



Cooperation in the context of emergency: search and rescue in the Mediterranean

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Who are we?

- International Medical Organisation
 - Needs-based
 - MSF Charter
 - Humanitarian principles: neutrality, independence, impartiality, medical ethics, do no harm
 - Stand with the victims, in solidarity with vulnerable populations
 - Speaking out as a choice and not a moral duty
 - Use of resources driven by direct impact in the field
 - Negotiated access
 - Moral autonomy
 - 96% private funding
 - Not solution-oriented
 - Self-critical
- The Ethics of Refusal:
MSF's action "... rejects the logic that divides humanity into those who may live and those who must die – humanitarian action is necessarily subversive, since partisans of the established order rarely empathize with those whose elimination they tolerate or decree"
("The sacrificial international order and humanitarian action", In the shadow of Just Wars, Jean-Hervé Bradol, 2004)

Interaction with States

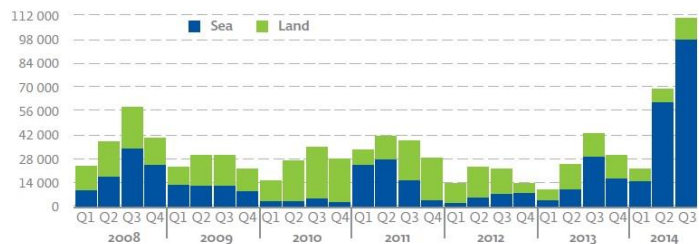
- State of « natural » tension
- Based on promotion of state responsibility and obligations
- MSF legitimacy based on action and direct witnessing
- Level of cooperation and confrontation dependent on the context:
 - Necessary distance (conflict, international crimes, EU-Turkey deal, ...)
 - Desired tension to create leverage (SAR...)
 - Technical support (models of care, HIV care)
- Formal vs « loose » cooperation

Context of the MSF SAR intervention on the Central Mediterranean route

- **218,000 refugees and migrants** crossed the Mediterranean Sea in 2014
- In 2014, **Mare Nostrum** operation led by the Italian navy (rescuing 170,000 people) interrupted in Nov 2014 (“pull-factor”)
- Replaced by **FRONTEX Triton** – limited scope of intervention (138 nautical miles south of Italy – border patrols)
- No sign of migratory trends decreasing beginning of 2015
- Between January and May 2015, **1.806 people had already drowned** at sea
- **Dedicated SAR resources** in Central Mediterranean **deemed insufficient** to respond to increasing rescue needs
- MSF launches operations at sea in May 2015 to fill the gap and save lives
- Other NGOs have launched SAR operations in 2016

Figure 2. Detections of illegal border-crossing at the sea borders have been on the highest level since FRAN data collection began

Total quarterly detections of illegal border-crossing between BCPs, split between detections at the land and sea borders



Source: FRAN data as of 18 November 2014



Context of the MSF SAR intervention on the Eastern Mediterranean route

- **Oct 2015: + 200,000** people crossed from Turkey to Greece
- **Nov 2015: +150,000** people (65% in Lesvos)
- Mortality at sea: **320 deaths between September and November**
- Decentralised distress calls
- No proactive SAR patrolling authorised
- Direct landings
- Lack of ports to provide assistance
- Numerous and dangerous landing points
- Nov 2015: Start of MSF assistance at sea in the Aegean sea in partnership with Greenpeace



Lesvos

Distance
Turkey to
Greece:
6-10 miles

Coastal area
covered by
GP/MSF



Lesvos, Nov. 2015



(Daily) Mass Distress Situations



Pre-requisites for MSF intervention

- Do no harm
- Ability to disembark in a safe harbor (according to humanitarian and human rights standards)
- Broad notion of distress (all unseaworthy boats)
- Sufficient on board capacity (Central Med)
- Presence as close as possible to departure points
- Preventive approach/proactive patrolling
- Independence from anti-smuggling and military operations – respect of humanitarian principles

➤ Negotiations with IMRCC and Mol





Challenges and gaps impacting collaboration

- Sea as “untested” humanitarian space
- State-led SAR mechanisms ill-adapted to the context
- Unclear responsibilities/territorial disputes (Libya/Greece/Turkey SRR)
- Unclear notion of distress
- Provision of place of safety but no default port in the EU
- Pressure on country of first arrival (Dublin)
- History of legal proceedings against rescuers
- Border control agenda as a state priority over rescue

2015-2016: Cooperation between states and NGOs : when SAR was as a shared priority

- SAR became « politically correct » in April 2015
- All rescues done under the coordination of IMRCC
- All ports of disembarkation decided by MoI
- MSF's presence at disembarkation to facilitate relationships with police and Frontex
- Assistance project in Italy in collaboration with reception authorities and MoH
- Regular meetings with MRCC, MoI, EUNAVFORMED, Frontex
- No transfers to military vessels rule

Filters

Vessel

- ☐ Aquarius
- ☐ Argos
- ☐ Dignity I
- ☐ Phoenix
- ☐ Prudence

Type of operation

- ☐ Rescue
- ☒ Transfer

Click on the markers to explore details of operations.

[Find out more about the methodology behind the map >>](#)

425

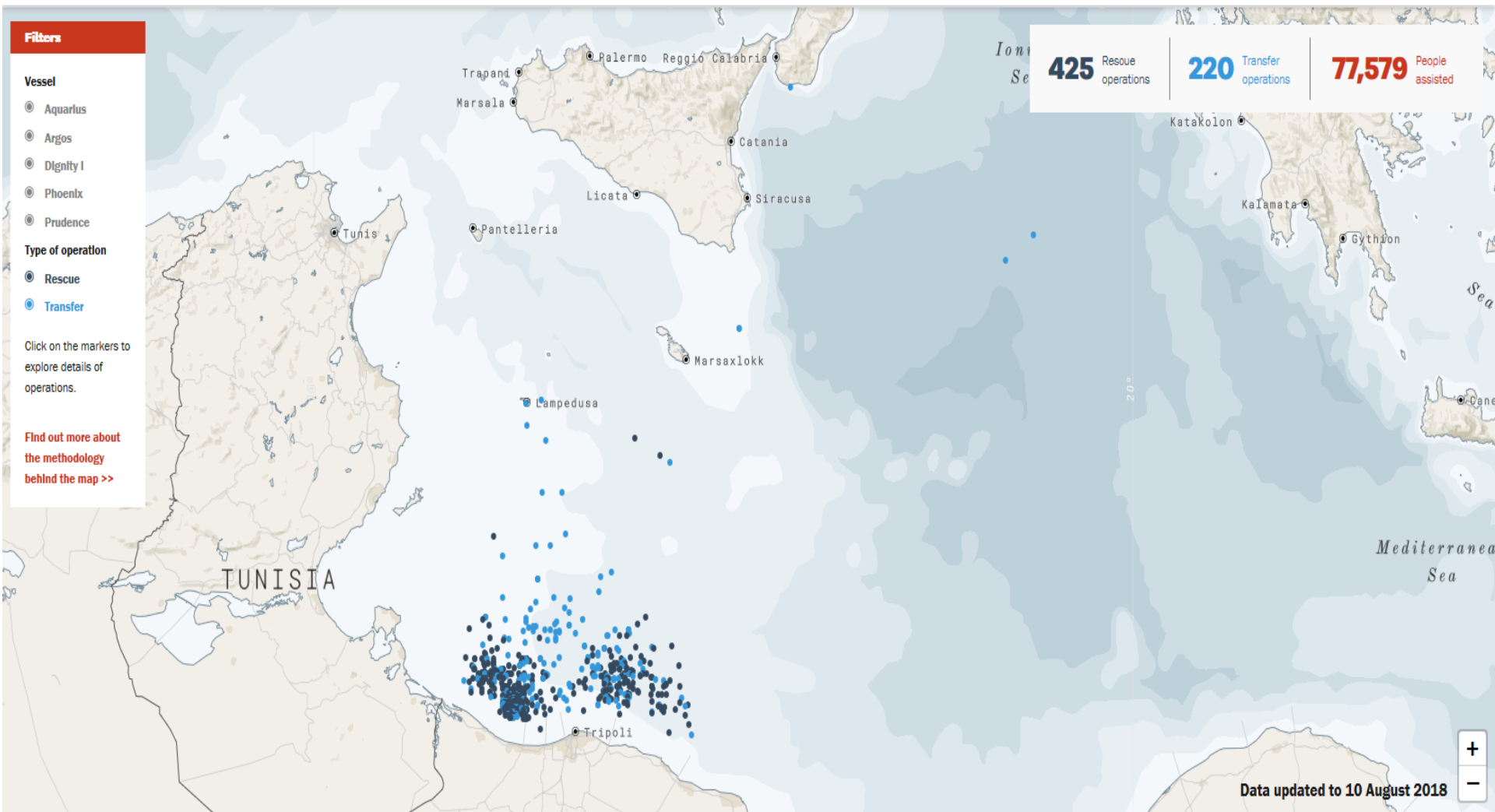
Rescue operations

220

Transfer operations

77,579

People assisted



Data updated to 10 August 2018

1 Jan 2015

31 Dec 2018

1 Jan 2015

Start date

2015

2016

2017

2018

31 Dec 2018

End date

But some unresolved questions...





SAR VP 07/05 ❤️

2017-2018: Rising tensions between states and NGOs at sea and the prioritisation of “containment” over rescue

2

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1

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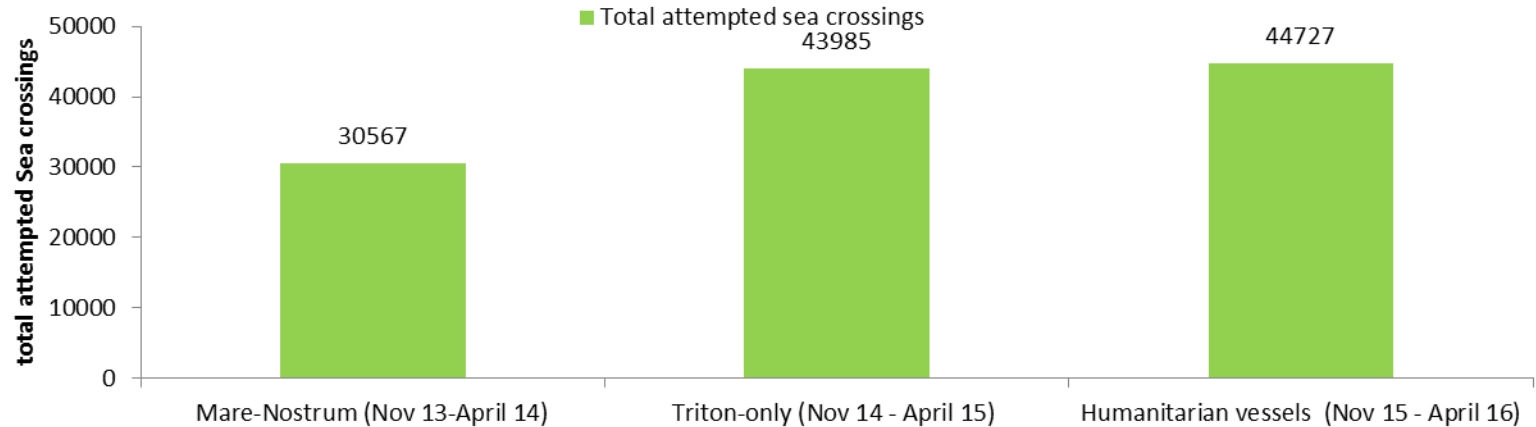
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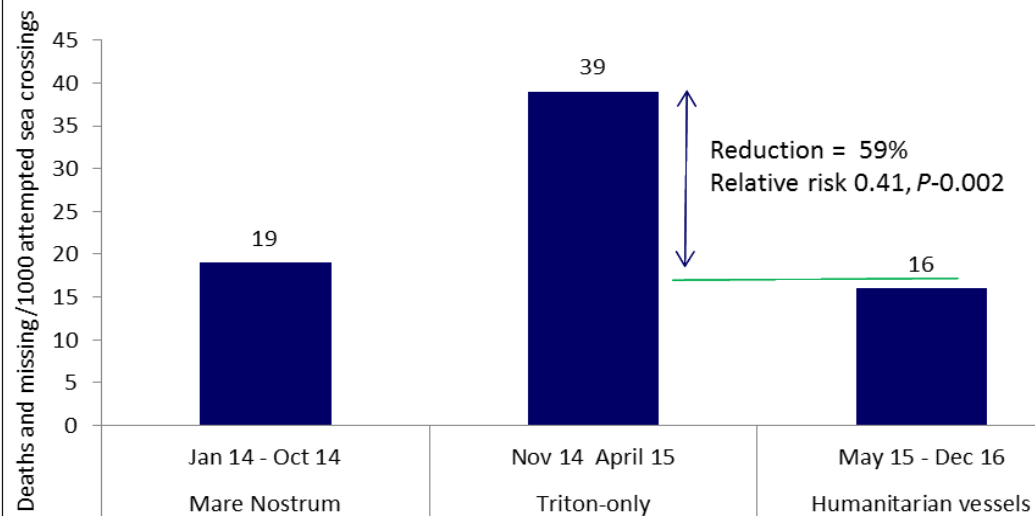
- Peaks of departure in October-November 2016
- Frontex « accusations », deligitimisation of NGOs
- Senate enquiry (no evidence of collusion)
- Judicial investigation opened in Trapani
- Code of Conduct
- « luventa » case
- Libya SAR zone
- Security threats against NGOs
- Decrease/prevention of departures
- « Stand-by » of NGO vessels
- Closure of harbours

What data shows

Total attempted sea crossings: comparing the Triton period with equivalent periods during Mare Nostrum and humanitarian vessels involvement)



**Died and Missing per 1000 attempted Mediterranean Sea Crossings
(Periods: Mare Nostrum, Triton-only, humanitarian vessels involvement)**



Different objectives or different means?

Position of Italy (and EU):

- Unfair burden on Italy
- SAR to be linked to disembarkation in other countries
- NGOs must work with the « system »
- Priority to Libyan rescue
- Cooperation to prevent departures in Italy
- Externalisation of EU borders
- Military naval intervention in Libya

Position of MSF:

- Refusal to validate a less efficient SAR response
- Refusal to become police informant or investigators
- Operations already respectful of legal framework
- Refusal to have armed police on board
- No cooperation with system of refoulement
- Defense of the humanitarian imperative to rescue people in distress at sea
- Refusal to sign the Code of Conduct after negotiations

Today

- Italian harbours closed
- NGOs under investigation in Italy and Malta, boats blocked or impounded
- Mortality at sea rising in Central Med:
 - 1 in 18 persons died trying to cross this year
- Arrivals continue to increase in Greece
 - Dramatic situation in Lesbos

How to resume collaboration and save lives?





Thank you!

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