position of national actors in the assemblage, ended at the end of October 2014 without having a suitable successor (Amnesty International 2014). According to the EU Home Affairs Commissioner, Cecilia Malström, the Frontex-led Operation Triton, which began in November 2014 and has represented a limited version of an EU sea mission, has not been put forward to replace Mare Nostrum (Carrera and den Hertog 2015: 8). At political level, several arguments - such as the Italian financial "unsustainability" argument (Travis 2014) or Frontex's "incapacity" reasoning (Carrera and den Hertog 2015: 8) – have been used to justify the change in scope of the SAR operations. Nevertheless, this section will zoom in on the "pull factor" argument, which has become a recurrent feature in the speeches of Italian and European political elites (Fox 2014; Nielsen 2014). This argument has become a marker of Mare Nostrum's termination and the failure of Operation Triton to provide substantial SAR services (Borger 2015; Davies and Nelsen 2014). This section will in particular try to examine how the "pull factor" argument can be used as a discursive strategy that would contribute to the making and unmaking of the Central Mediterranean SAR assemblage. The discursive strategies are here perceived as texts that producers employ on various levels in order to achieve ideological or political aims (Haig 2008: 33). They are used to construct a version of things and events in a way that fits a particular purpose (Ibid.).

With the termination of Mare Nostrum, suggestions that SAR operations have actually led to increases in migration flows have become a recurrent feature in the political statements across Europe (Hartikainen 2014: 2). On national level, the "pull factor" argument made its way into the transcripts of Italy's right wing parties (Dinmore and Segreti 2014). Matteo Salvini, the leader of the Italian Northern League party, called for the termination of Mare Nostrum, which, according to him, contributed to the exodus of migrants from Northern Africa to Europe (Ibid.). He added that the operation should be abolished, as the "Italian citizens end up financing the people smugglers and an invasion of [the Italian] coast" (Fox 2014, own emphasis). In its statements, the Northern League was supported by several members of Silvio Berlusconi's party Forza Italia, who labelled Mare Nostrum undesirable (Carrera and den Hertog 2015: 5). Maurizio Gasparri, one of the deputy speakers of the Italian Senate, went so far as labelling the operation a "taxi service" for migrants who aimed at reaching the European shores (Dinmore and Segreti 2014). According to him "Italy was in effect assisting the merchants of death who profit from human trafficking" (Ibid.). Openly expressing such concerns closely before the elections to the European Parliament in May 2014 highlights the political nature of Mare Nostrum (Toenissteiner Kreis 2014).

However, the criticism of the Italian large scale rescue operation has come not only from the ranks of the Italian political elite, but from the actors engaged in the SAR operations themselves. Cannarile, a "Commanding Officer for Search and Rescue for the Coast Guard in Lampedusa", pinpoints that the Mare Nostrum operation played into the cards of human traffickers, for whom the smuggling business became easier as a result (Ibid., 4). Cannarile says that the human traffickers now "tend to use even smaller boats in even worse conditions and with an even greater number of passengers, and save costs on life vests, water, food and fuel, expecting that the boat will only have to make 20-30 miles before being saved by the Italian forces" (Ibid.). He claims that this has led to riskier journeys for migrants as well as riskier SAR operations for the Italian forces (Ibid.).

Furthermore, the "pull factor" reasoning was at close hand to the EU policy makers, whose response to Italy's termination of the large scale SAR operation has been a breach of the EU's pledges of solidarity with its Members and neighbours (Tallis 2015). The EU would not financially support the continuation of Italy's Mare Nostrum, nor would it replace the operation with a similar EU-led Frontex plus operation (Nielsen 2014). Instead, it decided to launch a "border protection" operation managed by the European border agency Frontex whose size and cost would only be a third of the size and cost of Mare Nostrum (Sea Watch). Among the statements stressing Frontex's lack of capacity, personnel, and money and its insufficient mandate to pursue a similar operation to Mare Nostrum, the "pull factor" argument has made its way into the speeches of EU representatives (Kingsley and Traynor 2015, Nielsen 2014). According to Cecilia Malmström, the EU

was not to launch a similar operation to Mare Nostrum, as this operation "increased trafficking intensity on the other side of the Mediterranean, which means that people have been put in even more unsafe vessels and even smaller boats because of the likelihood of them being saved" (Nielsen 2014). Similarly, the head of Frontex, Fabrice Leggeri, points out that "stepping up search-and-rescue operations would only encourage desperate migrants to risk the passage" to Europe (Kingsley and Traynor 2015). Leggeri adds that Frontex should not support the business of human traffickers, who can use the presence of European boats in Libyan waters as an advertising strategy (Ibid.).

Some leaders of the EU Member States even used the "pull factor" argument to justify their non-involvement in the limited Frontex-launched Operation Triton (Travis 2014). The British Foreign Office minister Lady Anelay explained that the United Kingdom was not taking part in Operation Triton (besides providing one debriefer) because it does not "support planned search and rescue operations in the Mediterranean", as they contributed to "an unintended pull factor, encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths" (Ibid.). The decision on the European level to refuse support to the Italian Mare Nostrum and to replace it with an operation much smaller in scope was justified along similar lines by the Home Secretary Theresa May (Ibid.). The British immigration minister, James Brokenshire, justifies her decision by highlighting that the SAR operations have had "the unintended consequence of placing more lives at risk" (Travis 2014).

The "pull factor" idea that occupied the "national and EU policymaking circles" made the large SAR operations seem unwanted (Carrerra and den Hertog 2015: 10). It further de-legitimized the extensive SAR efforts of other actors involved in the SAR assemblage. When on 9 May 2015 Médecins Sans Frontières announced the launch of its own SAR operation in the Central Mediterranean, the media opted for assigning the operation a "controversial" label (Freeman 2015). The launch of the organization's Bourbon Argos boat, which aims at providing "additional search and rescue support in the Mediterranean" (MSF 2015e), is said to stand in direct opposition to the British government's belief that SAR operations encourage more migrants to embark on the dangerous journey for a better life (Freeman 2015). According to some sources, it is likely that that the organization's initiative will face "opposition from anti-immigration groups in both Malta and Italy, who say that search and rescue operations encourage further people trafficking" (Ibid.). According to a Maltese columnist, Pamela Hansen, MOAS, "the first privatelyfunded mission to assist migrants at sea" (MOAS), which is funded by Christopher (American) and Regina (Italian) Catrambone, might face similar criticism (Cacciottolo 2014). Yet, neither the Italian nor the Maltese government gave any official statement concerning the activities of the private initiatives in the Mediterranean Sea (Cacciottolo 2014).

Although they have been confronted with the "pull factor" rhetoric at the political levels, and the "pull factor" was presented as a boundary against actors getting involved in SAR operations, the new actors of the SAR assemblage have challenged the discursive strategies of party leaders by questioning the truthfulness of their claims. The MSF's general director, Arjan Hehenkamp, stressed the fallacy of the "pull factor" argument (Freeman 2015). According to Mr. Hehenkamp, who voices the arguments of many other human rights defenders as well, "those who rescue do not create the problem" (Ibid.). He argues that the initiative of MSF does not encourage people to embark on the dangerous journey towards Europe, as migrants have been already crossing the Mediterranean Sea for years (Ibid.). In MSF's official statements, the "pull factor" argument is presented not as the EU government's means to save migrants' lives, but as its means to keep migrants out of sight (MSF 2015). Similarly, Martin Xuereb, the director of MOAS rescue operations, argues that abandoning SAR in the Mediterranean "has not discouraged these desperate migrants from risking their lives in dangerous crossings... it has only led to more deaths" (McKenzie 2015). Such an opinion is seconded by another privately-funded SAR initiative, Sea Watch, which set out from Germany towards the Central Mediterranean Sea in April 2015 with a precise goal of saving lives (Barry 2015). A German entrepreneur, Harold Höppner, who is a leader of the civilian initiative, denies that large SAR operations have a negative impact on the number of migrants drowning on their way towards Southern Europe (Ibid.). Together with the UNHCR and IOM, he refutes the "pull factor" hypothesis (Sea Watch).

Moreover, the renunciation of the "pull factor" argument seems to come together with a kind of "if you won't then we will" logic. The fairly new actors of the SAR assemblage do not only challenge the political discourse by denying that SAR operations make the job of people smugglers easier, but they further accuse the European Union and its Member States of pursuing inhuman politics which are killing people (MOAS; Sea Watch). In response, the human rights and civilian initiatives are ready to fill the gap which was created by the termination of Mare Nostrum (Fadel 2015). Matteo de Bellis from the Italian branch of Amnesty International argues that "the fact that private citizens are feeling that they need to intervene and provide search and rescue services is a clear indication of the fact that there is a clear gap, and the gap is [the] lack of [a] service to provide search and rescue in the Central Mediterranean" (Ibid.). His argument resonates with MSF's justification of their SAR initiative, which serves as a "part-replacement for operation Mare Nostrum" (Freeman 2015). Similarly, Ms. Catrambone explains that MOAS could be seen as "an answer to Mare Nostrum asking for help" (McDonald-Gibson 2014). In her words, privately funded boats can be an essential resource when it comes to saving migrants from the claws of the Mediterranean Sea (McDonald-Gibson 2014). Harold Höppner also sees the need for the creation of a civilian SAR service (Sea Watch). According to the German entrepreneur, if the EU is not willing to save migrants' lives, his Sea Watch boat is willing to take on the responsibility (Sea Watch).

It seems that the deployment of the "pull factor" argument has shaped the Central Mediterranean SAR assemblage in various ways: this discursive strategy has been used as an entry point into as well as an exit point from SAR. At the political level, the "pull factor" argument can be perceived as the policy makers' discursive strategy aiming at a justification of their actions. The "pull factor" rhetoric deployed by politicians at national and European levels can be understood as a means to strategically justify the termination of the Mare Nostrum operation, Triton's limited scope and certain players' non-involvement in Operation Triton. The argument seems to construct a version of SAR in which the rescue operations are represented as undesirable. It is negotiated as a boundary, which automatically establishes certain national and regional actors as outsiders of the assemblage. This boundary has been established for the Italian Navy, as the aircraft and vessels which were specifically used for the Mare Nostrum operation (Ministero Della Difesa) have been disassociated from the extended large scale SAR operations and retreated from rescues in international waters after the operation's termination (Kingsley 2015). Similarly, among other arguments, the "pull factor" argument helped policy makers in Brussels and Frontex representatives to keep up their limited involvement in rescue operations, and it provided national policy makers (for example, those in the UK) with a tool to disassociate their ships from direct involvement in the assemblage.

However, the "pull factor" boundary does not seem to be interpreted as a boundary by all actors. Besides a confession of one of the commanding officers for SAR in Italy, who also acknowledged the existence of a "pull factor" (Toenissteiner Kreis 2014), this understanding of the boundaries of the SAR assemblage does not seem to be appropriated by other actors. There were no other recorded voices of fishermen, captains of merchant vessels or leaders of the human rights and civilian initiatives that would suggest the existence of the "pull factor" as a boundary for involvement in rescues. In fact, the NGOs, such as MSF, and the representatives of the private civilian initiatives seem to draw on the fallacy of the "pull factor" argument to establish their place in the assemblage (Freeman 2015; MSF 2015). Together with the "if you won't then we will" rhetoric, MSF, MOAS and Sea Watch have at times used de-legitimizing of the "pull factor" as a counter-strategy for justification of their involvement in SAR. These new actors that claim their space in the assemblage now provide SAR services in the Central Mediterranean (MOAS; MSF 2015; Sea Watch).

The decisions at national and European levels to scale down SAR and to drown a migrant to save a migrant (Hodges 2014) have not discouraged migrants from attempting to reach European shores. Rather than leading to a decrease in migration flows, as the "pull factor" suggests, the shrinking of SAR operations in the Central Mediterranean has led to more migrants drowning in the Mediterranean Sea (Appendix II) (Amnesty International 2015b). The withdrawal of the Italian Navy and the reluctance of Frontex to enter the assemblage have been matched by many more migrants losing their lives at sea (Ibid.). By defying the "pull factor" boundary and entering the assemblage, MOAS, Sea Watch and MSF have been partially able to compensate for the gap in national and European SAR services. These actors have not been directly prohibited from entering SAR, but they have faced several obstacles ranging from their inability to obtain boat registrations (MOAS is flying under the flag of Belize) (Cacciottolo 2014) to the impossibility to dock at Italian harbours (MSF could not disembark 700 migrants) (MSF 2015c). By overcoming difficulties and criticizing the policies at various levels, the civilians and NGOs force the "pull factor" argument out of the assemblage and draw the national and European actors back in.

4. Sticking to the Script and Actors' Involvement in SAR

It is said that this "gap" in SAR services created after the termination of Mare Nostrum and referred to by the civilian (MOAS and Sea Watch) and nongovernmental actors (MSF) has drawn other private actors - such as commercial ships or fishermen - into the Central Mediterranean SAR assemblage (BBC 2014; Haynes 2015; Moloney and Paris 2015; Rider 2015; Schuler 2015). These actors, which have been involved in upholding the SAR tradition for years (FRA 2014; Haynes 2015; ICS 2014a), are particularly interesting, as their original scripts do not primarily put forward expectations of SAR. This section focuses on outlining the significance of actors' pre-existing scripts, which seem to stem from their membership in other assemblages, for their inclusion in or exclusion from the assemblage. It further tries to examine the relevance of script following for creation of assemblage boundaries. The section starts firstly by outlining the significance of the "economic actor" script of merchants and fishermen. It then explores the "border management" script of Frontex, which shapes it into a "border management" actor (Kingsley and Traynor 2015), and it finishes by focusing on the few actors who operate in the Mediterranean Sea with the goal to save lives. The section conceptualizes script as a form of governing of a body of interferences (Abelson 1981: 717). It can be defined as an "expectation bundle" directing "cognitive processing toward the appropriate interference" (Ibid.). Actors are said to "behave a script", which means taking on particular roles and performing those roles (Ibid., 719).

The importance of actors' pre-existing scripts for their involvement in SAR becomes apparent when one considers the discourses of several owners of merchant vessels and the leaders of shipping industries that stress their economic priorities (ICS 2014b; Moloney and Paris 2015; Montenegro and Siegfried 2015; Wieners 2015). The SAR operations have been portrayed as financial and time burdens of merchant vessels that are inflicted upon their obligations as economic actors (Ibid.). In the official ICS Response to the Request from UNHCR to Provide Recent Information on the Involvement of Merchant Ships in the Rescue of Migrants at Sea the ICS recognizes that the rescues of migrants in the Mediterranean have cost the shipping industry time and money in particular (2014b: 4). The ICS further suggests that the financial costs of rescues should be minimized (Ibid.). By referring to bunker costs, supply costs, and time costs, for which the shipmasters can be penalized, the ICS portrays its association with SAR activities as an economic burden (Ibid., 5) inflicted upon the performance of commercial vessels' economic script.

At IMO's meeting in 2014, convened to address the mixed migration flows through the Mediterranean Sea, the shipping industry again took on the role of an economic actor by pinpointing that it can no longer bear the financial costs of rescues (Montenegro and Siegfried 2015). According to the Secretary General of the ICS, Peter Hinchliffe, each of the eight hundred rescues performed by a merchant ship in the Mediterranean Sea cost the shipping industry \$50,000 to \$80,000, "depending on how long the emergency delayed delivery of their cargo" (Wieners 2015). When in September 2014, the Italian Maritime Rescue Coordination Centre ordered oil tankers owned by the company Mediterranea di Navigazione S.p.A. to carry out a SAR operation for 600 migrants coming to Europe from Libya, the costs inflicted upon the group were over \$100,000 (Moloney and Paris 2015). The managing director of the oil tanker company, Paolo Cagnoni, argues that the merchant vessels can no longer bear the burden, suggesting that he will soon change "his vessels" routes to avoid the flow of migrant boats" (Ibid.). The Secretary General of IMO adds that the disproportionate costs that the shipping industry has to face put the international maritime tradition in danger (The Maritime Executive 2015). The expectations that merchant ships will perform SAR operations are therefore portrayed as endangered precisely because of the shipping industry's need to perform its economic role.

Furthermore, it is argued that as economic actors, the merchant ships are illequipped to pursue SAR operations for migrants in the Central Mediterranean Sea. The commercial ships are labelled technically unsuitable for large SAR operations (Moloney and Paris 2015). Li, in her explanation of practices of assembling, mentions that technical descriptions are often drawn into the assemblage as forces that would "gloss over tensions to make the assemblage appear far more coherent than it is" (2007: 270). She describes this *rendering technical* as the work that brings various elements together through "extracting from the messiness of the social

worlds, with all the processes that run through it, a set of relations that can be formulated as a diagram in which problem (a) plus intervention (b) will produce (c), a beneficial result" (Ibid., 265). While the leaders of the private civilian and human rights initiatives such as MOAS and MSF indeed suggest that their properly equipped and designed boats (b) can contribute to efficient SAR operations (c) that can help to manage the problem of so many migrants drowning in the Mediterranean Sea more efficiently (a) (MSF 2015d; Rider 2015; Shettar 2015b) and use the rendering technical as an association tool with the SAR assemblage, this is not the case for captains of merchant vessels.

Although several leading figures from the commercial shipping industry also suggest that properly equipped and designed boats (b) will contribute to efficient SAR operations (c) that will help to manage the problem of so many migrants drowning in the Mediterranean Sea more efficiently (a) (gCaptain 2015), they do not present themselves as the right actors for the job. Peter Hinchliffe argues that merchant boats "are really not best equipped to deal with such large-scale operations involving hundreds of people" (Ibid.). The merchant ships are not only said to have crews of around twenty seafarers who are insufficiently trained in SAR operations, but they also lack medical support and equipment such as life jackets and life buoys (Moloney and Paris 2015). According to Maersk Line's head of incident and crisis management, Steffen Conradsen, the container ships that are packed with containers do not manoeuvre easily enough to carry out large SAR operations and save hundreds of people (Moloney and Paris 2015). The SAR operations are a delicate practice, and "it takes incredible seamanship to bring a tanker alongside an overcrowded dinghy without crushing it" (Wieners 2015).

The technical unsuitability argument goes hand in hand with propositions that SAR operations pose a health, safety and security risk to the crews of the merchant boats and the migrants (Aliyu 2015a; Hughes 2015; ICS 2014 a, b). In fact, the heads of the ESCA, the ETF, the ICS and the ITF point to the unacceptability of the safety and health risks that the merchant ships and seafarers have to face during large SAR operations (Rehder et al. 2015). Such concerns are similar to those of fishermen, who are not only afraid of the damages that their boats and they themselves can suffer (FRA 2013: 35), but who also claim that SAR activities keep them from performing their "fish for profit" script (Ibid.). Because of the costs, delays, damages or risks, "despite a strong tradition of rendering aid in SAR operations, Italian boat owners' attitudes towards the arrival of migrants by sea are changing and they may choose to fish in areas far from the routes taken by migrants." (FRA 2013: 36)

Both the representatives of the shipping industry and certain fishermen can be said to draw on a bundle of expectations highlighting their economic role. When it comes to actors' involvement in SAR operations in the Central Mediterranean Sea, this expectation bundle, a script, can create a means of entry to and exit from the assemblage. In the case of merchant vessels, the emphasis on financial and time burdens of the SAR operations and the portrayal of rescue operations in the Mediterranean Sea as an infringement of actors' economic obligations establishes these actors as "outsiders" of the assemblage. The division line between merchant vessels and SAR is further bolstered by highlighting their technical unsuitability for rescue operations and the health, safety and security risks which their crews can face when performing the rescues. These arguments are in line with the "economic actor" script, which does not require merchant vessels to be specifically equipped for rescues. Furthermore, the shipmasters' practice of switching off radars and changing the normal routes of operation in order to avoid encounters with migrants' boats (BBC 2014; Moloney and Paris 2015) can be read as behaving according to a script and a performance of the merchant vessels' economic role.

Similarly, by portraying the SAR obligations as an infringement of their original "fish for profit" script, some fishermen are able to distance themselves from the assemblage. This script also does not require them to design their boats in a way that would be suitable for SAR. Moreover by performing the script and changing the fishing routes in order to avoid migrants' boats (Moloney and Paris 2015) or simply by ignoring the sinking dinghies of the migrants (Council of Europe 2012: 10), the fishermen strengthen the boundary of the assemblage. It seems that some representatives of the shipping industry and fishermen perceive their economic script as a boundary of the SAR assemblage. This has an impact on their involvement in and preparedness for SAR operations. The performance of the actors' script can become a death sentence for migrants on their way to Europe. Yet, the "economic actor" boundary has, again, not been negotiated among all captains of merchant boats and fishermen, as many of them still get involved in SAR operations. 6

While for some captains of merchant vessels and fishermen, the "economic actor" script can represent a boundary of the assemblage, for Frontex it is its "border management" script. After replacing the Italian Mare Nostrum with Operation Triton⁷, the representatives of Frontex and the EU have tried to distance this

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⁶ Besides saving around 40 000 people in 2014, between January 2015 and the middle of April 2015, almost 1 000 commercial vessels have already gotten involved in rescues (ICS 2015). Fishermen are often also directly involved in rescue operations (FRA 2013: 35).

⁷ The Frontex-coordinated Joint Operation Triton was launched in November 2014 as a response to requests made by the Italian government (European Commission 2014a). This operation, which replaced two previous Frontex-coordinated operations, Hermes and Aeneas (Deutsche Welle 2014), definitely did not reach the scope of Mare Nostrum (European Commission 2014a). With three patrol vessels, two fixed wing surveillance aircraft, "seven teams of guest officers for screening/identification and debriefing/intelligence gathering purposes", a budget of €2.9 million per month (Ibid.) and an operational area of 30 nautical miles of the Italian shore (Kingsley and Traynor 2015), the operation represented a miniature version of the Italian Mare Nostrum. As has been mentioned, the limited scope of Triton has been harshly criticized by private actors in SAR (Aliyu 2015a; BIMCO 2015; McKenzie 2015; Montenegro and Siegfried 2015; Schuler 2015). Moreover, the ICS and the ESCA (Schuler 2015) as well as various other NGOs, such as Amnesty International,

European agency from the area of SAR by referring to Frotnex's mandate (The Irish Times 2015), to the script that Frontex should follow. Firstly, the discourses institutionalized at the European level provide that Frontex should be tasked "with improving the coordination of operational cooperation between Member States in the field of external border management" (Council Regulation 2007/2004). It is not for Frontex to replace the EU Member States in fulfilling their obligations (Wolff 2008). As Sarah Wolff states, based on Frontex's legal basis, the EU Member States should be responsible for the implementation of their border management activities (Ibid.). Frontex's role is primarily to assist and coordinate the border management activities of Member States (Ibid.). Operation Triton is therefore to play a supportive role for the Italian authorities in their border surveillance and humanitarian efforts (European Commission 2014b). In the words of Commissioner Malmström, Triton should not liberate Italy from its border control and SAR obligations (Ibid.).

Moreover, although the priority of saving lives is acknowledged, it might not be a priority for Frontex, the focus of which lies with border control and surveillance of the EU's external border (Frontex 2014b). As Frontex's official Call for Participation of the EU Member States in Joint Operation Triton reads, "while saving lives is an absolute priority in all maritime operations coordinated by Frontex, the focus of Joint Operation Triton will be primarily border management" (Frontex 2014a). With its limited mandate, Triton is in no way a substitute for Mare Nostrum, as Judith Sunderland says (ECRE 2014). In light of the April 2015 tragedies on the Central Mediterranean sea-route to Europe, the head of the EU border agency, Fabrice Leggeri, still claims that Operation Triton is not and will not become a SAR operation (The Irish Times 2014). He suggests that Frontex-operated maritime patrols should not prioritize saving of migrants from drowning (Kingsley and Traynor 2015). According to Leggeri, "Triton cannot be a search-and-rescue operation. [...In its] operational plan, [it] cannot have provisions for proactive search-and-rescue action. This is not in Frontex's mandate, and this is in my understanding not in the mandate of the European Union" (Ibid., own emphasis).

Frontex's mandate endowed with expectations which are limited to coordination and assistance in border management activities of Member States represents a script that allows for a disassociation of Frontex from the assemblage. Frontex is able to draw on this script and portray itself as a border management coordination body which is an outsider of the SAR assemblage. By behaving according to the script, performing its border management duties and sticking to its role as an informant of the national SAR coordination centre rather than pursuing the SAR operations on its own (European Commission n.d.), Frontex actively excludes itself from the assemblage. This can have a profound impact on the success rate of SAR

Human Rights Watch or Save the Children, have called for a European version of Mare Nostrum, forcing Frontex to re-enter the SAR assemblage (Borger 2015; Kingsley and Gayle 2015).

operations as well as on the viability of the Schengen zone – one of the "most significant and popular achievements of European integration" (Tallis 2015). The elimination of internal borders went hand in hand with the creation of shared borders between the EU Member States (European Commission 2015). However, the unwillingness of EU Member States to share the burdens of migratory flows with countries facing extreme migratory pressure can make them question the benefits of common borders. By leaving nation states to bear the burden of recues, the EU breaks its pledges of solidarity and challenges the integrity of the Schengen zone (Tallis 2015).

Nevertheless, it can be said that Frontex's "border management" boundary is not solid and cemented, but rather porous and fluid. Frontex is able to cross this boundary and take on a role of a search and rescue actor. Between January 2015 and April 2015, it was Frontex's craft that rescued 5,000 out of the 16,000 rescued migrants in SAR operations (Borger 2015). Furthermore, at the end of April 2015, the EU tripled the resources for Operation Triton (Sridharan 2015). According to Amnesty International, this boost in resources was much needed (Amnesty International 2015a). Based on Amnesty's figures, since the increase in resources for Frontex's joint operation, the number of deaths in the Mediterranean has fallen from one in 16 people dying on their way to Europe to one in 427 people (Ibid.). In fact, the European Union has tried to improve Frontex's human rights record since 2010, when new guidelines for Frontex sea operations incorporating fundamental rights and the principle of non-refoulement⁸ were promised (they were adopted in 2014) (UNHRC 2013). Moreover, the revised Frontex Regulation from 2011 has set up an office of a Fundamental Rights Officer and established a Consultative Forum on Fundamental Rights "with an advisory role in providing policy advice" (Ibid.). What has not yet changed, however, is Frontex's mandate, which can be still used as a means of Frontex's exclusion from SAR.

However, scripts do not always have to serve as points of exclusion from the assemblage. In fact, some actors seem to have their particular scripts at hand to enter and claim their space in the assemblage. In Italy, the Italian Coast Guard, Guardia Costiera, is authorized by its script to carry out SAR operations in areas way beyond the Italian territorial waters (Guardia Costiera). Founded in 1865, Guardia Costiera transformed into an Italian SAR body in 1994 with the Italian enforcement of the 1979 Hamburg Convention (Ibid.). Furthermore, the establishment of the Italian Maritime Rescue Coordination Centre went hand in hand with the establishment of the Italian Coast Guard as the competent National Search and Rescue Authority (Ibid.). Guardia Costiera itself lists the performance of SAR activities as one of its major tasks (Ibid.). According to its official website, "search

⁸ The principle of non-refoulement is included in Article 33 of the 1951 Geneva Convention (Trevisanut 2008: 208). The State Parties to the Geneva Convention are obliged not to return an individual or a group of persons to a territory where they can face prosecution (Ibid.)

and rescue at sea [is] the primary commitment of the Italian Coast Guard" (Ibid.). Established as the major Italian SAR body, the Coast Guard regularly intercepts migrants' boats in distress, coordinates SAR operations in the Central Mediterranean and provides first aid to persons found in danger at sea (Bialasiewicz 2012: 856). It is also praised for its commitment to saving lives (OHCHR 2012). By enacting its "search and rescue" script and taking on the role of a national SAR body, Guardia Costiera is able to consolidate its position within the SAR assemblage.

However, the Italian Coast Guard remains the only national body specialized in SAR. No international or European requirements have been set for the establishment of other bodies that need to be designed specifically for SAR (Scheinin, Burke, and Galand 2012). The private actors claiming to just be "out there to save lives" do not only follow their "search and rescue" script, but they also devise that script. They enter the Central Mediterranean SAR assemblage by highlighting their humanitarian duty of saving migrants' lives through SAR operations (MOAS; MSF 2015; Sea Watch). The leaders of MSF, MOAS and Sea Watch have established saving of migrants in danger at sea and SAR as their primary mission and regularly stress these goals in their speeches (Wieners 2015; Rider 2015; MSF 2015d; MSF 2015e). By referring to SAR operations as their priority and by enacting this priority in practice, the private human rights and civilian initiatives establish themselves as SAR bodies and enter the assemblage. As mentioned above, the technical optimization arguments also help these actors to justify their place in the assemblage (MSF 2015d; Rider 2015; Shettar 2015b). As Christopher Catrambone notes, with "hundreds of life jackets, lots of food and water and a fully stocked clinic" (Rider 2015) his boat is prepared for any eventuality.

By following the "search and rescue" script, various actors are able to enter the Central Mediterranean SAR assemblage. Duties and desires to save lives of migrants coming to Europe from Northern Africa become means of inclusion in the assemblage. The primary script of the Italian national SAR body Guardia Costiera already directs it towards interference in SAR operations. Guardia Costiera regularly gets involved in SAR operations accordingly (OHCHR 2012). Moreover, other actors, such as MSF, MOAS or Sea Watch, enter the assemblage by following their desire to save lives. They are taking on the role of humanitarian actors and follow the "humanitarian script" that they have decided to respect. As these humanitarian actors carrying out SAR operations in the Mediterranean (MSF 2015; Ott 2015; Wieners 2015), they also design their boats in a way that fits their role. MSF, MOAS and Sea Watch have been enacting their desire to save lives by providing SAR services in the Mediterranean (Ibid.). They have crossed the boundaries of the assemblage without facing criminal charges or other significant attempts to oust them from SAR.

Conclusion

The actors of the Central Mediterranean SAR assemblage indeed "come and go", and they are involved in the making and unmaking of the assemblage and its boundaries. Embedded in this set of "relationships and things that jostle, co-exist [with], interfere [with] and entangle one another" (Allen 2011: 4), the national, regional and private actors are able to draw on various elements to enter and exit the assemblage and set its boundaries. While some actors have been able to move into the assemblage on the basis of international legislation, various guides and guidelines (ICS 2014a; Frontex 2013), or their duty and desire to save lives (Guardia Costiera; MSF 2015; MOAS; Sea Watch) others have been drawing on elements of the assemblage to exit SAR. Certain fishermen and representatives of commercial vessels have been moving out of the assemblage by taking on the roles of economic actors (ICS 2014 b; FRA 2013). Through performance of its script, Frontex has also disassociated itself from the assemblage. Both actors' scripts and the legislation criminalizing procurement of irregular migration have been portrayed as a boundary for involvement in rescues, and they have been negotiated as meaningful division lines between the actors and SAR.

However, the points of exclusion and the boundaries have not been negotiated among all actors of the SAR assemblage. It seems that one cannot even speak of boundaries negotiated among specific categories of actors. While for certain fishermen, their "fish for profit" script represented a boundary for involvement in the assemblage, for other fishermen this has not been the case. These have chosen to fulfil their international SAR obligation instead (FRA 2014). Similarly, the "economic actor" script has not diverted all captains of merchant vessels from pursuing rescues in the Mediterranean (ICS 2014). The legislation criminalizing procurement of irregular migration has not created a boundary of the assemblage for the entire category of fishermen and other categories (FRA 2013; 2014). Representatives of the shipping industry, MOAS, MSF, and Sea Watch, as well as other fishermen, often refute the boundary created by legislation criminalizing "solidarity" and get involved in SAR operations (MSF 2015; MOAS; Sea Watch). They choose to fulfill their international obligations and their duties and desires to save lives.

The concept of subjectivity outlined in the beginning of this research can help us to understand these irregular rhythms of actors' inclusion and exclusion (Krause and Schramm 2011). The actors of the assemblage can be seen as being in a process of "self-making and being made by power relations" (Ong 1996: 737 in Krause and Schramm 2011: 127). The elements of the Central Mediterranean SAR assemblage can "make" the actors into various subjects which are directed to follow certain rules, scripts and repertoires. The actors are emboldened to succumb to rules and scripts that advise them to pursue a range of various practices. They are directed to

both pursue SAR operations and distance themselves from them. The "search and rescue" script and the international legislation authorizing SAR can be seen as those elements that are "making" actors into SAR bodies. Yet, scripts and legislation can also become elements that distract the actors from rescues. The self-making part of the subjectivity concept and the actors' experience of agency further decide about the actors' inclusion in and exclusion from the assemblage. To some extent, actors seem to make choices about the types of scripts and repertoires that they will follow and about the types of actors that they want to become. The inclusions and exclusions of actors in the assemblage seem to depend on the way in which they experience entanglement in the relations between "the personal, the political and the moral" (Werbner 2002: 3 in Krause and Schramm 2011: 126). Similarly, it can be said that the boundaries of the assemblage are the result of the actors' experience of political subjectivity.

Moreover, the importance of the actors' experience of subjectivity for their inclusion in and exclusion from SAR highlights the instability and fluidity of the power exercised throughout the assemblage. The processes of "self-making" and "being made" can be seen as embedded in power struggle – the struggle over subjection to "efforts to incite, to seduce, to make easy or difficult, to enlarge or limit, to make more or less probable, and so on" (Deleuze 1988: 70 in Loughlan, Olsson and Schouten 2015). The boundaries of the assemblage can be seen as products of this power struggle within the assemblage; the exercise of power becomes manifested in the creation of assemblage boundaries that determine how the lives and deaths of migrants in the Mediterranean Sea are governed. As has been mentioned in the introduction of this research, power can be conceptualized as relational, as held collectively but asymmetrically in the assemblage (Loughlan, Olsson and Schouten 2015). Localized in "connections and translation processes between humans and nonhumans" (Passoth and Rowland 2010 in Loughlan, Olsson and Schouten 2015), power can be mapped as an effect (Law 1992: 387 in Loughlan, Olsson and Schouten 2015).

The exit of certain fishermen from SAR and their translation of legislation criminalizing procurement of irregular migration into a boundary of the assemblage suggest that power can be exercised through establishment of legislative measures. One of the "knots and nodes" of power (Latour 1987: 180; Loughlan, Olsson and Schouten 2015) then seems to lie with the international, regional (European) and national (Italian) decision-makers, who are able to set up laws and policies that impact actors' subjectivities and the establishment of assemblage boundaries. Although legislation stressing actors' international obligation can be also perceived as an effort to incite actors to enter the assemblage, the fact that some of them can still distance themselves from SAR highlights the lack of legislative measures that would keep actors in the assemblage. In fact, the actors' choice to perform the "economic actor" script points to another node of power, which lies with the

representatives of shipping and insurance companies that require the implementation of the actors' economic duties. Their implementation does not require captains of merchant vessels to be specifically equipped for rescues.

Moreover, when one follows Frontex's appropriation of its border management script, which represents a boundary for its involvement in SAR operations, one can also trace the power back to the representatives of EU Member States in Brussels. These have established rules that make Frontex into a border management body whose SAR activities need to be limited to surveillance and monitoring (Frontex 2014). Similarly to politicians in Brussels, who limit Frontex's involvement in SAR activities, politicians at national (Italian) level have been able to scale down SAR efforts by cancelling Mare Nostrum (Carrera and den Hertog 2015). It seems that the lack of power mechanisms within the assemblage gives the Italian and European decision makers the possibility to exit the assemblage. In fact, the SAR Convention represents the only element of the assemblage that legally binds nation states to pursue SAR operations through their specialized SAR bodies (Scheinin, Burke, and Galand 2012). Otherwise, State Parties are just required to enforce the shipmasters' duty of SAR (Ibid.).

Although private actors have called for increased involvement of Italy in SAR operations and advocated the revival of Mare Nostrum (Borger 2015; Davies and Nelsen 2014), they have failed to compensate for the lack of legislative measures obliging nation states to pursue SAR and did not push the Italian decision makers to make changes in their strategy. The amended Frontex regulation and the tripling of Frontex's resources for Operation Triton partially reflect attempts of NGOs and other private actors to force the EU into the assemblage. However, Frontex's mandate still remains unchanged (UNHRC 2013). The private actors therefore often enter the assemblage to fill the gap in SAR services (MSF 2015; MOAS; Sea Watch). Some of them are able to resist subjection to elements of the assemblage that could challenge their involvement in SAR. For example, MSF and MOAS enter the assemblage despite various obstacles, including the impossibility to obtain registration and the impossibility to dock (Cacciottolo 2014; MSF 2015c). Even though the national and European policy-makers do not criminalize the SAR activities of these actors, they also do not encourage them.

It appears that it is through the exercise of power that the shape of the Central Mediterranean Search and Rescue assemblage is determined. Unfortunately, actors' subjection to power can often mean their exclusion from the assemblage. The SAR assemblage can be characterized by mechanisms that make it less probable and more difficult for certain actors (mostly private actors) to get involved in SAR operations. At the same time there seems to be a lack of "the knots and nodes" of power that would "extend everywhere" (Latour 1987: 180; Loughlan, Olsson and Schouten 2015), tying all of the actors (national, regional and private) to the

assemblage. Due to the asymmetrical nature of power, private actors do not have the necessary resources to pressure national and regional actors to extend their involvement in SAR operations. At the same time, the national and regional actors do not seem to be directly trying to influence private actors' subjectivities and pressure them to undertake SAR duties.

Migrants' deaths indeed seem to be the result of the modes of power operating within the assemblage. The profound effect of the power connections and their translations is the death of migrants in the Mediterranean Sea. It is only through changing these connections that the migrants can have a chance of being rescued. Instead of punishing solidarity, legislative measures that punish non-involvement in SAR should be adopted. Obligations of financial reimbursement for rescues should be clearly defined as well. The representatives of the shipping industry should continue in encouraging captains of merchant vessels to pursue SAR by lifting penalties for late deliveries. They should also continue to devise guidelines that require merchant vessels to be specifically equipped for rescues. However, without political will, the SAR assemblage might stay on a "drown an immigrant to save an immigrant" (Hodges 2014) trajectory. The inclusion of SAR into Frontex's mandate and the EU's support for an extension of national SAR activities would be a step in the right direction. The same can be said for encouragement of private actors to enter the assemblage. Without a change of the governments' position, migrants will continue to die in the Mediterranean Sea.

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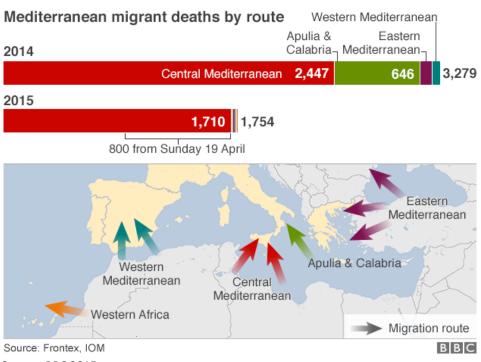
Appendixes

Appendix I: Map of Boat Traffic in the Mediterranean Sea as of 23 July 2015



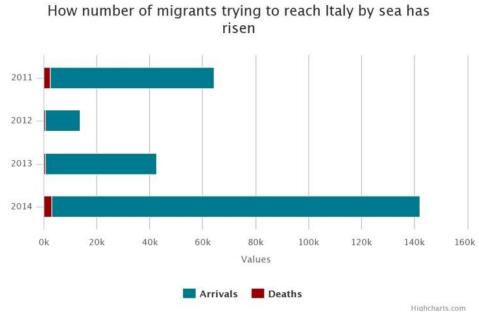
Source: VesselFinder Ltd.

Appendix II: Mediterranean Sea Routes and Numbers of Migrants' Deaths



Source: BBC 2015

Appendix III: The Rise in the Number of Migrants Crossing the Mediterranean Sea



Source: Freeman 2015

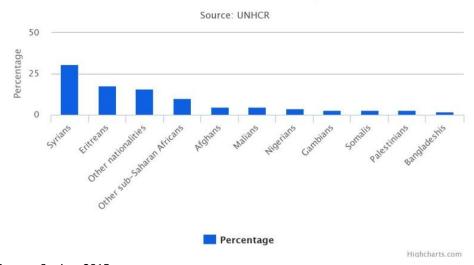
Appendix IV: MSF's Search and Rescue Services in the Mediterranean



Source: MSF 2015a

Appendix V: Nationality of Migrants Crossing the Mediterranean Sea

Syrians and Eritreans were the biggest groups among migrants and asylum seekers making the risky crossing of the Mediterranean Sea last year



Source: Squires 2015