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Course of International Organization and Human Rights

The interdependence between Italian migration policies and NGOs Search and Rescue Operations: the SOS Méditerranée case

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*~ A Sayed, Ashik, Omar et à tout petit point blanc perdu dans la mer
En quête d'un avenir nuancé de vert*

ABSTRACT

Such a scientific research project examines the interdependence between Italian migration policies and SAR operations, exemplified by the SOS Méditerranée case study. Simultaneously to the intensification of migration flows towards Europe, a striking clash between border security – which has characterised Italian policies shaped in the European context – and humanitarianism and international obligations has emerged. Thereby, the relation between the Italian political, legislative and judicial decisions and the SOS MED operations is considered a keystone for understanding the migration phenomenon and related current issues. Since the preexistent literature lacks research concerning the interdependence between both institutional and non-governmental levels, such a project required a two-fold qualitative analysis. Firstly, it entailed the study of official documents in order to grasp the most salient political orientations, legislative acts and practical actions of the Italian government. Secondly, the efficiency of SOS MED – one of the most prominent NGOs involved in SAR operations in the central Mediterranean since 2016 – was explored through a semi-structured interview with the president of the Italian association. Interdependence implies a mutual reliance between two or more actors. Thus, this study argues that the actions and decisions of one actor had a strong impact on the other and inversely. The strong correlation reveals a system in which the lack of cooperation between SAR operations and migration policies has an impact on irregular and life-threatening voyages. Moreover, it certainly does not prevent migrants from undertaking their journeys but further contributed to the number of fatalities at sea.

Keywords: Border security; Humanitarianism; Migration policies; Central Mediterranean route; Search and Rescue Operations; NGOs; SOS Méditerranée; Interdependence

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LIST OF ACRONYMS

CEAS: Common European Asylum System

D.L.: Decree Law

ECHR: European Convention on Human Rights

EU: European Union

EUNAVFOR MED: European Union Naval Force Mediterranean

GNA: Government of National Accord

HR: Human Rights

IBM: Integrated Border and Migration Management in Libya

IMO: International Maritime Organisation

IOM: International Organisation for Migration

LCG: Libyan Coast Guard

MoU: Memorandum of Understanding

MRCC: Maritime Rescue Coordination Center

MS: Member States

M5s: Movimento 5 Stelle

NGO: Non-Governmental Organisation

SAI: Sistema Accoglienza Integrazione

SAR: Search and Rescue

SOLAS: International Convention for the Safety of Life at Sea

SOS MED: SOS Méditerranée

SRR: Search and Rescue Region

TCN: Third Country National

UNCLOS: United Nations Convention on the Law of the Sea

UNHCR: United Nations High Commission for Refugees

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INTRODUCTION

Although the author Triulzi¹ affirms that “immigration is a permanent feature of human history”, over time there have been some significant evolutions concerning the phenomenon and nowadays migratory dynamics represent an element of a clash between the two sides of the Mediterranean, and thus between the European Union and the MENA countries. While migration can be explored from countless perspectives, including related economic, socio-political, demographic and environmental factors, such a research project focuses on the management of migration flows in the central Mediterranean. Relations between the MENA countries and the European Union Member States have been recently shaken by two phenomena: the Arab Spring and the “refugee crisis”. On the one hand, the context of the emblematic uprisings strongly increased the rate of people in precarious socio-economic conditions; consequently, internal migration movements within North African countries and irregular migration flows to Europe have risen. Such a trend has raised security concerns among the European Member States and pushed the migration phenomenon up their political agenda, thus making it increasingly relevant. On the other hand, the peak of arrivals to Europe was reached in 2015, followed by a sorrowfully parallel increase in fatalities at sea. Nevertheless, border security was supported by a large part of public opinion in the different European countries. Although from 2015 onwards migration consolidated as one of the main topics of the political process at both European and national levels, it began to be perceived as a threat. Moreover, the lack of common responses led the European Union to assume an increasingly prominent role in irregular migration and asylum systems, but deep concerns still persist. Since the institutional side has been featured in such dynamics, new actors have emerged since 2014 to operate at sea. In particular, the proliferation of NGOs specialised in Search and Rescue operations was deemed necessary to bridge the institutional gap. It emerged that the focus on reducing flows and restrictive policies did not prevent migrants from undertaking their journeys but further contributed to the number of fatalities at sea. The coexistence of different actors from 2014 onwards led to the emergence of a clash between the principles of border security and humanitarianism, strongly driven by the duty to save lives at sea. It is worth pointing out that the management of migration flows is addressed from a dual perspective – the institutional and the non-governmental – following the time framework including the 2014-2022 period.

¹ Triulzi, U. (2021). *An Overview of the Changed EU-MENA Economic Landscape: From Cooperation to Migration*. In *States, Actors and Geopolitical Drivers in the Mediterranean*, Francesca Maria Corrao e Riccardo Redaelli, p. 89.

Furthermore, as already mentioned this research project focuses on the central Mediterranean and in particular on migration flows from Libya reaching Italy. Firstly, on the one hand, such a North African country has been for a long time a migratory destination – especially due to the high demand for labour in oil and gas – but the situation started to change in 2011. The beginning of the civil war and the fall of Al-Qadhafi contributed to transforming Libya into a transit land for migrants from Sub-Saharan Africa to reach Europe. Thus, on the other hand, such a geographical area is relevant to capture the Italian responses to the continuous migratory flows from 2014 onwards. Italy is one of the coastal countries most affected by the migratory phenomenon and currently suffers from the flaws of the European asylum system. An evolution in policy decisions is evident when one considers that Italy had planned a commitment to Search and Rescue operations with *Mare Nostrum*, by investing considerable sums of money and providing the Italian Coast Guard with adequate means of control. The main purpose was to save lives at sea. However, there has been an ensuing paradigm shift and Italy started to rely on the European Union. Countering human smuggling and trafficking networks, in addition to terrorist threats, has become an essential component in the fight against irregular migration and rescue at sea has acquired a less relevant dimension. Thirdly, the central Mediterranean is crucial for grasping interdependence since SOS MED – the case study of such a research project – has been operating within the region since 2016. Its collaboration with both the Italian and Libyan Coastguards has gone beyond the political aims of reducing departures from Libya and migrants' Human Rights have been constantly put at the forefront. Indeed, the continuous violations of HR in Libya still prompt NGOs to strongly operate in compliance with the principle of *non-refoulement* and to criticise countries like Italy for externalisation policies.

The description of migratory movements and the overall context, as well as the integration of migrants into Western societies, are well-known subjects to the academic public. Moreover, while there has been substantial research on security borders (Raineri & Rossi, 2017; Kaunert & Yakubov, 2018), externalisation (Stock et al., 2019; FitzGerald, 2020) and humanitarianism related to the emergence of NGOs (Panebianco, 2019; Cuttitta, 2018; Cusumano, 2019), little has focused specifically on the correlation between the institutional and non-governmental sides. In particular, such a relation has never been considered a keystone for understanding the migration phenomenon and related issues that are still relevant today. To fully grasp the current situation of migration flows towards Italy, it is pertinent to gain a more complete picture of the influence that actor A, i.e. Italian migration policies, exerted on actor B, i.e. NGOs operating in the Central Mediterranean, exemplified by the case study SOS Méditerranée.

Indeed, such a research project aims to understand whether restrictive policies both at the European and Italian levels and their possible interdependence with NGO operations, represent one of the reasons for which migrants and refugees resort to irregular, life-threatening voyages. As interdependence implies a mutual reliance between two or more actors, the institutional level and the non-governmental level have been analysed as a reciprocal relation, in which the actions and decisions of one actor could have become the inputs of the other and inversely. A particular focus will be put on the causal links between the Italian political, legislative and judicial decisions and the policy of the NGO, to try to answer the following research question:

**To what extent has the interdependence between Italian policies and SAR operations
– exemplified by SOS MED –
influenced migrants’ and refugees’ life-threatening voyages?**

Moreover, in light of the exposed theoretical framework – Neo-institutionalism – the present proposal aims to verify two hypotheses. The first one concerns the institutional side and thus the case study of Italy, to understand whether the management of the migration phenomenon had an impact on migrants’ resort to irregular journeys. The second relates to the SOS MED case study and addresses the influence that institutions have had over the NGO. Interdependence is a relevant concept to the issues surrounding the migration phenomenon.

Such a research project is organised as follows. Section A focuses on the overall overview of migration flows via the central Mediterranean route, followed by the contrast between securitisation – and thus border security and externalisation – and humanitarianism. Section B focuses on the conceptualisation and theoretical framework, by stressing the research question and design, the hypotheses and the methodology. Section C defines the Italian migration policies from 2014 onwards and the evolutions following a linear timeline to understand the country’s management of migration flows. Moreover, the complex Italian stances take into account the European fabric and the relevant comprehensive approach. Finally, section D focuses on the SOS MED case study with a particular emphasis on the NGO as a prominent humanitarian actor and the Italian policies’ influence on its efficiency. Specific stages have been highlighted to comprehend the cause-effect mechanism. The results of the analysis are finally covered in the conclusion and discussion section, to grasp the impact the overall interdependence had on migrants’ and refugees’ resort to irregular and life-threatening voyages.

A. LITERATURE REVIEW

1. MIGRATION FLOWS VIA THE CENTRAL MEDITERRANEAN ROUTE

To have an overview of migration flows via the Central Mediterranean Route, one can highlight two main factors contributing to those movements: the Arab Spring and the 2015-2016 so-called “refugee crisis”. As the research will follow the time framework including the 2014-2022 period, the overall situation will be analysed from the “refugee crisis” onwards. Without dwelling too much on the details concerning the “refugee crisis”, as it is overrepresented in the academic literature, one should just mention that this term refers to the increasing number of migrants arriving in the Schengen zone. According to McMahon and Sigona², « from 2014 to the end of 2016 over 450,000 people crossed from North Africa towards Italy via the Central Mediterranean route”. If one wants to have a current quantitative frame, the UNHCR published some data which provide an up-to-date view of migration flows in Italy from 2014 to 2022. The peak of arrivals by sea was reached in 2016 as a result of the refugee crisis, with 18.1436 people crossing the Central Mediterranean and reaching the coastal country. 2019 saw the lowest number of arrivals in nine years, reaching 11.471. Today, however, the situation is different compared to the same period last year, as 32.782 arrivals were recorded on 17 July 2021, as opposed to 64477 in 2020³. As one can observe and in contrast with what one might assume, Covid-19 did not affect directly the migratory flows by drastically reducing the number of sea arrivals. The causes of such drastic decreases will be further addressed.

On the one hand, the overall flows from 2015 onwards created a situation in which migration became politicised and the narrative of crisis expanded among the European Member States. The reactions of the European institutions and the Italian government are to be taken into consideration. They are crucial for understanding whether this declaration of the crisis was exploited as a way of legitimating the European Union and its Member states to apply stricter control measures and expand their geopolitical strategies within their neighbourhood. On the other hand, from 2014 there was a proliferation of non-state actors and particularly NGOs which provided humanitarian responses. Their Search and Rescue (SAR) operations are designed to rescue, assist and disembark people crossing the Central Mediterranean, in the case of this

² McMahon, S., & Sigona, N. (2018). *Navigating the Central Mediterranean in a Time of ‘Crisis’: Disentangling Migration Governance and Migrant Journeys*. In *Sociology*, p. 497.

³ UNHCR, *Operational data portal, refugee situations*. Available online: <https://data.unhcr.org/en/situations/mediterranean/location/5205> (Accessed on 17.07.2022)

research project. Through the literature, an interesting point to be stressed is the pole between politics and ethics. It is worth examining whether institutional responses have been characterised by the politicisation of migration, which has turned it into a security issue for the Member States. The concepts of border security, the subsequent migration-security nexus and the externalisation as a way of managing migration will be taken into consideration to highlight the influence they had on the European and Italian policies and their implementations. On the opposite side, it is interesting to explore the humanitarian impact on the Search and Rescue operations conducted by NGOs - exemplified by SOS Méditerranée - and to verify whether they were dictated by a pure desire to rescue and save lives endangered by the crossings. As the focus of this research project concerns interdependence, this section will be briefly analysed to obtain a theoretical concepts overview and will proceed with the analysis of European and Italian policies, which represent one of the two major actors involved in such interdependence.

Although the literature will thus analyse the pole of securitisation – which is assumed to have denoted European and Italian policies – in contrast to humanitarianism, these concepts will be verified later in the sections concerning the policies and the operationalisation of SOS MED.

2. SECURITISATION BOTH AT THE EUROPEAN AND ITALIAN LEVELS

2.1. THE CONCEPT OF BORDER SECURITY

According to Buzan et al.⁴, securitization is “the designation of an existential threat requiring emergency action or special measures and the acceptance of that designation by a significant audience”. With this definition, the most prominent theorist of the Copenhagen School emphasised how the process of securitisation carried out by actors – usually the elite - allows certain problems to be transformed into a threat. It is a political act with important consequences that allows these actors to act differently, outside the political process; as Buzan explained, it consists of a “move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics”.⁵ In that sense, securitisation is a process in which reality is socially constructed, and this social construct can be exploited by different actors to take some measures. Buzan’s prominence and his innovative reflections are

⁴ Buzan, B., Waever, O., & Wilde, J. d. (1997). *Security: a new framework for analysis*. Lynne Rienner Publishers Inc, p. 27.

⁵ *Ivi.*, p. 23

required to understand if such a border security concept nourished the European and Italian policies and was exploited by such institutional actors to apply stricter policies. Indeed, the author argued that security must be rethought as a social relationship and a process of cognitive construction, and it is not a one-size-fits-all concept. According to him, the concept of security can be divided into a material dimension, which can be a vulnerable factor and a cognitive dimension, which can transform the first one into a threat. If one wants to apply such a theory to this project research and the overall migration issue, the border can be considered as a material element that over time became a factor of insecurity and was interpreted as threatening by an actor of the interdependence, namely the European Union and Italy as Member State. Such an interpretation could lead to the implementation of draconian and restrictive measures against those reaching the European and Italian borders.

Moreover, the Copenhagen School underlined how the field of security studies widened and went beyond the usual military issues; by applying to other sectors, the object of security was no more exclusively the State. Other objects could get involved and introduce a security dimension around them⁶. The issue of migration changes dimension when it is analysed under the security spectrum rather than strictly the political one. If one considers the European and Italian policies, one referent object under threat could be the national identity, for example. Although the process of cognitive construction, and thus the perception of the threat to national identity, is often influenced by cultural factors, it is easy to argue that the political class could take advantage of this and increase such perceptions in the public debate, legitimising their political choices. Migration flows and those who manage to cross the shores of the Mediterranean could become propaganda tools to create an “us” and “them” dichotomy. It will be addressed in the following section whether there has been an implementation of restrictive policies in Italy to reject, expel or detain anyone considered a threat to the identity of the country.

Following the core principles of securitisation as presented by Buzan et al., one should decorticate the pivotal points of the migratory flows that have affected the Central Mediterranean Route: the European Union could be considered as a securitizing actor which still establishes legislations concerning the border controls and influences the different Member

⁶ *Op.cit.*

States' security agenda⁷. Migration governance became suddenly an issue of existential threat to European stability and the state of being safe, which is legitimised to protect itself with *ad-hoc* measures. Moreover, the European Union has all the necessary conditions for securitization processes, as it includes different actors including the European Council or the European Commission which, according to the situation, can assume the role of securitizing actors and target their audience. Moreover, the controversial migratory topic acquired a significant role even in national electoral campaigns and the *Northern League* in Italy is an important example to take into account.⁸ This overall analysis is crucial for a more detailed understanding of Italian policies within the European framework. From 2015 onwards, indeed, migration governance became one of the main topics of the policy process, which influenced the agenda setting and the decision-making process, both at the European and national levels. The implementation of some security-based policies is seen by some scholars as a removal of the burden of responsibility on the part of the European Union. One should seek to understand whether Italy followed the same path as the European Union and in which way the contrast between border security, as supported by parts of the public opinion, and humanitarianism and the related international legal obligations emerged.

2.2. THE MIGRATION-SECURITY NEXUS TO DESCRIBE THE POLICY STANCE

The securitisation of migration and thus the social conception that migration should be seen as a threat has driven the development of the migration-security nexus. Even if the link emerged after the Cold War, it was particularly after the refugee crisis in 2015 that the focus was put on border controls and the development of local security practices. The aim was to reduce irregular migration⁹. Raineri and Rossi give an overview of the critical points created by the nexus: firstly, according to them, the tightening of border security could decrease short-term mobility and increase the propensity to migrate irregularly. The impact of the Italian policies on the migrants' life-threatening and irregular voyages will be explored accordingly.

⁷ Kaunert, C., & Yakubov, I. (2018). *Securitization: Turning an approach into a framework for research on EU justice and home affairs*. In R. Servent, & Trauner, The Routledge Handbook of Justice and Home Affairs Research. Routledge, p. 32

⁸ *Ivi.*, p. 14

⁹ Raineri, L., & Rossi, A. (2017). *The security-migration-development nexus in the Sahel: a reality check*. In The Security– Migration – Development nexus revised: a perspective from the Sahel, p. 25.

The intention to reduce irregular migration and the resulting tightening of security practices would not only concern the European and Italian borders. The problem may be shifted to neighbouring countries and attempts to develop local security systems could have a twofold impact: on the one hand, they could result in support for corrupt and criminal regimes and, on the other hand, they could undermine the security balance of the entire region, which may suffer from such a burden¹⁰. In this perspective, the collaboration and cooperation of the European Union but especially of Italy with Third countries including Libya are instrumental in comprehending this approach. The shift in security patterns will be discussed following the institutional point of view, i.e. the first actor of interdependence covered by this research.

Secondly, the security-migration nexus and the consequent policies implemented by political actors may have an impact on migrant's choices: "there is little doubt that the shrinking of legal avenues for regular migration and the rise of criminal organizations as alternative providers of mobility increases the vulnerability of migrants and severely undermines their human security"¹¹. If the European Union and Italy apply restrictive and draconian measures aimed at restricting or drastically reducing both the entry and the chances of admission and integration of international protection seekers, the likelihood of people resorting to alternative and more dangerous methods to fulfil their desire for better living conditions increases. Moreover, the paradox is evident: on the one hand, securitisation is seen as a method to fight terrorism and human smuggling and decrease irregular migration. On the other hand, organised crime and human traffic arise precisely as a result of securitisation.¹² The tightening of European and Italian border controls fit into that logic according to which such practice seems to be the only effective method to avoid migration flows in the central Mediterranean and limit irregular migration. Being inscribed in that body of literature that questions the tightening of border controls, Raineri and Rossi's paper underlines that a migration-security nexus is a dangerous tool which could be employed by populism within the European Member States to cause public anxieties. One can therefore envisage the effect all these circumstances have on migrants' choices and their lives.

¹⁰ Kaunert, C., & Yakubov, I. (2018). *Securitization: Turning an approach into a framework for research on EU justice and home affairs*. In R. Servent, & Trauner, The Routledge Handbook of Justice and Home Affairs Research. Routledge, p. 32

¹¹ Raineri, L., & Rossi, A. (2017). *The security-migration-development nexus in the Sahel: a reality check*. In The Security– Migration – Development nexus revised: a perspective from the Sahel, p. 25.

¹² Ivi, p. 30

2.3. EXTERNALISATION AS A KEYWAY TO MANAGING MIGRATION

Before going into details of the European and Italian policies, to understand whether and in which way this securitisation approach has been implemented both at the supranational and domestic levels following the refugee crisis in 2015, a further focus on the concept of externalisation is necessary. To be more accurate, one should just highlight that borders between the European and Third countries are to be regarded as external borders. According to the authors Stock et al.¹³, externalisation refers to the “extension of border and migration controls beyond the so-called migrant-receiving nations in the Global North and into neighbouring countries or sending states in the Global South”. As one has described in the previous section, the tightening of border security can rely on cooperation with departure or transit countries and such a definition will be later anchored in this research project, analysing the development of the European remote controls as well as the Italian policies.

Strictly linked to the conception of migration as a security threat and thus securitization, externalisation belongs to the various logics of migration governance based mainly on two pillars: on the one hand, there is a more economic conception according to which the political, social and economic costs should be alleviated by transferring the alleged economic burden to third parties. On the other hand, externalisation falls more into a lack of any sense of responsibility concerning migrants’ welfare and safety conditions.¹⁴ This moral-based transfer does not take into consideration Human Rights and neglects some moral values which should belong to each person, by letting them become the responsibility of other countries¹⁵.

Furthermore, such externalisation policies have a social component that reinforces stereotypes about migrants and mobility. By analysing externalisation from a sociological point of view, this specific social relation is transformed into a one-sided and manipulative one. The aim of one of the two parts is to gain more benefits and opportunities and to rely on and increase stereotypical perceptions to have more power over the counterpart. This kind of power relation remains concealed and is never explicitly revealed by the party that wants its will to dominate¹⁶.

¹³ Stock, I., Üstübeci, A., & Schultz, S. U. (2019). *Externalization at work: responses to migration policies from the Global South*. Comparative Migration Studies, p. 7.

¹⁴ *Ivi.*, p. 10

¹⁵ Riccardi, A. (2020). *Externalization of borders and human rights violations: selected themes on the international responsibility of Italy*. In *I flussi migratori e le sfide all'Europa*, Elena Sciso. Torino: G. Giappichelli Editore, p. 111

¹⁶ Stock, I., Üstübeci, A., & Schultz, S. U. (2019). *Externalization at work: responses to migration policies from the Global South*. Comparative Migration Studies, p. 9.

As sociologist FitzGerald explains, extra-territorial action is often conducted in secret or is concealed behind the notion of cooperation, in which there is a collaboration for managing migratory flows among stronger States and weaker ones¹⁷. Stock, Üstübcici and Schultz relate to this mechanism by affirming that “these efforts are increasingly coupled with the instrumentalisation of development assistance like EU development aid for migration policymaking in line with the donors’ interests”¹⁸. Once again, the nexus between security, migration and development is evident; this does not mean that each development aid migration is meant to create power relations, but it underlines the possibility that migration management by the European Union and Italy as Member State can rely on that logic.

Whereas the authors of Comparative Migration Studies focus on this inequality relation in which the global North seeks to impose its will over the global South – mainly considering the point of view of African departure or transit countries – FitzGerald delves into the causes that drive the most powerful states to create such inequality and power relations. According to the sociologist, there has been an evolution of the remote control of refugees and consolidation of such practices, until they have become ordinary in the globalised world in which one lives. In addition, one has to consider that nowadays the border has become a representation of the sovereignty of a state; following this logic, it is necessary to ensure that activities that could endanger have to be carried out outside the territory or directly by third parties. The Human Rights already mentioned by Stock, Üstübcici and Schultz gain an innovative dimension with FitzGerald's analysis, as the increasing relevance of territoriality and thus the migrant's physical space and position influence them. This does not mean that there is a complete disregard for migrants' rights, but it refers more to the selection that migrants have to experience in their countries of origin or transit countries. Still, this aspect emphasizes the lack of responsibility of the most powerful States, namely the European Union and Italy in the case of this research project.

Several academics and research scientists (Stock et al., 2019; FitzGerald, 2020; Gammeltoft-Hansen 2011) agree that the operationalisation of externalisation does not only involve border controls but real management in Third countries and that there has been an increasingly

¹⁷ FitzGerald, D. S. (2020). *Remote control of migration: theorising territoriality, shared coercion, and deterrence*. In Journal of Ethnic and Migration Studies, p.5.

¹⁸ Stock, I., Üstübcici, A., & Schultz, S. U. (2019). *Externalization at work: responses to migration policies from the Global South*. In Comparative Migration Studies, p. 3.

exclusive involvement of actors. If the process has started from a state-to-state relationship, it now includes non-state and private actors as well. However, according to FitzGerald's analysis, this does not preclude the fact that a state-centrist logic promoted by the countries of the Global North still prevails. Indeed, they do not completely monopolise the migration controls, but the common practice is that of countries of destination dictating what should be done to countries of origin and transit. This relationship will be considered for relations between Libya and Italy within the European frame, as explained in the following section.

In the current globalised world, in which the spread of technologies always more sophisticated dominates, the overall externalisation process is facilitated by the interconnected and detailed biographical data that each State can collect and obtain.¹⁹ If one thinks about visa restrictions, for example, the correlation with the number of refugees accepted in a country is evident. FitzGerald identifies some common practices linked to the remote control of migration and the overall system of repulsion: first of all, the author mentions *cages*, which can involve both soft power instruments like advertising campaigns and hard power instruments like military interventions. The second form of externalisation concerns maritime law and the international waters – used as *moats* – to intercept boats carrying irregular migrants. This practice has evolved and today the interception is more related to border security and thus to a political approach rather than to Search and Rescue operations. FitzGerald categorisation will be implemented in the next part, firstly with the European external operations' analysis through Frontex. The third one involves the *domes*, virtual spaces intending to limit access by air or by ground. By taking as an example the first one, airlines should ensure that unauthorised passengers are stopped before arriving at their destination countries. To conclude, two last forms of externalisation and means of repulsion: *buffers* and *barbicans*. The first one is when Third countries are used as buffers to keep out undesirable persons through stricter visa or readmission agreements. In his analysis, the author includes also the European bilateral relationship with the North African countries. Even if countries like Libia suffer political pressure, they act as a proxy and as buffer countries as they receive in return some gains. The second and last one concerns *barbicans*, which are spaces or offshore zones in which there is a different application or a limitation of rights. Born as the defence perimeter of a city or castle in the Middle Ages, such a concept is exploited by the author for underlying the fewer rights

¹⁹ FitzGerald, D. S. (2020). *Remote control of migration: theorising territoriality, shared coercion, and deterrence*. In *Journal of Ethnic and Migration Studies*, p.9.

protections. To sum up, as far as the sociologist²⁰ is concerned, “when the system is viewed in its totality, it becomes clear why so many unauthorised migrants, including asylum seekers, did not simply get into line to wait for their legal turn. There often is no line. States have deliberately blocked most paths, even for refugees”. FitzGerald concludes his analysis with this statement, which will be useful in the evolution of this research project whose aim is to understand the key reasons at the heart of the migrants’ decision to endanger their lives to cross and reach the central Mediterranean route.

The concepts of border security, the migration-security nexus and externalisation have been stressed for grasping the European and Italian policy stances. Although the concept of securitisation originated in the late 1990s with the Copenhagen School, it is denoted as still relevant and echoes in contemporary migration governance. Indeed, the border is seen as a factor of insecurity in need of protection; on the one hand, it is necessary to protect the EU Member States and prevent them from the influx of irregular migrants, on the other hand, ideological factors including national identity have been exploited by political actors to leverage the repressive measures necessary to stop the “threat” of those seeking international protection. This concept can thus be seen as a form of legitimisation of political choices. Furthermore, it emerged to which extent the migration-security nexus has been explored in the literature to affirm the impact it has on migrants' choices. If the strengthening of border controls and the development of restrictive local security practices are deemed necessary tools for pursuing the logic of repulsion, they also influence migrants' recourse to irregular routes. The risk of resorting to criminal organisations to fulfil the desire to find better living conditions increases. Furthermore, reduced possibilities for admission and integration may have an impact on regular stays. Such insight is deemed important for the section on European and Italian policies. Finally, externalisation as a logic of migration governance is an increasingly widespread and established practice in terms of border security. As analysed with Fitzgerald, the interception of boats carrying irregular migrants is not part of a logic of saving lives at sea but more of a security one. Collaborations with Third countries follow the same thread, as, to alleviate the economic, political and social burden of European Member States, they take responsibility for migration management away from them, contributing in some way to the violation of Human Rights.

²⁰*Ivi.*, p.16.

3. HUMANITARIANISM AS THE OPPOSITE OF BORDER SECURITY

So far, it has been decided to explore that branch of literature that focuses on migration flows as risk and insecurity factors for Europe and the various Member States. Indeed, the theorisations of border security and externalisation increasingly characterise the European Union and Italy's migration approaches and policies. Although such theories will be verified in the next section by correlating Italian policies within the European context, it is already possible to deduce some characteristic traits. Firstly, the extent to which migration management is characterised by politicisation comes to the surface. This phenomenon has been placed increasingly high on the political agenda and managed with a greater focus on border controls and the development of European and national security practices. The objective character that emerges from that is therefore evident, as the subjective characteristics of those who decide to leave their country and reach Europe are missing. It appears as if such approaches make the migration phenomenon solely adhere to the reality of the facts – the high number of migrants reaching Europe - without allowing it to be affected by the suffering of those who have left their country and put their lives at risk to obtain better living standards, etc. Such persons should have the same rights as any other human being and each singular experience should be weighted. Moreover, externalisation as a keyway to managing migration certainly does not give credence to the subjective character of the individual. On the one hand, it has been noted that this practice contributes in a certain sense to the violation of Human Rights. On the other hand, migrants and their need to find long-term solutions in Europe are once again neglected.

In contrast with such theorisations, one should shift the focus on the concept of humanitarianism which stresses the importance of Human Rights and migrants' needs. With such a theory the subjectivity acquires a renewed dimension, in particular through humanitarian practices. According to Panebianco, non-state actors have become increasingly important in migration management and SAR operations are an important vehicle for the establishment of such practices. NGOs are taken into account for their capacity to “fulfil tasks and adopt roles, tactics, strategies and routines which are mainly addressed to migrants”.²¹ In the case of this research project, one should highlight how SOS MED's humanitarian practices have coexisted and been interdependent with the concepts of border security and externalisation – which seem to be an essential component of the European and Italian policies.

²¹ Panebianco, S. (2019). *The Mediterranean migration crisis: humanitarian practices and migration governance in Italy*. In Contemporary Italian Politics, p. 8.

Some authors highlight the paradigm shift within the European Union, which has sought to emphasise the importance of Human Rights and SAR operations in migration management – though not making them priority tasks²². In particular, it was pointed out that even in the case of Italy, the security-humanitarianism nexus has been a feature of both centre-left and centre-right governments²³. These dynamics will be explored in the section dedicated to actor A of the interdependence, namely Italian policies. However, this research project conceives evident the dichotomy between border security and humanitarianism as these principles seem to be in opposition to one other. The emergence of NGOs in the Mediterranean and the related humanitarian practices to save lives at sea seems to be the result of a typical institutional shift from the concept of “rescue” to “border surveillance”. Indeed, such an event coincides with the end of Operation *Mare Nostrum* which has been considered “the most significant step in the process of institutional humanitarianization of the EU sea border, in whose framework humanitarian arguments are deployed to support exclusionary policies and practices”²⁴. In the next section, one should understand how such an institutional shift occurred both at the European and Italian levels. In that sense, one should stress the role and efficiency of SOS MED as a humanitarian actor and understand whether they have been influenced and conditioned by the humanitarian shortcomings of the institutional bodies.

The end of Operation *Mare Nostrum* is portrayed in a wide branch of literature as a crucial moment for the involvement of non-state actors, especially NGOs, in Search and Rescue operations. In addition to emphasising the institutions’ flawed humanitarian policies and practices, it is pointed out that NGOs and non-state actors have contributed to shaping migration policies. Thus, by increasing their presence in the Mediterranean, they have enabled a new conformation of policies by trying to remedy the “gaps left by Italian and European institutions”²⁵. As this research project focuses on interdependence, firstly the stances of the European Union and Italy following the end of *Mare Nostrum* and then the policies of SOS MED will be explored. It may be relevant to find out whether there have been reciprocal influences: on the one hand, institutional security-oriented policies may have guided the NGO's

²² Panebianco, S. (2016). *The Mediterranean migration crisis: border control versus humanitarian approaches*. Global Affairs, pp. 441-445.

²³ Korkut, U., Terlizzi, A., & Gyollai, D. (2020). *Migration controls in Italy and Hungary from conditionalized to domesticized humanitarianism at the EU borders*. Journal of Language and Politics, pp. 391-412.

²⁴ Cuttitta, P. (2018). *Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean*. Geopolitics, p. 640.

²⁵ Panebianco, S. (2019). *The Mediterranean migration crisis: humanitarian practices and migration governance in Italy*. In Contemporary Italian Politics, p. 10.

operations. If so, the interview with Alessandro Porro will provide insight into how this institutional gap has been filled and how SOS MED has reacted following the European paradigm shift and the move away from the concept of rescue. It should be crucial to understand whether the policies and practices followed by the case study NGO also influenced migration management in the central Mediterranean. On the other hand, NGO's humanitarian interventions that have contributed to emphasising subjectivity may have had an impact on SAR's governmental capabilities, both conditioning and influencing them. In addition, the criminalisation of NGOs in the central Mediterranean – especially by a country like Italy – is well known. It will be revealed whether such accusations originated in a particular context.

Moreover, migration-related humanitarianism is often emphasised in the literature as a phenomenon in which humanitarian actors – namely civil society organisations, international organisations or NGOs – work closely with those in need and in seek of better future conditions. In contrast to the institutional side, there is logically a more bottom-up approach to the migration phenomenon in which one is in close contact with the needs and interests of migrants.²⁶ The aim of the last part of this research project is also to draw on concepts including humanitarianism to understand the humanitarian side of SOS MED. It may be worthwhile to emerge whether governmental measures have had an impact on their actions, but also on the relationships established with migrants. As explained above, humanitarian actors are seen as the representatives of the subjectivity of migrants; in that sense, it would be denoted whether governmental policies have been an obstacle to such dynamics.

²⁶ *Ivi*, p. 391

B. CONCEPTUALISATION AND THE THEORETICAL FRAMEWORK

The baseline theory that will orient this research is neo-institutionalism as developed by McCormick and Weinberger. The key premise is the idea that one has to concentrate on institutions in a broad sense – including procedures, protocols and conventions – and their impact on actors' choices. As institutions are rooted in conventions, they are difficult to reform and replace because of their rigidity and this research wants to understand if NGOs have been limited by the institutional context in which they acted. Indeed, SOS Méditerranée has operated since 2016 in the central Mediterranean and one has to verify whether their choices have been restricted by the institutional framework. This project research aims at grasping the interdependence between the Italian government and the NGO SOS MED. Thus, it must be emphasised whether the Italian institutions have narrowed SOS MED's efficiency, letting the NGO have a few possible manoeuvres.

McCormick and Weinberger try to label as dynamic the relation between institutions and actions; therefore, as interdependence implies a mutual reliance between the institutional and non-governmental levels, the impact of one actor will be analysed to understand whether they became the inputs of the other and inversely. In “an institutional theory of law”, both authors emphasise the extent to which laws can be seen as institutional facts and thus become part of the social reality.²⁷ As already mentioned, one should stress the contribution such authors have infused into such a theoretical approach by putting a strong emphasis on social realities. Institutions are seen as developing systems to respond to environmental challenges that can be predictable and repeated.²⁸ In the context of such thesis research, one should understand how institutions have dealt with the migration phenomena and their influence over the non-governmental level.

1. RESEARCH QUESTION AND HYPOTHESES

The present research project suggests the following research question: **“To what extent has the interdependence between Italian migration policies and SAR operations – exemplified by SOS MED – influenced migrants' and refugees' life-threatening voyages?”**

²⁷ McCormick, N., & Weinberger, O. (1986). *An Institutional theory of law: new approaches to legal positivism*. Springer Science & Business Media, p. 11

²⁸ *Op.cit.*

This research question aims at understanding the influence and the degree of interdependence between the institutional and non-governmental levels. Therefore, the outcome of the study will be twofold: firstly, it will assess the impact of political and legislative decisions, both at the European and Italian levels, on the migration flows via the Central Mediterranean route; secondly, it will assess whether the functioning and operationalisation of SOS Méditerranée have been influenced by the institutional level.

In light of the exposed theoretical framework – Neo-institutionalism – the present proposal aims to verify two hypotheses:

H1: The more the Italian government and its authorities imposed restrictive policies, the more migrants and refugees resorted to irregular, life-threatening voyages

H2: The more SOS Méditerranée, involved in Search and Rescue Operations, has faced obstacles imposed by the Italian government and its authorities, the more there has been an impact on migrants' life-threatening voyages

More specifically, one may notice in such hypotheses either the dependent variables, i.e. migrants' choices in the first and Search and Rescue efficiency in the second hypothesis and the independent variables, i.e. the Italian policies within the European frame in both hypotheses.

2. RESEARCH DESIGN AND METHODOLOGY

The research design consists of a two-fold qualitative analysis. Firstly, it entails the study of Italian migration policies within the European frame. Such a process will follow a method based on an analysis of official documents, to grasp the most salient political orientations, legislative acts and practical actions of the government. The evolutions of these policies will be analysed following a linear timeline to understand the Italian management of migration flows. Secondly, it analyses the work of SOS Méditerranée through some interviews and questionnaires with Alessandro Porro, the NGO's President in Italy. The international legal framework will be taken into account, to further empirically verify the institutional impact on the NGO SOS MED which has been operating in the Central Mediterranean since 2016.

C. THE FIRST ACTOR OF THE MUTUALLY DEPENDENT RELATIONSHIP: ITALIAN MIGRATION POLICIES WITHIN THE EUROPEAN FRAME

1. THE EUROPEAN COMPREHENSIVE APPROACH

Although the definition of migration causes still today several discords among scholars and policymakers, this research project will be contextualised in a European framework in which the migration by non-European or third country nationals became relevant with the Maastricht Treaty (1993) and the Amsterdam Treaty (1999). One should be aware of the distinction made by the European Union between “migration” and “mobility”, as only the latter is guaranteed by a supranational legal framework. Indeed, the term “mobility” refers to European citizens exercising their right of free movement as established under the Treaty of Rome²⁹. The International Organisation for Migration broadly defines international migrants as “persons residing in a country other than their country of birth for 12 months or more, both in regular and irregular situations”.³⁰ This definition is functional as it provides a general framework for such a complex concept. Nevertheless, it does not reveal the reality surrounding migration. In the context of this thesis project, migration management may have been marked by interdependence between the political level – thus all the related policy-making processes and legislative and judicial decisions both at the national and international levels – and the ethical one – with the humanitarian action provided mainly by non-state actors, especially NGOs.

From a political point of view, the European Union relies on the definition of the International Organisation for Migration and differentiates among different types of migration. The purpose is to better analyse and choose the policy dilemmas that arise about each of them. Labour and family migration are mostly Member States’ competencies and they do not provide interference from the European supranational level.³¹ Geddes et al. underline how each country establishes some criteria to regulate the number of migrants to be admitted and their following integration. If one wants to consider labour migration, for example, internal factors like economic

²⁹ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Migration and Mobility in the European Union*. Red Globe Press, p. 30

³⁰ IOM. (2008). *World migration 2008. Managing labour mobility in the evolving global economy*. Geneva. Available online at <https://publications.iom.int/books/world-migration-report-2008-managing-labour-mobility-evolving-global-economy>. (Accessed on 3.07.2022)

³¹ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Migration and Mobility in the European Union*. Red Globe Press, p. 42

equilibrium and market needs are taken into consideration for both admission and integration policies of third-country nationals.

Whereas the role of the European Union's institutions is quite weak in family and labour migration, the situation is different for the asylum policies process and irregular migration. Both categories witness the prominence of a more coordinated and harmonised response from the European Union. This occurred particularly after 2015 when the lack of common responses from the Member States pushed the European institutions to reconcile national concerns with the supranational level.³² Moreover, there was a declining reliance on the European Union: "seen from an EU perspective, the worst aspect was that the EU had lost its legitimacy and was met by a lack of trust in combination with a reluctance of governments to cooperate with one another"³³. Cultural predispositions towards migrants - who were seen as a threat to identity and ideological orientations - consolidated the public's feelings of mistrust. The European Union and the internal divisions of its various Member States were seen as the key symbol of their inability to manage the situation and consequently no longer trustworthy.³⁴ All this context amplified the contextual effects of migratory flows, especially in countries highly exposed to irregular migration. Indeed, how the population categorises and labels migrants crossing the sea has a strong impact on the legal and moral obligations destination countries and societies have.³⁵

In the following sections, EU migration policies will be analysed to understand how the institutions have addressed these internal divisions. In particular, the irregular migration and asylum policies' categorisations will be taken into account to stress the European prominence in migration management from 2014 onwards. As this section represents an excursus which is relevant to the development and understanding of Italian policies, the fight against irregular migration – and in particular the role of Frontex – and the overall asylum system will be briefly analysed. The interdependence between Italian policies and the operationalisation of the SOS MED would not be exhaustive if the European framework was not taken into consideration. Indeed, it would reveal how political and legislative choices have depended on it.

³² *Op.cit.*

³³ Agustín, Ó. G., & Jørgensen, M. B. (2019). *From Refugee Crisis to a Crisis of Solidarity?* In Ó. G. Agustín, & M. B. Jørgensen, Solidarity and the 'Refugee Crisis' in Europe. Palgrave pivot, p. 12.

³⁴ *Op.cit.*

³⁵ McMahon, S., & Sigona, N. (2018). *Navigating the Central Mediterranean in a Time of 'Crisis': Disentangling Migration Governance and Migrant Journeys.* Sociology, p. 501.

1.1. THE EUROPEAN FIGHT AGAINST IRREGULAR MIGRATION

This section will highlight the irregular migration via the Central Mediterranean Route through the main focus of the European Union: border security and externalisation. The role of Frontex and the external dimension of migration governance are deemed necessary to give an overview of the main policies related to such a categorisation and understand the related Italian pathways.

Following the Annual Report on migration and asylum 2021, the number of persons found to be illegally present on European territory has risen by 0.3% from 2018 to 2021, reaching 711800³⁶. The European fight against irregular migration is an important tool as it is considered “the other side – or dark side – of admission policies. As immigration controls across the EU have got tougher so the quest for evasion has intensified”.³⁷ Such a research projects aims at understanding the development of Italian policies to verify the impact on migrants’ choices to resort to irregular and life-threatening voyages. To stress such an aspect, an important body of literature showed that restrictive asylum and visa policies have led to a “deflection into irregularity”³⁸. Moreover, it has underlined tension between the internal and external dimensions of migratory flows crossing the Mediterranean. On the one hand, the European Union – and consequently all the Member States, although in different ways – has been pervaded by the “myth of invasion”³⁹ linked to irregular migration. Such a concept created the belief that the European Union was experiencing some oppressive pressure. On the other hand, strong internal factors should be stressed for the understanding of the still unstable and laborious process of managing migration flows.

Article 26 of the EU Return Directive of June 2008 defines irregular stay as “the presence on the territory of a member state of a TCN (Third Country National) who does not fulfil or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that member state”.⁴⁰ Among the conditions of

³⁶ Eurostat, & European Migration Network. (2022, June). *Annual Report on Migration and Asylum 2021, Statistical Annex*. Available online at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-publications/annual-reports-migration-and-asylum_en. (Accessed on 28.07.2022).

³⁷ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular immigration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union. Red Globe Press, p. 96.

³⁸ Czaika, M., & Hobolth, M. (2016). *Do restrictive asylum and visa policies increase irregular migration into Europe?* Migration and Asylum Policy Making, p. 350.

³⁹ Haas, H. d., & Sigona, N. (2012). *Migration and revolution*. Forced migration review, p. 394-395.

⁴⁰ European Parliament, & Council. (2008, December 16). *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning*

the Schengen Borders Code there is the possession of a valid travel document, a valid visa if required, the justification of the purpose of stay and means of subsistence for stay, return or onward travel, the lack of alert of the Schengen Information system and the lack of threat to public policy, international security, public health or the international relations of any member state.⁴¹ In 2018, instead, the European Commission expressed the willingness of recasting the Directive concerning the common procedures regulating the expulsion of irregular immigrants. One of the proposals consisted, for example, in obliging “Member States to set up voluntary return programmes and allow them to shorten the period for voluntary departure (currently, a minimum of 7 days)”.⁴²

The major focus of the European Union is on border security and the external dimension of migration governance, which is established through cooperation with sending and transit countries⁴³. The 2015 European Agenda on Migration has been an important path for the EU approach and has been built on four pillars: reducing incentives for irregular migration, better managing external borders, a strong community asylum policy and a new policy on legal migration.⁴⁴ In 2019, the European Commission reported some key progress concerning the implementation of the European Agenda and estimated that in Italy arrivals were “two third lower than in the same period in 2018”.⁴⁵ The reasons behind the decline in arrivals by sea will be addressed in the section on Italian policies, to understand whether Italy has followed and contributed to the European Agenda on Migration.

illegally staying third-country nationals. Available online at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0115>. (Accessed on 17.07.2022).

⁴¹ European Parliament, C. (2006, March 15). *Regulation (EC) no 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*. Available online at <https://www.europeanmigrationlaw.eu/en/immigration/138-regulation-ec-n-562-2006-schengen-borders-code.html>. (Accessed on 17.07.2022).

⁴² Crego, M. D. (2022, June 23). *Proposal for a recast of the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals*. In “Promoting our European Way of Life”. Legislative train schedule. European Parliament. Available online at <https://www.europarl.europa.eu/legislative-train/theme-promoting-our-european-way-of-life/file-proposal-for-a-recast-of-the-return-directive>. (Accessed on 18.07.2022).

⁴³ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular immigration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union. Red Globe Press, p. 110.

⁴⁴ European Commission. (2015, May 13). Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration. Available online at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240>. (Accessed on 20.07.2022).

⁴⁵ European Commission. (2019, October 16). *Communication from the Commission to the European Parliament, the European Council and the Council. Progress report on the Implementation of the European Agenda on Migration*. Available online at https://ec.europa.eu/migrant-integration/library-document/progress-report-implementation-european-agenda-migration_en. (Accessed on 20.07.2022).

1.1.1. FRONTEX OPERATIONS AS A WAY OF STRENGTHENING BORDER CONTROLS

As we have seen with the forms of externalisation described by FitzGerald, the practice of intercepting boats carrying irregular migrants is related to border security. In the European context, it is necessary to analyse its external operations with the establishment of Frontex. Moreover, the European Border and Coast Guard Agency will be analysed as an example of the migration-security nexus, as it shows the interconnection between migration and security in the political context of the European Union. The aim is to put focus on the external dimension of migration and the extra-territorialisation of migration control and understand whether Italy followed the same path.

Since 2006, the largest number of joint operations carried out by Frontex has been in the Mediterranean, to develop common European border management and regulate migratory flows. In particular, over time Frontex acquired some expertise mainly to stem these phenomena from Sub-Saharan Africa, Afghanistan and Syria, through the coordination of Member States operations and the operational plans to intercept irregular flows.⁴⁶ On the operational side, Frontex's action is carried out in mainly two phases, involving naval patrols with means provided by the various Member States. Whereas one should understand whether SOS MED – the case study of this research project – communicates and interacts with migrants, not enough information was gathered about Frontex's role. Indeed, the qualitative approach concerning the analysis of migrants' conditions through interviews has never been mentioned. Even if SAR operations are included, one does not have the certitude that Frontex operators seek to understand migrants' boarding, travel and possible applications for asylum. However, each joint operation under the aegis of Frontex is carried out with a prefixed objective presented from time to time by the Member State in difficulty, and the operation is considered as concluded when the such objective is achieved. Therefore, most of the operations have a very precise start date but cannot foresee an end: even if they begin as temporary, they are later implemented in alternative phases and may turn into permanent missions.⁴⁷

As this thesis research focuses on the time framework which covers the period 2014-2022, a brief overview of the different operations of Frontex will follow.

⁴⁶ Campesi, G. (2019). *Polizia della frontiera. Frontex e la produzione dello spazio europeo*. DeriveApprodi, p. 3.

⁴⁷ *Op.cit.*

A. OPERATION *TRITON*, THE FOLLOW-UP TO *MARE NOSTRUM*

On the 27th of August 2014, a meeting was held in Brussels between the Italian Interior Minister Alfano and the European Commissioner for Home Affairs Malmstrom to discuss “the future of *Mare Nostrum* and how to manage migration in the Mediterranean”.⁴⁸ The end of the *Mare Nostrum* operation was decreed and Frontex took over the activities and launched the operation Frontex Plus, lately renamed *Triton*. The only certainty at that time was that, as the Italian reception system was collapsing and the economic resources were dwindling, *Mare Nostrum* could not become a permanent mission. In October 2014 the Operation was officially launched by focusing on “border control, surveillance and search and rescue in the territorial waters of Italy and parts of the Search and Rescue (SAR) zones of Italy and Malta.”⁴⁹ Initially, the European Union has allocated less than 3 million euros per month but, as the migratory flows and the resulting deaths at sea continued to increase, in February 2015 the European Commission decided to extend the duration of *Triton* for the whole 2015 and increase the financial allocations.⁵⁰

Operation *Triton* was extended beyond the pre-established date and was divided into two phases, like the majority of Frontex joint operations. The first phase began on the 1st of November 2014 and ended on the 31st of January 2015. The area of intervention concerned the central Mediterranean and Italy was the host country, even if other countries including Belgium, France, Germany, Poland, Romania, Switzerland, etc. participated. The available budget for the first phase of the operation was above 9 million euros, which compared to Operation *Mare Nostrum* represents the amount Italy spent in a single month. Instead, the second phase of the operation saw an increase in the available budget – which reached 38 million euros – and in Member States’ participation. Austria, Bulgaria, Croatia, Greece, Hungary, etc. and Egypt as Third State joined the Operation. The final closure was established on the 31st of December 2015.⁵¹

⁴⁸ Commission, E. (2014). *Statement by Commissioner Malmström after the meeting with Italian Interior Minister Alfano*. Brussels. Available online at https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_14_259. (Accessed on 23.07.2022)

⁴⁹ Voetelink, J., & Marchal, F. (2018). *Legal Challenges Surrounding Maritime Operations in the Mediterranean Sea: Focus on Migrant Flows*. NL ARMS Netherlands Annual Review of Military Studies 2018, p. 23.

⁵⁰ Ivi, p. 27.

⁵¹ Campesi, G. (2019). *Polizia della frontiera. Frontex e la produzione dello spazio europeo*. DeriveApprodi, p. 45

B. OPERATION *SOPHIA*, MOVING TOWARDS NEW CHALLENGES

As 2015 represents the “deadliest year on record for migrants and refugees crossing the Mediterranean trying to reach Europe”⁵², the European Council decided to meet urgently and established on the 18th of May 2015 EUNAVFOR MED, lately named Operation *Sophia*. This time the objective was the “disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean”.⁵³ Therefore, the Search and Rescue operation is considered a concomitant one: even if there was no explicit reference, rescuing people in distress at sea remains a moral and legal duty for any boat.⁵⁴

Once again, as analysed for *Triton*, three consecutive phases have been established: the first started on the 22nd of June 2015 and was dealing with the support of the detection and monitoring of migration structures. The main activities consisted of information gathering and patrolling on the high seas. On the 7th of October 2015, the operation moved on and the second phase was to be carried out in compliance with international law as it expanded its activities to the territorial waters of the coastal States. It was limited to “boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking”⁵⁵. Moreover, this second sub-phases required two elements: either the approval of the coastal State involved, Libya or a UNSC Resolution. Finally, even the third phase required those two prerogatives and authorised the operation to “take all necessary measures against a vessel and related assets, including through disposing of them or rendering them inoperable, which are suspected of being used for human smuggling or trafficking, in the territory of that State, under the conditions set out in that Resolution or consent”⁵⁶. As one can observe, this operation was mainly characterised by an anti-smuggling decree and a willingness to intervene in coastal countries’ capacity to fight the high risk of smuggling.

⁵² IOM. (2016, January 5). *IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015*. Available online at: <https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015>. (Accessed on 24.07.2022)

⁵³ European Council. (2015, May 18). *Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED)*. Available online at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015D0778>. (Accessed on 24.07.2022)

⁵⁴ Voetelink, J., & Marchal, F. (2018). *Legal Challenges Surrounding Maritime Operations in the Mediterranean Sea: Focus on Migrant Flows*. NL ARMS Netherlands Annual Review of Military Studies 2018, p. 28.

⁵⁵ European Parliament. (2019, November). *Legislative train*. European Union Naval Force – Mediterranean Operation Sophia. Available online at: <https://www.europarl.europa.eu/legislative-train/carriage/eunavfor-med-operation-sophia/report?sid=6001>. (Accessed on 05.07.2022)

⁵⁶ Voetelink, J., & Marchal, F. (2018). *Legal Challenges Surrounding Maritime Operations in the Mediterranean Sea: Focus on Migrant Flows*. NL ARMS Netherlands Annual Review of Military Studies 2018, p. 28.

C. *THEMIS* OPERATION AND THE TERRORISM FIGHT

The year 2018 was marked by the “biggest drop in the number of irregular migrants”⁵⁷ via the Central Mediterranean route. If Libya was the main departure country during the other joint operations, in February 2018 a new operation called *Themis* was launched and extended to “waters covering flows from Algeria, Tunisia, Libya, Egypt, Turkey and Albania”.⁵⁸ Indeed, Tunisia became the main country of departure. The roadmap entrusted to *Themis* was based on different objectives: the first one was to effectively repress the activities of smugglers operating in the central Mediterranean. To achieve it, increased use of new means of monitoring the maritime situation was deployed alongside the prepositioning of rapidly deployable naval forces. Moreover, collection of intelligence was deployed to detect possible terrorist threats in advance.⁵⁹ As one can observe, in contrast with the previous operations, *Themis* was more focused on the terrorism fight. Moreover, it participated in Search and Rescue operations for migrant boats, coordinated by the responsible Maritime Rescue Coordination Centres. All the measures considered necessary were taken to assist Italy in border control, with a focus on enhanced law enforcement.⁶⁰

To conclude this paragraph, it is important to point out that the European Union has been trying to establish common European border management since the creation of Frontex. The main objectives may slightly differ from each operation in the central Mediterranean but consisted mainly of controlling borders, repressing and disrupting human smuggling operations, detecting terrorist threats and enhancing law enforcement for the returns, for example. As explained by Frontex recently, in the first five months of 2022 the central Mediterranean – i.e., the route taking migrants to Italy – remains the most active migration route. In May 2022 the numbers were slightly up, with 16,828 crossings, 15 per cent more than in January-May 2021. Here the main nationalities were Egyptians, Bengalis and Tunisians.⁶¹

⁵⁷ Frontex. (2018). *Central Mediterranean Route*. Available online at: <https://frontex.europa.eu/we-know/migratory-routes/central-mediterranean-route/>. (Accessed on 21.07.2022)

⁵⁸ Frontex. (2016). *Operation Themis*. Available online at: <https://frontex.europa.eu/we-support/main-operations/operation-themis-italy-/>. (Accessed on 22.07.2022)

⁵⁹ Voetelink, J., & Marchal, F. (2018). *Legal Challenges Surrounding Maritime Operations in the Mediterranean Sea: Focus on Migrant Flows*. NL ARMS Netherlands Annual Review of Military Studies 2018, p. 28.

⁶⁰ Frontex. (2016). *Operation Themis*. Available online at: <https://frontex.europa.eu/we-support/main-operations/operation-themis-italy-/>. (Accessed on 22.07.2022)

⁶¹ Frontex. (2022, June 13). *EU external borders in May: Detections in Western Balkan region more than double*. Available online at: <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-may-detections-in-western-balkan-region-more-than-double-gsEhc8>. (Accessed on 24.07.2022)

D. OPERATION EUNAVFOR MED IRINI: A FADING OF SAR OPERATIONS

Following the long civil war in Libya, various world powers and international organisations intervened to try to conclude the peace process. On the 17th of February, the European Council decided to launch a new operation based on the UN resolution of the arms embargo on Libya. The new operation, which followed *Sophia*, was called *EUNAVFOR MED IRINI* and established the Central Mediterranean Sea as an operational area. It was launched on the 31st of March 2020 to maintain it for at least three years. The main missions concern the arms embargo on Libya and inspections of vessels off the Libyan coast suspected of carrying arms, following the premises of the United Nations Security Council Resolution 2292 (2016). Moreover, *EUNAVFOR MED IRINI* includes some secondary missions, including continuing the fight to dismantle human trafficking and smuggling networks, following UN Security Council Resolution 2240 (2015). This mission will be implemented by Frontex with intelligence gathering and patrolling by planes.⁶²

In a general way, there has been a paradigm shift within Frontex concerning the way of dealing with the border security of coastal Member States. Indeed, in 2014 Italy had planned a commitment to Search and Rescue operations with Operation *Mare Nostrum*, by investing considerable sums of money and providing the Italian Coast Guard with means of control. The main aim was to save lives at sea. However, since 2015 the European investment in such operations has waned and the focus has shifted to other factors. Countering human smuggling and trafficking networks, in addition to terrorist threats, has become an essential component in the fight against irregular migration and rescue at sea has acquired a less relevant dimension. Although Frontex is concerned with the operationalisation of European border controls, it will be worth emphasising whether the dimension of sea rescues has also faded in Italy and whether the policies applied are a reflection of this European approach. Moreover, it will be worthwhile to look at the impact and effect that this paradigm shift has had on the SOS MED NGO.

⁶² EunavforMed, Operation Irini. (2020). *The mission at a glance*. Available online at: <https://www.operationirini.eu/about-us/#story>. (Accessed on 25.07.2022)

1.2. THE EXTERNALISATION OF BORDER CONTROLS TO THIRD COUNTRIES

Whereas in the previous subdivision, one has underlined in which way the European Union tried to build a comprehensive approach through the role of Frontex, this section will analyse the exportation of border control and security practices to the non-EU Member States. As analysed previously, the EU has sustained such practice through development aid and economic assistance to non-MS.⁶³ The above-mentioned cooperation with sending and transit countries started to be considered a success with the EU-Turkey deal which came into force in 2016 and foresaw a broadening in the different geographical areas. One should briefly mention such an agreement to verify whether Italy followed the same pathway.

A. THE EU-TURKEY DEAL IN A NUTSHELL

Even if this research project focuses on the central Mediterranean, it is important to take as an example the EU-Turkey agreement as a way of externalisation of border controls to Third countries. Indeed, it represents an advanced step in relations with countries of departure and transit and it will be notified whether Italy has taken the same strategic line. On 18th March 2016, the European Council and the Turkish government reached a deal in which Turkey committed to the fight against irregular migration. On the one hand, the agreement required Turkey to “prevent new sea or land routes for irregular migration opening from Turkey to the EU”⁶⁴; on the other hand, it is necessary to underline that the European Union did not want Turkey to take charge of all the financial and operational burden alone. For this reason, such a partnership agreement was agreed upon in exchange for economic assistance and diplomatic acts. As explained by the European Parliament in 2016, the EU had initially disbursed €3 billion under the Facility for Refugees in Turkey and added €3 billion by the end of 2018. Moreover, it has been established that for every Syrian sent back from Greece, the EU would accept another Syrian living in Turkey who had never tried to reach Europe illegally. Another essential point was the institution of visa liberalisation and Turkey’s accession into the EU have

⁶³ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular migration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union. Red Globe Press.

⁶⁴ European Parliament. (2022, June 23). *EU-Turkey statement & action plan*. Available online at: <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>. (Accessed on 26.07.2022)

undergone a remarkable advancement with this deal.⁶⁵ With this agreement, it is possible to remark how migration management has been entrusted to Third countries in exchange for financial and political rewards.

Following the EU-Turkey deal, there was an overall recognition of the focus on external borders within the European migration policies and the accomplishment of such an agreement was perceived as a success, as the number of migrants in the Eastern Mediterranean was decreasing. In a general way, the EU-Turkey deal represented a pivotal moment as the EU Council policies were more involved in the fight against irregular migrants.⁶⁶ The Italian policies' degree of involvement in such a practice will be later discovered. However, this agreement ushered in new awareness and understanding of the phenomenon: firstly, the European Union recalled that externalisation was not a "credible long-term solution".⁶⁷ Secondly, coping with a particular side of the Mediterranean had an immediate effect on the others: indeed, this agreement has led to a shift in migration routes, which is why the central Mediterranean "has revitalised as the main entry for arriving in the EU by sea".⁶⁸ To conclude, one has to question what role ethics plays in these agreements as they are mainly based on political and economic stakes. How can it be that entrusting the management of migration to a country like Turkey, which still violates Human Rights, is not considered a lack of care towards Human Rights themselves?

B. EU-LIBYA RELATIONS: A WAY OF ENCOURAGING AND LEGITIMISING ITALY'S ACTIONS

The accompanying European externalisation measures through economic assistance can also be analysed in the relations between the EU itself and Libya. "The near total collapse of Libya's government's structure after Gadhafi's fall has not diminished the EU's focus on Libya as part of its externalisation efforts".⁶⁹ Indeed, as analysed in the previous section, from an operational point of view, *Sophia* in 2015 and *Irini* in 2020 are Frontex operations that attempt, among

⁶⁵ *Op.cit.*

⁶⁶ Frontex. (2019). *Risk analysis for 2019*. Risk Analysis Unit. Available online at: <https://frontex.europa.eu/documents-and-publications/risk-analysis-for-2019-RPPmXE>. (Accessed on 27.07.2022)

⁶⁷ *Op.cit.*

⁶⁸ Goldewijk, B. K. (2018). *Border Security, Boat Migration and Mediterranean Operations in the Frames of Securitisation and Law Enforcement: Causal Explanation and Process Tracing*. NL ARMS Netherlands Annual Review of Military Studies 2018, 64-86.

⁶⁹ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular migration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union. Red Globe Press.

others, to strengthen the Libyan Coast Guard and Navy capacity buildings. In the overall context, it is important to underline once again that irregular migration is a policy domain which is not entirely guaranteed by a supranational legal framework but which witnesses the prominence of a more harmonised response from the European Union since the refugee crisis in 2015. However, it is true that the coastal Member States still suffering the most from the migratory flows are crucial in defining European strategies. In the next section, one has to stress that Italy paved the way for solid cooperation with Libya in migration management by implementing the programme “Support to Integrated Border and Migration Management in Libya (IBM)”.⁷⁰

In the 2015 Valletta Summit on migration, the European Commission decided to launch an “Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa”.⁷¹ This project has seen the partnerships of African countries. The fund has been made up of €1.8 billion by a combination of the EU budget and Development Fund and some Member States and external donors’ contributions. Among the North African countries, Libya was a beneficiary as it remained “the main country of departure to Italy”.⁷² Indeed, the 2021 annual report of the Emergency Trust Fund accounted that Libya is the country which benefices the most in that region, with 455 million euros mobilised. Moreover, political instability, the negative impact of COVID-19 and climate change have been considered essential elements for the migration flow increase registered throughout 2021.⁷³ The main measures through this fund concern projects aiming at addressing Libyan institutions in developing national strategies on migration management. The fight against trafficking in human beings and migrant smuggling and effective return and readmission are targeted.

Moreover, it is worth mentioning the Partnership Framework with Third countries under the European Agenda on Migration of 2016 and the Joint Declaration of 28 August 2017 between France, Germany, Italy, Spain, Chad, Niger, Libya and the EU High Representative for Foreign Affairs and Security Policy. While the former emphasised the importance of supposedly non-

⁷⁰ *Op.cit.*

⁷¹ European Commission. (2015, May 13). *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*. Available online at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240>. (Accessed on 20.07.2022).

⁷² European Commission. (2022, March). *2021 annual report*. The EU Emergency Trust Fund for Africa. Available online at: <https://ec.europa.eu/trustfundforafrica/sites/default/files/eutf-report-2021-eng-for-digital.pdf>. (Accessed on 26.07.2022)

⁷³ *Op.cit.*

legal agreements with Third countries, the latter focused on the voluntary returns of irregular migrants.⁷⁴ Trying to understand the complex Italian policies without taking the European fabric into account, therefore, would not be very meaningful.

The European Union stated that “as with all EU interventions, we ensure a Human Rights-based approach is taken across all of our programmes”.⁷⁵ However, once again, how it is possible to cooperate with a country which still demonstrates no concerns for migrants’ Human Rights? Indeed, as in the case of Turkey, it is well known that Libya’s government and institutions’ weakness still causes lots of problems, particularly on the humanitarian level. The authorities are no longer able to control and secure the crossing points in the country Libya and migrants are at the mercy of smugglers and the various armed groups that traffic in human beings. Moreover, Libya does not have adequate legislation for the protection of refugees and asylum seekers: it is not a signatory state to the Geneva Convention on Refugees. That means that the rigid border controls and the externalisation carried out by the European Union follow an “out of mind, out of sight”⁷⁶ approach, supporting the so-called *barbicans* or *offshore zones* in which there is a different application of the European standards and Human Rights.

1.3. ASYLUM POLICY: A STILL FLAWED SYSTEM

By analysing briefly the asylum policy system established within the European Union, one should highlight the supranational intention of acting cooperatively and having common responses to the continuous migratory flows. Moreover, if one wants to link this section to the previous theorisation of externalisation, “policies around access to asylum are a strategic site to highlight both the extra-territorialised qualities of remote control and hyperterritorialised access to rights”.⁷⁷ The overall European frame is deemed necessary to understand whether the Italian policies have followed a direction in which the government grasped the importance of

⁷⁴ Riccardi, A. (2020). *Externalization of borders and human rights violations: selected themes on the international responsibility of Italy*. In I flussi migratori e le sfide all'Europa, Elena Sciso. Torino: G. Giappichelli Editore, pp. 111-142

⁷⁵ European Commission. (2022, March). *2021 annual report*. The EU Emergency Trust Fund for Africa. Available online at: <https://ec.europa.eu/trustfundforafrica/sites/default/files/eutf-report-2021-eng-for-digital.pdf>. (Accessed on 26.07.2022)

⁷⁶ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular migration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union. Red Globe Press.

⁷⁷ Fitzgerald, D. S. (2020). *Remote control of migration: theorising territoriality, shared coercion, and deterrence*. In Journal of Ethnic and Migration Studies, p.7

cooperation among the Member States for the establishment of a common Asylum System. Moreover, the Italian collaboration with countries like Libya will be analysed to confirm the possible link with the externalisation theorisation even in the frame of asylum requests. Any of Italy's policy decisions, taken in the European context, have an impact on migrants' resort to irregular voyages and thus serve to confirm the first hypothesis of this research project.

The Common European Asylum System (CEAS) has been planned to be established in 1999 during the Tampere European Council meeting and has evolved. Nowadays, the basis for a common asylum procedure foresees five key policies: the responsibility for examining an asylum claim; the reception for those claiming asylum; the examination, granting and withdrawal of protection; the qualification for refugee status or subsidiary protection; the temporary protection and assistance following the high number of refugee arrivals.⁷⁸ The Dublin Regulation is a European legislative act adopted in 1990, which contains a set of rules to determine which country, among the European Member States, is competent to examine the application. Thus, it regards the first procedure when someone seeking international protection arrives in a country. The application of an asylum seeker in a certain European country does not guarantee that that country will assess it, as the country competent is the first European country a person entered. This caused over time several discords among countries at the EU's external borders and those geographically far away.⁷⁹

Instead of going too much into the details of each common instrument established by the European Union, it is important to underline that each Member State has been affected differently by the asylum seekers phenomenon. Indeed, over time – and even after the 2015 refugee crisis – there has been a continuum of a trend that has made Europe less cohesive and homogenous. “Far higher concentration of applications were found in a number of West European states, such as Germany, France and the UK, and in Southern European members such as Italy and Greece”⁸⁰ from 2008 and 2018. This tendency is confirmed by Eurostat as well. According to the new monthly asylum report⁸¹, in January 2022 almost a third of first-time applicants requested asylum in Germany, which was followed by France, Spain and Italy. These Member States accounted alone for approximately 72% of all first-time applicants in the

⁷⁸ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Asylum*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union, Red Globe Press, pp. 113-131

⁷⁹ *Op.cit.*

⁸⁰ *Op.cit.*

⁸¹ Eurostat. (2022). *New monthly asylum report: January 2022*. Available online at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220506-1>. (Accessed on 28.07.2022)

European Union. Once again, it is evident the disparity between the various European states – if one considers, for example, central Europe one should affirm that such area is not so affected by the phenomenon of asylum seekers.

Currently, the situation regarding asylum claims is still very critical and a state of prolonged waiting and inaction is being achieved to implement changes to the European protection system, due to the relevant discrepancies among the Member States' policy orientations. Even if the most recent 2016 European Commission's reform – whose aim was to stop irregular migration and dismantle smugglers networks – provided alternative and resolving solutions, the flaws of the Dublin system persist.⁸² There are too many factors contributing to the weakening of the CEAS and in a general way it is possible to affirm that, from the 2015 refugee crisis, the European approach has shifted from a supranational one to a more intergovernmental one among the Member States. On the one hand, Germany or France do not want to modify their national policies but, in contrast, they aim to influence the European legislation by preserving their status quo. On the other hand, the low administrative capacities of Italy and Greece have put such countries in difficulty as they seem unable to implement European asylum policies.⁸³

The standpoint and importance of such an issue in Italy will be analysed in the next section. Notwithstanding the argument that “the uncertainty on how to reformulate Dublin goes beyond the refugee and migration policy fields”,⁸⁴ in the case of this research project the deadlock in the CEAS system is worthwhile. Indeed, an insight into how Italy has moved in this context and the institutional migration policies established will be crucial for the development and grasping of interdependence with the non-governmental level. Even if such research does not pretend to be limited to asylum seekers and refugees and in Search and Rescue Operations no distinction is made between the two categories of persons as one speaks about “mixed flows”, the European categorisation has been an important tool to grasp the prominence of a more coordinated and harmonised response from the European Union after the 2015 refugee crisis.

⁸² Hein, C. (2020). *The reform of the Dublin System between intra-EU solidarity and national interests*. In I flussi migratori e le sfide all'Europa, Elena Sciso. Torino: Giappichelli Editore, pp. 143-164

⁸³ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Asylum*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, Migration and Mobility in the European Union (p. 113-131). Red Globe Press, p. 130

⁸⁴ Hein, C. (2020). *The reform of the Dublin System between intra-EU solidarity and national interests*. In E. Sciso, I flussi migratori e le sfide all'Europa. Torino: Giappichelli Editore, p. 144

To conclude this section and move on to actor A of the interdependence under study in this research project, it must be emphasised that border security and externalisation have dominated the European political scene. From 2015 onwards, the European Union has sought to assume a preponderant role in both the fight against irregular migration and the political asylum system. Common and harmonious responses to all Member States were deemed necessary and this emerged especially with the goals imposed by the 2015 Migration Agenda. Indeed, the four cornerstones made it possible to follow policy lines aimed at reducing irregular migration, better managing external borders and building a more stable asylum system. On the one hand, the creation of Frontex represented the concretisation of establishing common border management and a means to counter irregular arrivals. However, on the other, the EU's paradigm shift is evident: while SAR operations were mentioned with *Triton*, since the refugee crisis this component has become less important and the emphasis has shifted more to combating smuggling and terrorism. This evolution constitutes an important background factor. This research project aims at the interdependence between Italian migration policies and SOS MED's SAR operations, but Italy cannot be considered without taking into account its dependence on the European Union. Since SARs are a specific objective of any joint maritime operation and are enshrined in Regulation 2016/1624⁸⁵ and Italy left space to the European Union after *Mare Nostrum*, the relationship between Frontex and SOS MED could be very relevant. Finally, the current picture of the European asylum system highlights the failure of the European project, as a fragile and flawed system prevails. In the following section, Italian policies will also be analysed with this system's precariousness into account.

Furthermore, the European background highlights how the EU-Turkey deal represents a cornerstone for cooperation with Third countries, which is deemed necessary to counter irregular migration, smuggling and terrorism stemming from the flows. In particular, this externalisation process has materialised with the collaboration with the Libyan Coast Guard and it will be necessary on the one hand to verify whether Italy has followed in the same footsteps as the EU and on the other hand whether these agreements have had an impact on SOS MED SAR operations. Indeed, it cannot be excluded that such an “out of mind, out of sight” approach has reduced the possibility of a more advantageous relationship for rescues at sea between the Italian Coast Guard and the NGO.

⁸⁵ Frontex. (2020). *Types of operations. Search and Rescue*. Available online at: <https://frontex.europa.eu/we-support/types-of-operations/search-rescue/>. (Accessed on 28.07.2022)

2. THE ITALIAN MIGRATION POLICIES

“Cooperation of asylum policy is – along with irregular migration and border security – the most developed area of EU migration policy”⁸⁶. The different categorisations analysed in the previous parts have highlighted how irregular migration and asylum policies witnessed the prominence of a more coordinated and harmonised response from the European Union. Such willingness can be analysed under two aspects: firstly, it was the product of the lack of common standards among the Member States and secondly, it can be perceived as the “by-product”⁸⁷ of the different national policies aiming to restrict the legal entry of migrants seeking international protection. The external dimension of migration policy and the overall migration management of Italy are strictly intertwined with the European migration policy system. For that purpose, it is important to explain the dimension that migration flows acquired from 2014 onwards in a such coastal country which over time witnessed a politicisation of the phenomenon and internal divisions about appropriate responses.

Such a section represents the core of this research project: the progression of the European Union provided a detailed picture of the various migration policies adopted to strengthen the supranational framework. As a consequence, Italy as a Member State has been affected by European instances and actions that have contributed to shaping the complex migration context and responses. Nevertheless, Italian policies and thus the political orientation, legislative acts and practical actions of the government will be the focus of the interdependence with Search and Rescue operations led by SOS Méditerranée. The evolution of these policies will be analysed following a linear timeline to understand how the migration phenomenon has been managed by the various Italian governments. Possible changes in political as well as legislative and judicial processes are the aim of this research project as they are the basis of the interdependence with NGOs' Search and Rescue operations. In particular, it will be necessary to grasp the most salient aspects and empirically verify the impact on the NGO SOS MED which has been operating in the Central Mediterranean since 2016.

⁸⁶ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Asylum*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, *Migration and Mobility in the European Union* (p. 113-131). Red Globe Press, p. 130

⁸⁷ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Migration and Mobility in the European Union*. Red Globe Press.

2.1. THE END OF *MARE NOSTRUM* OPERATION: WHICH PATH FOR THE RESHAPING OF THE ITALIAN MIGRATION STRATEGY?

As it is well known, the tragedy that occurred in the port of Lampedusa in 2013 when a Libyan boat sank causing several fatalities caused an immediate reaction from the Italian government – led at the time by Prime Minister Enrico Letta. However, Operation *Mare Nostrum*, whose purpose was to cope with the fatalities of people risking their lives to reach Europe by providing forces from the national Navy and the Marine Air Force, did not last that long. As analysed previously, on the 27th of August 2014 a meeting between Italian Interior Minister Alfano and the European Commissioner for Home Affairs Malmström decreed the end of this operation. Frontex took over the activities and launched the operation *Frontex Plus*, lately renamed *Triton*. Compared to *Mare Nostrum*, it was more focused on border controls and it provided fewer humanitarian responses, as the Search and Rescue Operations started to become secondary. It is necessary to highlight that the end of Operation *Mare Nostrum* was partly driven by the impact it had on the Italian economy – as described below, Italy had spent around €9 million per month – and the national economic resources have been affected throughout the operation.

Letta's successor government, therefore, led by Matteo Renzi was involved in that dynamic that deemed cooperation between the various European Member States necessary. Indeed, unilateral action carried out by one of the countries most affected and exposed to the migration phenomenon in the Mediterranean was no longer seen as a pragmatic and effective solution.⁸⁸ In combination with greater and more effective cooperation at the European level, Italy's position vis-à-vis Third countries will also be examined to determine whether the country's approach in this regard was in line with the European one. As previously emphasised, the European migration policy has called during the same period for coordination with countries of origin or transit countries, as the EU-Turkey agreement signed on 18th March 2016 highlights. Initially, Italy was convinced that *Triton* would become “a twin operation of *Mare Nostrum*”⁸⁹ which would have entailed an equal involvement of all Member States by deploying adequate means for Search and Rescue operations and did not expect to be the only port of landing for migrants rescued at sea. Such convictions quickly waned, as within the operational plan it was affirmed that “it shall be ensured that coordination and cooperation with the relevant SAR

⁸⁸ Di Filippo, M. (2016). *Strategia e priorità della politica migratoria. In Rapporto sulla politica esterna italiana: Il governo Renzi*. Edizione 2016. Istituto Affari Internazionali. Roma: Edizioni Nuova Cultura, pp. 57-64

⁸⁹ *Ivi.*, p. 58

authorities are carried out in such a way that the persons rescued can be delivered to a place of safety in Italy”.⁹⁰ Moreover, the plan shows that most of the naval assets were Italian, the activities were carried out by the Italian Coast Guard whereas the other European countries contributed only by sending experts but no vehicles.⁹¹ Although *Triton* and later *Sophia* were strengthened, Italy’s deployment of energy and costs was not on par with the other Member States and operationally the country remained the first country of disembarkation.

Concretely, Renzi’s government decided to initiate diplomatic actions with the various Member States to make the need to review the system of redistribution of migrants and asylum seekers arriving in Italy emerge at the European level.⁹² For that purpose, some provisional measures to help Italy and Greece were adopted in line with the principle of solidarity and fair sharing of responsibility. Under Decisions (EU) 2015/1523 and (EU) 2015/1601 the European Union, relying on article 80 TFEU, established firstly that “24,000 asylum-seekers will be relocated from Italy to other EU countries”⁹³ and then that “15,600 asylum-seekers will be relocated from Italy to other EU countries”⁹⁴. Their implementation has been reduced as many European countries objected and disagreed, creating several political tensions at the European level. Moreover, Italy had never introduced detailed proposals to overcome those objections.⁹⁵ In a general way, the Italian government’s need for the Dublin III regulation revision can be underlined by the position of Interior Minister Angelino Alfano, who expressed himself both in national and international instances. During the parliamentary assembly on 22nd April 2015, Alfano answered the deputy Binetti by emphasising the need to overcome “Dublin”. He expressed that the principle of burdening the country of first entry with the duty on reception has become more flexible with the Dublin II and Dublin III regulations. Nevertheless, a common asylum system was needed so that the duty of reception was imposed on all European

⁹⁰ Frontex. (2014, October 22). *Joint Operation EPN Triton 2014*. Annexes of the Operational Plan. Available at: <https://www.asktheeu.org/en/request/2502/response/8802/attach/6/ANEXXES%20OPLAN%20TRITON%202014.pdf> (Accessed on 30.07.2022)

⁹¹ Di Filippo, M. (2016). *Strategia e priorità della politica migratoria*. In *Rapporto sulla politica estera italiana: Il governo Renzi*. Edizione 2016. Istituto Affari Internazionali. Roma: Edizioni Nuova Cultura, pp. 57-64

⁹² *Op.cit.*

⁹³ Council Decision (EU) 2015/1523. (2015, September 14). *Council decision (EU) 2015/1523*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1523&from=EN>. (Accessed on 03.08.2022)

⁹⁴ Council Decision (EU) 2015/1601. (2015, September 22). *Council decision (EU) 2015/1601*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&from>. (Accessed on 03.08.2022)

⁹⁵ Di Filippo, M. (2016, March 1). *Bye bye Dublin?* Affari internazionali. Available at: <https://www.affarinternazionali.it/archivio-affarinternazionali/2016/03/bye-bye-dublin/>. (Accessed on 05.08.2022)

countries equally.⁹⁶ Moreover, during the Amsterdam extraordinary JHA Council of 25th January 2016, he underlined that the Italian proposal was built on the willingness to “establish an automatic redistribution mechanism, with mandatory quotas, and activating an effective repatriation mechanism for irregular immigrants”.⁹⁷ According to Alfano, migration management could not become an issue at a national level.

Although the Italian government led by Renzi has been characterised by the importance of involving the European Union to achieve common approaches and better cooperation, this has occurred only in certain areas. Indeed, Italy has been less active on aspects concerning the adoption of European visa codes and the so-called Blue Card.⁹⁸ In 2014, the first one established some detailed rules for the entry and stay of third-country nationals for the so-called short stays. The Blue Card is still an important instrument of legal pathways to reach Europe, as it puts the basis for attracting highly skilled third-country workers. In that sense, it is worth emphasising that these components are necessary to regulate migration flows and speed up the legal processes to reach and stay in Europe. Despite this, Italian migration policy in this period has preferred to focus its dialogue with Europe on protecting its borders, reducing costs after Operation *Mare Nostrum* and achieving a common asylum system in which the burden would be shared equally by each Member State. But, once again, Italy has contributed very little to the legal routes and the establishment of a common system that could facilitate and regularise migration flows at the time.

Concerning Italy’s position vis-à-vis transit and departure countries, a common line with European policies emerged as the country expressed the necessity to cooperate with Third countries to fight irregular migration and tackle the root causes of migration. During the parliamentary assembly on 22nd April 2015, established following the shipwreck on 18th April 2015⁹⁹, in which more than 800 victims were reportedly killed, the Prime Minister expressed such belief. Given the extraordinary European Council of 23rd April 2015, Matteo Renzi

⁹⁶ Parlamento italiano. (2015, April 22). *Resoconto stenografico dell'Assemblea. Seduta n. 413 di mercoledì 22 aprile 2015*. Available online at: <https://www.camera.it/leg17/410?idSeduta=0413&tipo=stenografico>. (Accessed on 09.08.2022)

⁹⁷ Ministero dell'Interno. (2018, December 11). *Lavorare per salvare Schengen*. Comunicato stampa. Available online at: <https://www.interno.gov.it/it/notizie/lavorare-salvare-schengen>. (Accessed on 10.08.2022)

⁹⁸ Di Filippo, M. (2016). *Strategia e priorità della politica migratoria*. In *Rapporto sulla politica estera italiana: Il governo Renzi*. Edizione 2016. Istituto Affari Internazionali. Roma: Edizioni Nuova Cultura, pp. 57-64

⁹⁹ Parlamento italiano. (2015, April 22). *Resoconto stenografico dell'Assemblea. Seduta n. 413 di mercoledì 22 aprile 2015*. Available online at: <https://www.camera.it/leg17/410?idSeduta=0413&tipo=stenografico>. (Accessed on 09.08.2022)

highlighted the necessity to intervene in conflict areas to reduce some of the causes that made immigration an increasingly dramatic phenomenon. That required the joint commitment of all actors involved, from the regional to the international ones.¹⁰⁰

Italy became politically invested in relations with Third countries: in a period in which the European Union was focused on Turkey – if one considers that the EU-Turkey was agreed upon at that time – the Renzi government focused its efforts on countries like Lebanon and Jordan. Indeed, some admission programmes aiming at protecting and favouring legal access to international protection seekers were launched. These joint projects were organised between the Italian government, the Community of Sant'Egidio, the Federation of Evangelical Churches in Italy and Tavola Valdese and envisaged the protected admission to Italy of 280 persons in need of international protection over six months.¹⁰¹ The procedures for selecting the beneficiaries of the humanitarian corridors are a strong example of cooperation between the Italian government and the third country in question: indeed, they were conducted directly in the territory concerned by those religious associations and then sent to the Italian authorities for potential investigation and verification. Once admitted to Italy, the beneficiaries have received accommodation and financial support and integration policies have been applied to them.¹⁰²

Although it was previously analysed and criticised that Italy, in a certain sense, has contributed relatively at the European level to the establishment of legal routes, including visa codes and blue cards, this initiative is interesting and important to highlight. The humanitarian corridors established by Italy represented an advanced step in opening and managing legal entry channels, carried out by a country which was strongly exposed to migratory flows. One should just consider that a year earlier the country had suffered two of the most important shipwrecks at the time, with a record of fatalities on the 19th of April 2015 and on the 16th of April 2016¹⁰³.

To conclude this section, it is worth mentioning the “Migration Compact”, a proposal submitted by Matteo Renzi to the European institutions and the various Member States. Through such non-paper, the Italian government wished to make its position explicit at the European level. Starting from a positive statement about the EU-Turkey agreement as it represented “the first attempt to initiate a large-scale cooperation with a third country and has shown that it is possible

¹⁰⁰ *Op.cit.*

¹⁰¹ Di Filippo, M. (2016). *Strategia e priorità della politica migratoria*. In *Rapporto sulla politica estera italiana: Il governo Renzi*. Edizione 2016. Istituto Affari Internazionali. Roma: Edizioni Nuova Cultura, pp. 57-64

¹⁰² *Op.cit.*

¹⁰³ Kingsley, P. (2016, April 20). *Hundreds feared dead in migrant shipwreck off Libya*. The Guardian. Available online at: <https://www.theguardian.com/world/2016/apr/20/hundreds-feared-dead-in-migrant-shipwreck-off-libya>. (Accessed on 03.08.2022)

to use existing tools and budget in an innovative way”¹⁰⁴, the Prime Minister stressed the importance of the cooperation between the EU and the countries of origin and transit. Among the different requests the European Union should make to its partners, there was their commitment to effective border control and reduction of flows towards Europe, the fight against trafficking in human beings and smuggling of migrants and the cooperation on returns and readmission of migrants. In return, the EU should offer support for the economic development of partner countries, in the form of investments and easier access to capital markets. Moreover, it should provide legal labour migration opportunities which include entry quotas for workers, language and vocational training necessary for labour entry and management in cooperation with European companies.¹⁰⁵ Although this proposal shows an approach based on the notion that strengthening border security and enlisting the help of Third countries was one element to stopping migration flows, it is also significant to point out that legal migration routes were mentioned as well as employment-related rights.

Following the Italian government analysis from 2014 to 2016, one may conclude that policies were mainly characterised by two pillars: the need for cooperation between the various Member States and a common European approach and the collaboration with Third countries. The former intensified mainly after the end of Operation *Mare Nostrum* to protect Italy’s borders, as the country was more heavily under pressure from the migration phenomenon in the central Mediterranean. The second emerged in the wake of the EU-Turkey agreement. If, on the one hand, it accelerated the cooperation with Lebanon for Syrian asylum seekers and the respective legal routes, on the other hand, it was also seen as a necessary tool to counter irregular migration. Indeed, as emerges from the “Migratory Compact”, Third countries were required to take repressive measures against those who do not need international protection. This certainly has an impact on the fundamental rights of migrants and the measures that countries like Libya can take to select who “deserves” international protection and who does not. In this regard, the policies of successive governments will be analysed in an attempt to test the first hypothesis of this research project and understand the reasons why migrants undertake life-threatening journeys. Any connections with Italian policies will be emphasised to achieve a global vision of the system of interdependence with the Search and Rescue operations carried out by SOS MED.

¹⁰⁴ Renzi, M. (2016, April). *Migration Compact. Contribution to an EU strategy for external action on migration*. Italian non-paper. Available online at: https://www.governo.it/sites/governo.it/files/immigrazione_0.pdf. (Accessed on 08.08.2022)

¹⁰⁵ *Op.cit.*

2.2. THE FOLLOWING CENTRE-LEFT COALITION GOVERNMENT'S MAIN ADVANCEMENTS

Following the Minister of Interior statistics, the number of migrants reaching the Italian coast through Libya decreased within a few years: 181.436 migrants arrived in 2016; 94.802 in 2017; and only 11.471 in 2019.¹⁰⁶ In this section, one should understand the causes of this drastic decrease in conjunction with the new centre-left coalition government led by Paolo Gentiloni which started to be in office on 12th December 2016. Therefore, the 2017 Memorandum of understanding, the Minniti Decree and the NGOs Code of Conduct will be analysed.

2.2.1. THE 2017 MEMORANDUM OF UNDERSTANDING: THE MOST PROMINENT ITALIAN EXTERNALISATION STRATEGY

Cooperation between Italy and Libya on migration is not as recent as one might imagine because Libya became the main transit State in 2014. Indeed, it dated back to the 2008 Treaty of Friendship, Partnership and Cooperation.¹⁰⁷ Whereas in the “Migration Compact” Matteo Renzi highlighted the importance of cooperation with Third countries for countering irregular migration but included the respective legal routes as well, during the period 2014-2016 the Italian government did not take concrete actions, by opening and managing legal entry channels for example. In contrast, the concept of externalisation of borders as a keyway to managing migration became evident in the Italian case in 2017. Indeed, on 2nd February the Memorandum of Understanding on cooperation in development, combatting illegal immigration, trafficking in human beings, smuggling and strengthening security at borders between the State of Libya and the Italian Republic was agreed upon¹⁰⁸. The European Union supported the overall initiative, chaired by Prime Minister Paolo Gentiloni and the internationally recognised Libyan Head of Government, Fayeza Mustapa. The start of the negotiations, which later resulted in the

¹⁰⁶ Ministero dell'Interno. (2017, July 31). *Sbarchi e accoglienza dei migranti: tutti i dati*. Available online at: http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_31_luglio_2017.pdf. (Accessed on 06.08.2022)

¹⁰⁷ Riccardi, A. (2020). *Externalization of borders and human rights violations: selected themes on the international responsibility of Italy*. In I flussi migratori e le sfide all'Europa, Elena Sciso. Torino: G. Giappichelli Editore, pp. 111-142

¹⁰⁸ Governo. (2017, February 2). *Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana*. Available online at: <https://www.governo.it/sites/governo.it/files/Libia.pdf> (Accessed on 09.08.2022)

memorandum, arose in a context in which Italy was still suffering from a high number of arrivals by sea and was deeply affected by the migration phenomenon.

The structure of the memorandum includes a preamble, i.e. an introductory speech in which the Italian and Libyan governments laid the groundwork for their cooperation, mentioning among other aspects the temporary reception camps in Libya as a solution to irregular migration. They are deemed necessary pending repatriation or voluntary return to the countries of origin, considering that Libya is a transit country for those who want to travel to Europe by sea. Moreover, there are eight articles, which represent the operational side of the Memorandum. As established by article 1, both sides – the Presidential Council and the Government of National Accord (GNA) of the State of Libya – engage in the fight against illegal migration by supporting the Libyan military and security institutions. Concerning the Italian side, funding for growth programmes in the regions and technical support to the Libyan Coast Guard (LCG) and the relevant bodies in charge at the border were provided.¹⁰⁹ However, the most criticised and critical part of this Memorandum concerns article 2, in which Italy expressed the willingness of financing the migrants' centres "already in operation in compliance with the relevant standards"¹¹⁰. Once again, it should be mentioned that Libya does not have adequate legislation for the protection of refugees and asylum seekers: it is not a signatory state to the 1951 Geneva Convention on Refugees. Instead, the claim of international protection is recognised by Libyan authorities only for nationals of Ethiopia, Eritrea, Iraq, Palestine, Somalia, Sudan, South Sudan, Syria and Yemen but proper legislative and asylum systems are not established. Any migrant was likely to be placed in a detention centre.¹¹¹ In combination with the legal framework, the political context and the economic hardship of the country, added to the geographical strategic position, transformed Libya into a country which does not seem able to emerge from a long phase of instability and conflict. In what way the EU and Italy can still rely and depend on countries like Libya to stem irregular migration is, therefore, an obvious dilemma. Concerning pull-back instruments – implemented to prevent migrants from arriving in Italy and detain them in Libya or to repatriate them – it can be argued that Italy is complicit in the Human Rights violations committed by Libya in detention centres. International responsibility, however, has little chance of being invoked before either the International Court

¹⁰⁹ *Op.cit.*

¹¹⁰ *Op.cit.*

¹¹¹ Riccardi, A. (2020). *Externalization of borders and human rights violations: selected themes on the international responsibility of Italy*. In *I flussi migratori e le sfide all'Europa*, Elena Sciso. Torino: G. Giappichelli Editore, pp. 111-142

of Justice or the European Court of Human Rights.¹¹² Moreover, a link can be drawn between the pull-back instrument designed to detain migrants in countries of departure or transit and the reason behind migrants' resorting to life-threatening journeys.

Currently, the Memorandum is still valid as it has been extended on 2nd February 2020 for three years; this time, it has included some amendments which emphasised the importance of having structures based on the rule of law, clear judicial procedures and the principles of due process. Moreover, despite the legislative and political situation in Libya is still in serious distress, the Italian government asked for national legislation regarding the rights of migrants and refugees.¹¹³ To sum up, the 2017 Memorandum of Understanding and its amendments, which extended it under the same conditions for three years, should be analysed as the most prominent Italian externalisation strategy in recent times. But such a policy continues to be questionable in terms of protecting migrants' Human Rights and contributing to the migrant's life-threatening voyages.

As happened for the European Union, in 2017 the Italian government implemented an instrument called the "Africa Fund" with the state budget law. Also to fulfil the obligations established with the Memorandum, have been allocated by decree 200 million euros in 2017, 30 million euros in 2018 and 50 million euros in 2019.¹¹⁴ The implementation is the product of strong cooperation arrangements among the Italian Ministry of Foreign Affairs and international organisations, the Italian Agency for development cooperation and the Italian Ministry of Interior; it is well known that two funded projects have been earmarked for Libyan detention centres. Moreover, following the EU Trust Fund for Africa, Italy is the second largest contributor, after Germany.¹¹⁵ As analysed in the previous section, Italy paved the way for solid cooperation with Libya in migration management by implementing the programme "Support to Integrated Border and Migration Management in Libya (IBM)", in which the Italian Ministry of Interior is the only partner.

¹¹² *Op.cit.*, p. 136

¹¹³ Scavo, N. (2020, February 12). *Memorandum Italia-Libia, la bozza integrale: la partita dei fondi a Tripoli*. Available online at: <https://www.avvenire.it/c/attualita/Documents/Avvenire-%20memorandum.pdf>. (Accessed on 04.08.2022)

¹¹⁴ Riccardi, A. (2020). *Externalization of borders and human rights violations: selected themes on the international responsibility of Italy*. In *I flussi migratori e le sfide all'Europa*, Elena Sciso. Torino: G. Giappichelli Editore, pp. 111-142

¹¹⁵ *Ivi*, p. 122

2.2.2. THE MINNITI-ORLANDO DECREE: WHICH IMPACT ON HUMAN RIGHTS?

In the same period, the Chamber of Deputies converted into law the bill already approved by the Senate, the Decree-Law no. 13. dealing with “urgent provisions for the acceleration of proceedings on international protection, as well as for the fight against illegal immigration”. The Decree was proposed by the Minister of Justice Andrea Orlando in agreement with the Minister for Foreign Affairs and International Cooperation. According to the Ministry of Interior, the measures adopted concern mainly:

- the simplification of procedures concerning international protection requests and the strengthening of judicial structures specialised in such matters;
- the proposition of socially useful activities for asylum seekers within local communities and their registration in the office of the resident population;
- the transformation of identification and expulsion centres into centres for repatriation and their monitoring daily;
- the strengthening of the Automated Information System (SIA) to better fight against illegal immigration and its interconnection with the Schengen Information System;
- the abridgement of the proceedings in judgments on expulsion orders for reasons of public order and State security and terrorism prevention;
- the acceleration of repatriation modalities by focusing on cooperation with the countries of origin through bilateral agreements.¹¹⁶

Whereas this project research aims to focus on the Italian policies’ influence on the efficiency of SOS MED, it may be mentioned that this law has provoked reactions and has been strongly criticised in Italy. Indeed, several jurists have affirmed that the Minniti-Orlando decree was not conformed to the Italian Constitution and the European Convention on Human Rights (ECHR). In particular, it was considered against articles 111 and 24 of the Italian Constitution which provide the right to a fair trial, thus, to act and defend before the courts and against article 6 of the European Convention on Human Rights, which concerns the right to a fair and public

¹¹⁶ Gazzetta Ufficiale della Repubblica Italiana. (2017, April 13). *Legge 13 aprile 2017, n. 46*. Available online at: <https://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg>. (Accessed on 05.08.2022)

hearing.¹¹⁷ As analysed by the Minister of Interior, the abridgement of the proceedings in judgments would implicate the impossibility of a second instance for asylum seekers and the cancellation of the hearing.

Moreover, among the civil society, how Italy decided to fight against immigration was strongly objected to. Besides cooperation with the countries of origin, which one has noted to be the leading direction of the Gentiloni government when it comes to migration – and the aforementioned Memorandum of Understanding (MoU) is a clear example thereof – the government has decided that the most suitable method to tackle the presence of irregular migrants on Italian soil was to increase the number of repatriation centres. Several associations, which have witnessed daily the conditions of such centres, have denounced this measure as both inhumane and in violation of fundamental Human Rights. They questioned the need for restrictive and punitive measures, when one should concentrate on the improvement of legal ways to let migrants return to their countries of origin, including extending voluntary return programmes.¹¹⁸

2.2.3. THE 2017 CODE OF CONDUCT AND THE GUIDELINES FOR NGOS

The following sub-section is relevant for the development of this research project since, in this case, Italian migration policy has directly addressed NGOs, and thus those actors involved in Search and Rescue operations in the Central Mediterranean. A more descriptive analysis of this Code of Conduct, also known as the “Minniti Code”, will follow and it will subsequently allow for an understanding of the impact on SOS MED’s operations. The influence of the 2017 Code of Conduct on SAR activities could represent one key to the understanding of interdependence, the core of this project. The comprehension of whether such activities have been regulated by the Italian policy at that time to assess the evolution of SOS MED's internal policies is, therefore, the goal.

At the end of July 2017, the Minister of Interior Marco Minniti proposed some regulations in consultation with the European Union. Such a project did not represent acts with legal force but more informal proposals for an agreement with NGOs in the Mediterranean. In contrast with

¹¹⁷ Camilli, A. (2017, April 12). *Il decreto Minniti-Orlando sull'immigrazione è legge*. Internazionale. Available online at: <https://www.internazionale.it/notizie/annalisa-camilli/2017/04/12/decreto-minniti-orlando-legge>. (Accessed on 02.08.2022)

¹¹⁸ *Op.cit.*

the Minniti-Orlando decree, the lack of legal constraints transformed it into a proposal which required the equal involvement of the parties to be in force. It is worth mentioning that if NGOs decided not to subscribe, they did not risk any legal consequences. In that case, an eventual government reaction against non-signatory NGOs would not be legitimate as international and national regulations continued to be in force for the NGOs' operations and their limitations.¹¹⁹ In the next section the position of SOS MED will be analysed, to understand if the ONG decided to subscribe to the Code of Conduct or to comply with the commitments provided. In such a case, it would be interesting to highlight the reaction of the Italian authorities and the eventual measures adopted toward the ONG's vessels.

The main commitments for NGOs subscribing to such a Code of Conduct include not entering Libyan territorial waters and not obstructing the SAR operations led by the Libyan Coast Guard. Moreover, NGOs shall build strong communication with the competent MRCC concerning their technical conditions for some optimal SAR operations and in a general way concerning the activities undertaken by their vessels. Information to the competent authorities of the flag States is also mentioned as a form of commitment, to keep them updated.¹²⁰ If one analyses certain commitments of this Code of Conduct, one can observe how the words "communication", "information" and "cooperation" repeatedly occur. This could be seen as a strength of this Code and a greater awareness on the part of the Italian Interior Minister of the need for stronger cooperation in SAR operations and thus for limiting the number of deaths at sea. Instead of using a bilateral approach, however, in which the relevant MRCC and the NGOs involved keeping each other constantly informed, such a Code implies more of a one-sided approach. Indeed, cooperation is based on a system in which NGOs have to carry out the instructions of the competent MRCC and keep it constantly updated, but the other way around is not considered whatsoever. Although autonomous action is only mentioned for necessary and urgent cases, a top-down approach emerges in which the "public interest of saving lives"¹²¹ takes second place.

¹¹⁹ ASGI. *Il Governo riveda la sua linea politica, il codice di condotta mina l'efficacia delle attività di soccorso*. (2017, August 1). Associazione per gli Studi Giuridici sull'Immigrazione. Available online at: <https://www.asgi.it/media/codice-condotta-ong-governo-mina-efficacia-soccorso/>. (Accessed on 03.08.2022)

¹²⁰ Scavo, N. (2017, July 4). *Code of conduct for NGOs undertaking activities in migrants' rescue operations at sea*. Available online at: <https://www.avvenire.it/c/attualita/Documents/Codice%20ONG%20migranti%2028%20luglio%202017%20EN.pdf>. (Accessed on 03.08.2022)

¹²¹ *Op.cit.*

Furthermore, one should focus the attention on the third commitment, which foresaw the “commitment not to make communications or send light signals to facilitate the departure and embarkation of vessels carrying migrants”.¹²² The actions of NGOs are publicly mentioned as potentially attracting migrants attempting to cross the central Mediterranean to reach Italian shores or as facilitating contacts with smugglers and/or traffickers. As emerged from previous migration policies’ analysis concerning the Renzi government, this approach was not yet consolidated and the role of NGOs was not interpreted as facilitating and pushing for sea crossings. Such commitment is an important tool as it is necessary to understand whether the trend of criminalizing NGOs will be subsequently exacerbated within Italian migration policies. Besides, such a Code of Conduct triggered large controversies among the NGOs, mainly because it provided for the presence of armed police officers on board the vessels and prohibited the transfer of migrants on other vessels. Once again, it should be stressed that the ONGs’ reactions were prompted by the lack of emphasis on humanitarian principles in the Code of Conduct. Instead of accentuating the principle of saving lives at sea, an attempt was made to change the *modus operandi* of NGOs.¹²³

As one has mentioned at the beginning of this chapter, in 2017 there has been a decrease in arrivals in the central Mediterranean compared to the previous year. After analysing the migration policy implemented under the Gentiloni government, it is noticeable the extent to which it was mainly driven by the increasingly dominant role of the Minister of the Interior, Marco Minniti. As part of a paradigm of Italian policies based on border security and externalisation, the period 2016-2018 was marked by the fight against irregular migration and the illegal activities of human traffickers, as well as increased involvement of Third countries. Indeed, closer cooperation between Rome and the Libyan Coast Guard has been established. However, the effects of these policies can be questioned concerning the protection of migrants’ fundamental rights – which emerged as a neglected aspect from the Memorandum of Understanding – and the limitation of attempts to prevent casualties at sea and to improve the legal ways for migrants to either stay on Italian soil or return to their countries of origin.

¹²² *Op.cit.*

¹²³ Camilli, A. (2017, August 1). *Le ONG boicottano il codice di condotta voluto dal governo*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2017/08/01/ong-codice-condotta>. (Accessed on 04.08.2022)

2.3. THE EUROSCEPTIC AND ANTI-IMMIGRATION VISION WITHIN THE ITALIAN POLICIES

Although there has been an evolution in migration policies during the Gentiloni cabinet, this transformation has always been accompanied by the goal of acquiring a more central position in European decision-making. Indeed, during the period 2016-2018, Italy has been working on cooperation with France and Germany to gain a more prominent position within the European Union rather than cooperating with Eurosceptic Eastern European countries. The intention was also to better manage the increasing politicisation of the issue both at the national and European levels.¹²⁴ These objectives changed dramatically in the following years, when the government made up of *Lega* and *Movimento Cinque Stelle* coalition was formed between June 2018 and September 2019. Resentments towards the European Union and its role in the management of migration have increased during this period, reaching the peak of Italian repugnance towards European institutions. Furthermore, the Northern League has always taken anti-immigration positions and the controversial migratory topic has acquired a significant role in their campaigns.¹²⁵ One should understand how such a party political line has been converted into the Italian migration policies of that time by the Northern League leader and new Interior Minister Matteo Salvini. According to Zotti and Fassi, the anti-immigration policies of the League and the M5s were based on different ideological assumptions: xenophobic and nationalist arguments have been at the core of the League's policies from the very beginning, whereas the M5s' opposition has been characterised mainly by a denunciation of mainstream parties in the management of migratory flows affecting Italy. Thus, indirectly supporting the commonplaces exploited by the League, the coalition sought to “limit – if not circumvent – the country's duty to deal with asylum requests as formulated in the Geneva Convention by presenting a foreign policy intervention designed to eliminate humanitarian migration's root causes as a more effective and just policy option”.¹²⁶ The hardline policies linked to the intentions to close Italian ports to decrease the migrants' influx are crucial for grasping the interdependence with the efficiency of SOS MED, the case study of this research project.

¹²⁴ Zotti, A., & Fassi, E. (2020, May). *Immigration and Foreign Policy: Italy's Domestic-International Linkage in the Management of Mass Human Movements*. Italian Political Science, 15, p.106-107

¹²⁵ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Migration and Mobility in the European Union*. Red Globe Press, p. 73-34

¹²⁶ Zotti, A., & Fassi, E. (2020, May). *Immigration and Foreign Policy: Italy's Domestic-International Linkage in the Management of Mass Human Movements*. Italian Political Science, 15, p.102

2.3.1. THE SECURITY DECREE: THE APOGEE OF THE MIGRATION DRACONIAN MEASURES

The text of Decree-Law no. 113 of 4th October 2018 on “urgent provisions on international protection and immigration, public security, as well as measures for the functionality of the Ministry of the Interior and the organisation and functioning of the National Agency for the Administration and Destruction of Assets Seized and Confiscated from Organised Crime”¹²⁷ was made law at the beginning of December 2018. To verify the first hypothesis of this research project, claiming that “the more the Italian government and its authorities imposed strict regulations, the more migrants and refugees resorted to irregular, life-threatening voyages”, it is necessary to highlight the main changes introduced by such Security Decree.

Firstly, according to art. 1§1 of the D.L., the “humanitarian protection” – one of the three forms of protection granting a temporary residence permit to those requesting it, if the refugee status or the subsidiary protection were not satisfying – was abolished and substituted by some “special permits” for victims of violence, of serious exploitation or cases of exceptional natural disasters and asylum seekers in need of medical care. Such special permits lasted one year and the possibility of converting them into residence permits was not foreseen. Moreover, art. 2 established the extension of the maximum duration of a migrant's detention in return centres, doubling it from 80 days to 190. Concerning return measures, article 6 established an allocation of funds of 500.000 euros for 2018, 1.500.000 euros for 2019 and 1.500.000 euros for 2020. Furthermore, article 12 established that SPRAR centres – the Protection System for Asylum seekers and Refugees – will no longer receive asylum seekers but only unaccompanied minors and migrants with international protection. Finally, article 13 decreed that the residence permit was valid as an identity document but not for civil registration and article 14 stipulated that revocation of citizenship could be triggered for people who were considered a danger to the Italian state.¹²⁸ Following the highlights of the Decree, one should highlight how such approval had an impact on the reception and integration of migrants, but also and especially on the procedures for international protection. Therefore, it is arguable that the restriction of legal routes by the Italian authorities may have a causal impact on migrants' decisions to resort to irregular stays in the country. Indeed, this decree has contributed to the social marginalisation

¹²⁷ Gazzetta ufficiale della Repubblica Italiana. (2018, October 4). *Decreto-Legge 4 ottobre 2018, n.113*. Available online at: <https://www.gazzettaufficiale.it/eli/gu/2018/10/04/231/sg/pdf>, p.1. (Accessed on 05.08.2022).

¹²⁸ *Op.cit.*

and ghettoisation of applicants for international protection. Having limited or completely ruled out the possibilities of an inclusive and socially advanced path, as well as of legal status with related rights – work, education, health – damaged the vulnerability of those who reach Italy.¹²⁹

Although the main articles of the Decree have been selected to highlight the extent to which access to international protection has been restricted, the verification of the first hypothesis of this research project will also be based on the author Albano and her analysis of the Security Decree's inconsistencies. In particular, the Italian Decree no. 113 of 2018 showed some points of conflict with international, European and Italian law. Firstly, art. 7 foresaw a broadening of the crimes under which refugee or subsidiary protection status could be denied. The Geneva Convention and Directive 2011/95/EC emphasise that the possibility of withdrawal is for those who are considered a danger to the security of the country in which they reside or a threat to the community as a result of crimes committed. The fact that residential burglary, for example, has been introduced as a serious crime in the Decree raised questions of legitimacy and pointed to inconsistency with international and European standards.¹³⁰ Moreover, the rules relating to accelerated and immediate procedures appeared questionable when verified against national legislation: for example, art. 10§1 provided that the Territorial Commission must give its opinion immediately if the applicant is subject to criminal proceedings or if there has been a non-final conviction in the case of offences that are an obstacle to the applicant recognition. This rule seems to violate Articles 24 and 27 of the Italian Constitution, i.e. the right to defence and the guarantees to obtain a thorough examination of the application.¹³¹ It is also highlighted how according to Art. 7 bis of the Decree-Law, a list of safe countries of origin was introduced in Italy to simplify the procedures for international protection applications if an applicant comes from one of the countries on the list. Although this possibility was also provided for at the European level by Directive EU/25/2008, Italy had never made use of it as it had always considered it might violate the right to asylum enshrined in article 10§3 of the Constitution. The notion of “safe countries of origin” circumvents international protection for anyone whose Human Rights are infringed by sanctioning their selection¹³². To conclude, Silvia Albano points

¹²⁹ Amnesty International. (2019). *Decreti sicurezza - le domande più frequenti*. Available online at: <https://www.amnesty.it/decreti-sicurezza-le-domande-piu-frequenti/#su>. (Accessed on 10.08.2022).

¹³⁰ Albano, S. (2020). Difficoltà attuative ed incoerenze del decreto sicurezza (d.l. n. 113/2018, convertito nella legge n. 132/2018). Alcune delle questioni problematiche. In *I flussi migratori e le sfide all'Europa*, Elena Sciso. Torino: Giappichelli Editore, p. 269

¹³¹ *Op.cit.*

¹³² Albano, S. (2020). Difficoltà attuative ed incoerenze del decreto sicurezza (d.l. n. 113/2018, convertito nella legge n. 132/2018). Alcune delle questioni problematiche. In *I flussi migratori e le sfide all'Europa*, Elena Sciso. Torino: Giappichelli Editore, p.290

out, among the main implementation difficulties and inconsistencies of the Security Decree, that art. 13 undermined the importance of residency for both administrative and constitutional issues: it is both a means of localising an individual within a specific municipal area and a guarantee of the exercise of fundamental rights guaranteed by the Constitution. Finally, art. 14 introduced a “precarisation of the *status civitatis*”¹³³ since it introduced the revocation of citizenship exclusively for those who have acquired it by marriage or naturalisation. But citizenship should not be linked to the legal status of migrants and should concern every Italian citizen equally.

The overall picture of the Security Decree is a clear example of the tightening of the Italian anti-immigration policy over this timeframe. The most salient aspects mentioned above highlight how the guarantees of migrants' fundamental rights have been undermined and how the conditions for obtaining international protection and remaining on Italian soil legally have been drastically narrowed down. To foster Italian security and protect the country from the “threat” of arrivals from Africa, Salvini and the Conte I government thought that the only solution was to resort to draconian measures by neglecting that every individual ought to be granted the same rights, regardless of origin or affiliation. Such policies had a strong impact on migrants' vulnerabilities as the precarious conditions of both those who had already followed legal channels for entry and stay on Italian soil and those who had not yet obtained legal status worsened.

2.3.2. THE FOLLOW-UP SECURITY DECREE, A FURTHER OBSTACLE TO SEARCH AND RESCUE OPERATIONS

Salvini's aversion to NGOs has been evident since the beginning of his appointment as Interior Minister when his populist media campaign has been dominated by the unfortunately well-known phrases “let's close the ports” and “let's help them at home”. To introduce the Follow-Up Security Decree, it should briefly mention the main episodes showing his approach towards NGOs' operations since 2018. On 9th June 2018, the *Aquarius* ship of SOS Méditerranée and Médecins Sans Frontières rescued 629 people in the Mediterranean Sea and, after 8 days of waiting, it was forced to disembark at the port of Valencia despite the rescue had been

¹³³ *Ivi*, p. 286

coordinated directly from Rome. Indeed, *Aquarius* was banned from disembarking in Italy.¹³⁴ On 14th August 2018, a barge with 190 migrants on board was sighted off the coast of Malta and the Maltese authorities did not intervene, so the rescue was carried out near Lampedusa by the Italian Coast Guard ship Ubaldo Diciotti. Thirteen people have been evacuated to Lampedusa for health reasons, but the landing of the remaining 177 has not to be allowed by Italy, in the guise of Interior Minister Salvini. The disembarkation ended after eleven days, even though Italy wanted Malta to take charge¹³⁵. Matteo Salvini was investigated for kidnapping, illegal arrest and abuse of office first by the Agrigento and then by the Palermo Public Prosecutor's Offices. In the end, however, the Senate rejected the request for authorisation to proceed against the Minister of the Interior.¹³⁶ Another interesting episode is represented by the Sea-Watch 3, a ship carrying 40 migrants who docked in Lampedusa on 29th June 2019 without authorisation. Captain Carola Rackete has immediately been arrested, also on the charge of having attacked the vessel of the Guardia di Finanza. The Corte di Cassazione (Court of Cassation) expressed itself by judgment No. 6626/2020, by stressing that the duty to rescue people in danger at sea is a rule of international law enshrined in the UNCLOS, SOLAS and SAR Conventions; such duty is not limited to the mere act of rescuing but entails disembarkation in a “place of safety”. By interpreting the notion of a “place of safety”, the Supreme Court affirmed that a ship could not be considered as such since it “does not allow the fundamental rights of the rescued persons to be respected” (following the 1951 Geneva Convention).¹³⁷ To conclude, the Court clarified that the ship of the Guardia di Finanza, which has been damaged, could not be considered a warship and Rackete’s arrest was considered unlawful.

These three examples – which also include our case study SOS Méditerranée – were deemed essential to, on the one hand, illustrate the Italian approach towards NGOs operations, which have been often condemned and restricted despite being fully compliant with international obligations. And that happened even with the Italian Coast Guard, following the *Diciotti* ship example. On the other hand, they underline the judicial positions of that time which strongly

¹³⁴ Camilli, A. (2018, June 11). *Cronaca di una giornata sull'Aquarius*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/06/11/cronaca-giornata-aquarius>. (Accessed on 06.08.2022)

¹³⁵ Camilli, A. (2019, February 18). *Tutto quello che c'è da sapere sul caso Diciotti*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2019/02/18/diciotti-matteo-salvini>. (Accessed on 05.08.2022)

¹³⁶ *Op.cit.*

¹³⁷ Corte di Cassazione. (2020, January 16). *Sentenza 6626/2020*. Available online at: <https://www.giurisprudenzapenale.com/wp-content/uploads/2020/02/Cass-6626-2020.pdf>. (Accessed on 06.08.2022)

condemned the Italian strategy of preventing NGOs ships from landing in Italy. Despite the judicial objections suffered by Salvini, however, his populist and media condemnation of NGOs came to fruition with a further Security Decree. Indeed, the Decree-Law no. 53 of 14th June 2019 on “urgent provisions on public order and safety” was converted into law on 8th August 2019.¹³⁸ Among the 18 articles, the first five articles concern rescue at sea. Firstly, art. 1 established that the Minister of the Interior “may restrict or prohibit the entry, transit or stopping of vessels in the territorial sea [...] for reasons of public order and safety” when current immigration laws are deemed to have been violated and there is a presumption of “facilitating illegal immigration”.¹³⁹ Already from the first article of the text, therefore, there is a reference to Salvini’s “closed ports” policy and to the episode with the Sea-Watch 3 ship, which both represent the necessity of proper management of migratory flows as well as the related prevention of vessels considered as detrimental. Moreover, the Minister of the Interior gained extended powers. Art. 2 provided for a sanction for the captain from a minimum of 150.000 euros to a maximum of 1 million euros “in case of violation of the prohibition to enter, transit or stop in Italian territorial waters”.¹⁴⁰ The seizure of the ship and arrest in flagrancy for the captain have been envisaged as well, in case of “the crime of resistance or violence against a warship, provided for in Article 1100 of the Code of Navigation”.¹⁴¹ Articles 3 and 4 concerned the fight against irregular immigration: on the one hand, art. 3 amended art. 51§3-bis of the Code of Criminal Procedure and stipulated that investigations for the crime of aiding and abetting irregular immigration were to be entrusted to the district prosecutor's office. Article 4, on the other hand, authorised a total allocation of 3 million euros from 2019 to 2021, to implement the use of the investigative tool for police operations. In addition to the Interior Minister’s power, therefore, those of the Italian agents are also expanded.

As announced at the beginning of the paragraph, the positions of the *League* and the *M5s* towards migration management have settled on different ideological grounds. While at first there has been a tacit consensus on the xenophobic political line taken by the *League*, the two Security Decrees have led to an aggravation of tensions, both within the Yellow-Green coalition

¹³⁸ Gazzetta ufficiale della Repubblica Italiana. (2019, August 9). *Disposizioni urgenti in materia di ordine e sicurezza pubblica*. Available online at: <https://www.gazzettaufficiale.it/eli/gu/2019/08/09/186/sg/pdf>. (Accessed on 07.08.2022)

¹³⁹ *Op.cit.*

¹⁴⁰ *Op.cit.*

¹⁴¹ *Op.cit.*

and the country itself.¹⁴² Several mayors have refused to reject applications for international protection on humanitarian grounds, for example, and there has been widespread opposition to the Follow-Up Decree by the President of the Republic Sergio Mattarella, the President of the Chamber of Deputies Roberto Fico, several members of the *Partito Democratico* and international organisations including the UNHCR.¹⁴³

As this research project aims to grasp the impact of Italian policies on SAR operations and in particular on the reasons behind migrants and refugees resorting to life-threatening voyages, it is worth mentioning the effect of these Decrees on asylum applications in Italy. Firstly, immigration policies have been characterised by several paradoxes in 2019: Salvini's rhetoric within the public debate has focused on fighting against arrivals in the Mediterranean when the figures are quite clear and show that they have been much lower than family and labour migration.¹⁴⁴ Instead of creating and focusing adequate policies on such migration components, which would have allowed the development and growth of certain Italian economic sectors and would have regularised migrant workers in the country, for example, labour migration policies remained neglected and unchanged. But this is not peculiar to the Conte I government, as labour migration policies were not expanded even previously.¹⁴⁵ Secondly, it should be mentioned that some studies have found a direct link between the Security Decree and the increase in irregular migrants. Indeed, the expected effect was exactly the opposite of what Salvini's intention had been since the beginning to fight irregular migration.

As emerges from ISMU data, 519,000 irregular migrants were registered on Italian territory on 1st January 2021, while in 2018 and 2019 there were 533,000 and 562,000 respectively¹⁴⁶. Moreover, as can be seen from Graph 1, compared to the previous governments' object of this research project, the years 2018 and 2019 witnessed an increase in irregular migrants and the reasons can be traced back to Salvini's main legislative amendments, namely the Security Decrees.

¹⁴² Geddes, A., & Petracchin, A. (2020). *Italian migration policy and politics: exacerbating paradoxes*. Migration Policy Centre.

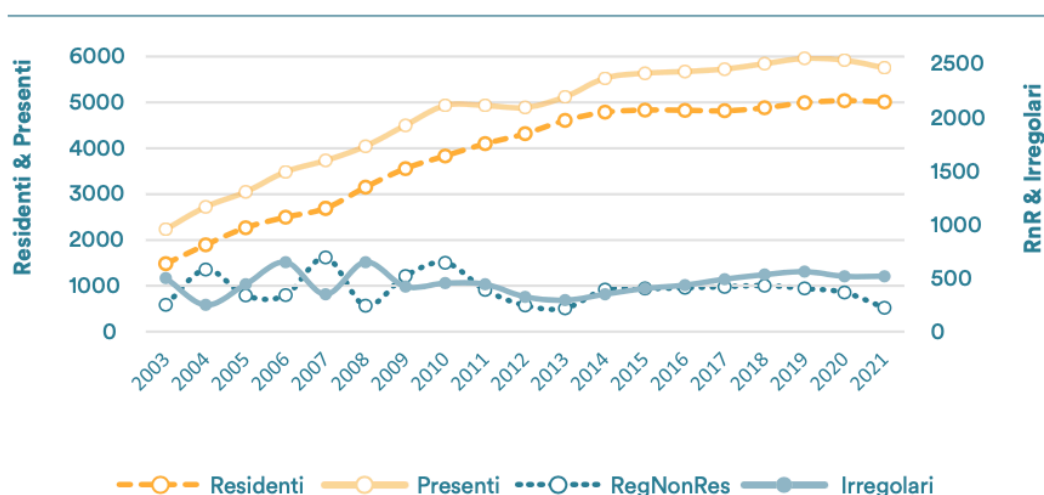
¹⁴³ *Ivi.*, p.18

¹⁴⁴ *Ivi.*, p.6

¹⁴⁵ *Ivi.*, p. 10

¹⁴⁶ Fondazione ISMU. *Iniziative e studi sulla multiethnicità*. (2022). Ventisettesimo Rapporto sulle migrazioni 2021. Milano: Franco Angeli, p. 66

Figure 1. Foreigners in Italy by type of presence, January 2003-2021



Source: ISMU Foundation

This also has an impact on the entire Italian asylum system and the increase in rejected asylum applications¹⁴⁷. In this regard, it is necessary to underline how Italy, unlike previous governments, started to criticise the European Union for the inefficiency of asylum policies but never contributed to Dublin regulation reforms during this period. Geddes emphasises how the League's MPs never showed up at the meetings established by the European Parliament in this regard. Applying a critical stance without contributing in the slightest to reforms of the European system seems to be part of the logic of increasing the politicisation of migration at both the national and European levels.

To conclude this section, it is necessary to emphasise how the role of the Minister of the Interior has become increasingly important within Italian migration policies, both at the national and European levels. This has happened at the expense of the Ministry of Foreign Affairs, which, especially during the Yellow-Green coalition, has always been very accommodating to Salvini's draconian measures¹⁴⁸. Whilst such a process has already taken place with Minniti, there has been a continuum in the strengthening of the Minister of the Interior's powers. It will be taken into account to analyse the interdependence with SOS MED to understand whether there has been a direct impact caused by the actions and measures taken both by Minniti and Salvini.

¹⁴⁷ Geddes, A., & Petracchin, A. (2020). *Italian migration policy and politics: exacerbating paradoxes*. Migration Policy Centre., p. 10

¹⁴⁸ Zotti, A., & Fassi, E. (2020, May). *Immigration and Foreign Policy: Italy's Domestic-International Linkage in the Management of Mass Human Movements*. Italian Political Science, 15, p. 105

2.4. A RESHAPING OF SALVINI'S SECURITY DECREE AND RELATIONSHIPS WITH THE EUROPEAN UNION ON MIGRATION MANAGEMENT?

Previously, the features of the draconian policies established by Salvini and the Conte I government have been analysed, alongside their impact on asylum applications and sea arrivals in Italy. In the next section, it would be pertinent to consider whether there has been a perpetuation of such political and legislative direction or whether, on the contrary, changes have been introduced. The profile of the Minister of the Interior has certainly been downgraded and there has been a less evident association of the Italian immigration policy with foreign policy upon the technocrat Maria Lamorgese.¹⁴⁹ Any further development may be essential to uncover the interdependence with SOS Méditerranée; while opposition to SAR operations has been evident with the previous government, the replacement of such a coalition may have affected the NGO behaviour which will be explored from a more current and recent perspective.

2.4.1. THE NEW DECREE ON MIGRATION AND SECURITY: A RECASTING BOTH POLITICALLY AND JUDICIALLY CALLED FOR

The Decree Law no. 130 of 21st October 2020 on “urgent provisions on immigration and security” was converted into law on 18th December 2020. Compared to the Security Decree, one should highlight that the conversion processes have been more rapid and have had a majority consensus. This approbation followed the Italian President’s remarks and judgment no. 186/2020 of the Constitutional Court. Firstly, in August 2019, Sergio Mattarella expressed his perplexities in a letter sent to the Presidents of the Chambers of Parliament and the Prime Minister, Giuseppe Conte. The aim was to “refer to the assessment of Parliament and the Government the identification of the ways and timing of a regulatory intervention on the discipline in question”.¹⁵⁰ On the one hand, Mattarella denounced the fine imposed on ships – which was increased by 20 times compared to the original Decree Law – and recalled the Constitutional Court ruling no. 112/2019 which stated the requirement of a proportion between the penalty and the behaviour in question. Indeed, in the Security Decree, there was no criterion for the behaviour. On the other hand, the Montego Bay Convention has been mentioned to

¹⁴⁹ *Ivi*, p. 108

¹⁵⁰ Quirinale. (2019, August 8). *Decreto Sicurezza bis: Mattarella promulga e invia lettera ai Presidenti di Senato, Camera e del Consiglio dei ministri*. Available online at: <https://www.quirinale.it/elementi/32104>. (Accessed on 06.08.2022)

emphasise how saving lives at sea is an international obligation that Italy must not shirk.¹⁵¹ Secondly, the Italian Supreme Court in its judgement no 186/2020 declared unconstitutional Art 13(1)(a) of the Decree Law No 113/2018 after that the Courts of Milan, Ancona and Salerno raise the questions of constitutional legitimacy.¹⁵² A recasting of the Decree has been both politically and judicially called for.

Firstly, among the main measures article 1 established that certain residence permits, including those for special protection for calamities and the acquisition of citizenship or stateless person status, can be converted into work permits. Moreover, expulsions have been prohibited when the risks of being subjected to torture or inhuman and degrading treatment occur; the violation of the right to respect for one's private and family life in the national territory has been mentioned as well (Art.1§1). The reference to the 1951 Geneva Convention is therefore clear. The conditions under which a migrant can apply for humanitarian protection are broadened and a new special protection permit is introduced. Such permit validity has been extended to two years (Art.2§3). Moreover, the procedures for the examination of applications for recognition of international protection are modified, to respect "the State's need to maintain rigour for the rules with that of foreign citizens to have guarantees and protections recognised" (art.2).¹⁵³ Article 3 stated the reduction of the maximum period of detention from 180 to 90 days, which can be extendable to 30 days if the foreign is a citizen of a country with which Italy has signed repatriation agreements. Moreover, the registration of the applicant for international protection in the register of the resident population has been foreseen. Article 4 established a new Reception and Integration System – called SAI – which has been no more limited only to holders of international protection and unaccompanied minors but also to applicants for international protection. Furthermore, the periods of the process of recognition of nationality by marriage and naturalisation are reduced to 24 months, which may be extended to a maximum of 36 months.¹⁵⁴

¹⁵¹ *Op.cit.*

¹⁵² Corte Costituzionale. (2020, July 09). *Sentenza no 186/2020*. Available online at: https://www.cortecostituzionale.it/actionSchedaPronuncia.do?param_ecli=ECLI:IT:COST:2020:186. (Accessed on 06.08.2022)

¹⁵³ Deputati PD. (2020, December 9). *Il Decreto-Legge n.130 del 2020: il nuovo Decreto Immigrazione*. Available online at: <https://www.astrid-online.it/static/upload/docu/documento.pdf>. (Accessed on 08.08.2022)

¹⁵⁴ Gazzetta ufficiale della Repubblica Italiana. (2020, December 19). *Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare*. Available online at: <https://www.gazzettaufficiale.it/eli/gu/2020/12/19/314/sg/pdf>. (Accessed on 08.08.2022)

Among the main elements that characterised Security Decree No. 113/2018 as inconsistent and problematic, there were the regulations for accelerated and immediate procedures, the crimes that prevented the recognition of international protection and the expansion of the length of detention¹⁵⁵. These controversial elements were abolished thanks to the contribution of the new Interior Minister, Luciana Lamorgese. As expressed by the European Union, the new office “ignited hope for changes to migration and integration approaches”¹⁵⁶ but did not exclude criticism from various NGOs. The most salient aspects that drew their attention were the lack of consideration of the revocation of Italian citizenship for a person deemed to be a threat to Italian security.¹⁵⁷

Since the aim is to explore Italy’s institutional responses to have a global understanding of how the country has dealt with the migration issue since 2014, it is, therefore, crucial not to deflect the focus from the impact such responses have had on Search and Rescue operations and in particular on the activities of SOS MED. For that reason, a small excursus must be provided on the measures established by the new Decree towards NGOs and merchant ships in Italian ports and territorial waters. In contrast to the Follow-Up Security Decree, which also included entry, it has been stated that the Minister of the Interior, in agreement with the Minister of Defence and the Minister of Infrastructure and Transport, may restrict or prohibit transit and stopover in the territorial sea. Such measures must be taken for reasons of public order and security. Moreover, it has been highlighted that Search and Rescue operations have to comply with international law and communicate constantly with the competent coordination centre. The fine for non-compliance has been fixed from a minimum of 10,000 to a maximum of 50,000.¹⁵⁸ Furthermore, the provisions introduced by Article 2 of the Salvini Security Decree have been repealed. Sanctions for the captain from a minimum of 150.000 euros to a maximum of 1 million euros, the seizure of the ship and the arrest in flagrancy for the captain have no more been envisaged.

¹⁵⁵ Albano, S. (2020). *Difficoltà attuative ed incoerenze del decreto sicurezza (d.l. n. 113/2018, convertito nella legge n. 132/2018). Alcune delle questioni problematiche*. In I flussi migratori e le sfide all'Europa, Elena Sciso. Torino: Giappichelli Editore, p.290

¹⁵⁶ European Commission. (2021, January 25). *Italy: A new system of reception and integration*. Available online at: https://ec.europa.eu/migrant-integration/news/italy-new-system-reception-and-integration_en. (Accessed on 07.08.2022).

¹⁵⁷ *Op.cit.*

¹⁵⁸ Gazzetta ufficiale della Repubblica Italiana. (2020, December 19). *Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare*, p.2. Available online at: <https://www.gazzettaufficiale.it/eli/gu/2020/12/19/314/sg/pdf>. (Accessed on 08.08.2022).

To conclude with this very important legislative reform, which has moved away from and managed to overcome the inconsistencies of Salvini's Security Decrees, one can observe how the Italian government's new approach has been less likely to obstruct the processes of international protection and the defence of migrants' fundamental rights. On the contrary, this process of discontinuity with past migration policies has ensured better systems of reception and integration for migrants. In addition, there has been a paradigm shift concerning NGOs: the sanctions introduced no longer included criminal penalties and there has been less a criminalisation of NGOs and more an emphasis on the compliance of SAR operations with international maritime law. Whether this development has had an impact will be explored and verified in the section on SOS MED.

2.4.2. RENEWAL OF THE MEMORANDUM WITH LIBYA AND RELATIONS WITH THE EUROPEAN UNION

With the new Decree-Law, there has been a discontinuity with the previous government and the draconian policies applied by Salvini for the management of migrants, although not all the critical elements have been ironed out. While on the one hand, however, the Conte II government has sought to overcome the legislative and political quibbles that preceded it, on the other hand, one can note that the past policy line has been confirmed and there has been a sort of continuity. In this regard, it is necessary to recall that on 2nd November 2019, the Memorandum of Understanding with Libya would have been automatically renewed if the Italian government had not intervened for any changes.

On this topic, in November 2019 Foreign Minister Luigi di Maio reiterated the Italian position on the Memorandum of Understanding during a question time in the Chamber of Deputies. In particular, he has stated that “any denunciation of the Memorandum with Libya would represent a political vulnus”¹⁵⁹ but that the Italian government was working to improve it. Moreover, he underlined the effects of such MoU on sea arrivals: “the document can be modified, but it is undeniable how it has reduced arrivals and deaths at sea”.¹⁶⁰ On 11th November 2019, the Minister of Interior Luciana Lamorgese has taken the same line as Di Maio, affirming Italy's

¹⁵⁹ Redazione ANSA. (2019, October 30). *Di Maio, miglioreremo accordo con la Libia*. Available online at: https://www.ansa.it/sito/notizie/mondo/2019/10/30/di-maio-miglioreremo-accordo-con-libia_a854b672-8b63-41ed-bd8e-a0c0386abb9b.html. (Accessed on 09.08.2022)

¹⁶⁰ *Op.cit.*, (Accessed on 09.08.2022)

willingness to revise the text of the MoU and emphasising how much the Libyan counterpart had welcomed the proposal.¹⁶¹ Although this period was mainly characterised by official statements on the continuity of policy commitments undertaken by Italy in the past and the actual amendments were implemented in February 2020, it is noticeable that priority is once again given to short-term goals.¹⁶² Finding solutions to a single political problem - Italian and European - without restoring the political and security conditions in a country like Libya, cannot fit into that line of argument where Human Rights and the right to life must belong to everyone. Continuing to tacitly contribute to the violation of these rights, without setting long-term goals for the stability and capacity building of Libya, will certainly not protect civilians and those who reach Europe in search of better standards of living.

Concerning the relations with the European Union, rather than cooperating with Eurosceptic Eastern European countries, Italy has once again moved forward in openness, dialogue and cooperation with the other Member States to regain a prominent position on migration management at the European level. For example, on 23rd September 2019, an informal meeting was held in Malta among the Interior minister of France, Germany, Malta and Italy. The aim has been to find some temporary solutions and arrangements for the asylum system to find new solidarity mechanisms.¹⁶³ Therefore, a better distribution of asylum applications among the Member States has been the core of such an informal arrangement, considering the burden and pressure that countries like Malta and Italy have suffered since the 2015 migration crisis. In this regard, the Italian Interior Minister Lamorgese has expressed herself: “from today, Italy and Malta are not alone. There is a recognition that these two countries represent the gateway to Europe”.¹⁶⁴ However, the reactions of the various Member States have been diverse and once again have highlighted the lack of a common approach within the European Union. While France and Germany have agreed and assumed the same political vision as Italy for fairer

¹⁶¹ Ministro dell'Interno. (2019, November 6). *Informativa del ministro Lamorgese sul Memorandum con la Libia*. Available at: <https://www.interno.gov.it/it/notizie/informativa-ministro-lamorgese-sul-memorandum-libia>, (Accessed on 09.08.2022)

¹⁶² Varvelli, A., & Villa, M. (2019, November 19). *Italy's Libyan conundrum: The risks of short-term thinking*. Available online at: https://ecfr.eu/article/commentary_italys_libyan_conundrum_the_risks_of_short_term_thinking/. (Accessed on 09.08.2022).

¹⁶³ Euractiv. (2019, September 19). *EU ministers in Malta to thrash out new migrant system*. Available online at: <https://www.euractiv.com/section/justice-home-affairs/news/eu-ministers-in-malta-to-thrash-out-new-migrant-system/>. (Accessed on 10.08.2022)

¹⁶⁴ *Op.cit.*

redistribution quotas, countries including Hungary strongly rejected this vision even in the aftermath of the meeting in Malta.¹⁶⁵

Moreover, exactly one year later, on 23rd September 2020, the European Commission proposed a new pact on migration and asylum, to establish a more appropriate common framework. A new comprehensive approach to asylum and migration management has been strongly required even by Italy for a considerable time. Indeed, on the same day, Italian Premier Giuseppe Conte expressed his awareness of the extent to which the old Dublin system was not functional and impacted Italy's burden of waves of migrants by sea and asylum claims. He welcomed such a proposition and publicly declared his approval: "the Migration Pact is an important step towards a truly EU migration policy".¹⁶⁶ In a general way, it has been considered a good starting point. However, during the Med Dialogues 2020 organised in Rome by the Foreign minister and the Italian Institute for International Political Studies (ISPI), both Conte and Di Maio agreed. They have reiterated the need for greater involvement of all Member States and equilibrium based on cooperation in the Mediterranean.¹⁶⁷

In conclusion, the Conte II government has been characterised by both continuity and discontinuity: on the one hand, the continuation of the same strategic objectives – including the reduction of irregular entries and the increase of returns to countries of origin through externalisation and the renewed need for cooperation with Libya – has occurred. On the other hand, there has been a gap concerning the discourse on the country's security and the fomenting of public hostility toward migratory phenomena, the main crux of the previous government's attitudes. The Minister of the Interior Lamorgese has never positioned herself as a defender of the "threat" of migrants but, on the contrary, has actively contributed to amending the regulations adopted by Salvini and to adopting new ones that would allow more rights to applicants for international protection. Furthermore, despite the height of the health emergency, Italy has repositioned itself in a central position at the European level, calling for more cooperation and emphasising the need for a revision of the Dublin asylum system. Nonetheless,

¹⁶⁵ *Op.cit.*

¹⁶⁶ Redazione ANSA. (2020, September 23). *Conte welcomes proposed EU migration pact*. Available at: https://www.ansa.it/english/news/politics/2020/09/23/conte-welcomes-proposed-eu-migration-pact_14c45aeb-42b4-49ff-afd4-25d38afc6995.html. (Accessed on 08.08.2022)

¹⁶⁷ *Op.cit.*

it should also be noted that the pandemic had no significant impact on the number of landings: in 2020, irregular arrivals reached more than 34,000.¹⁶⁸

2.5. THE MOST CONTEMPORARY MIGRATION POLICIES AND THE FUTURE OUTLOOK

The arrival of Prime Minister Draghi in office and the new coalition can be described as a continuum of the previous government's Italian migration policies. Italy has continued to seek to remain relevant at the European level and the revision of the Memorandum text announced in 2019 by Foreign Minister Luigi di Maio and Interior Minister Luciana Lamorgese has materialised. Furthermore, the government crisis that led to the Prime Minister's resignation in July 2022 will be taken into account to underline how the migration issue could again become a slogan of the sovereigntists and increase the possible impact on both the work of NGOs and the life-threatening journeys of migrants.

2.5.1. A CONTINUUM WITH THE PREVIOUS POLICIES

Prime Minister Mario Draghi outlined his government's migration policies during a session in the Chamber of Deputies on 12th May 2021. According to the daily dashboard and official data of the Minister of the Interior, more than 13,000 landings were recorded on 15th May, in contrast to almost 4,000 the previous year.¹⁶⁹ In particular, he has pointed out that the landings that occurred and were recorded in Lampedusa at the beginning of May represented a peak, not only in comparison to the previous year but also to the first months of 2021. Draghi has depicted the Italian government's migration policy into three focal points: the promotion of bilateral initiatives, the pressure on the different European Member States for an effective redistribution of migrants in Italy – thus, once again, the need to adopt a more credible asylum system has been emphasised – and the assistance, alongside the EU, to the Libyan authorities in countering

¹⁶⁸ Ministro degli Interni. (2020, December 31). *Cruscotto statistico giornaliero, 31 dicembre 2020*. Available at: http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2020_1.pdf. (Accessed on 08.08.2022)

¹⁶⁹ Ministro dell'Interno. (2021, May 15). *Cruscotto statistico giornaliero, 15 maggio 2021*. Available at: http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_15-05-2021.pdf. (Accessed on 09.08.2022)

trafficking in arms and human beings.¹⁷⁰ As one can observe, there have been no lines of rupture with the previous government, whose migration policies had the same objectives. What Draghi particularly insisted on was the importance and necessity of stabilising a country like Libya, so one can clearly understand the importance of the link between capacity building in Libya but in a general way in the whole Mediterranean region and migration management.

Concerning the promotion of bilateral initiatives, Italy reconfirmed its commitment to the 2017 Memorandum of Understanding. In February 2017, the amendments continued to provide support to the Libyan coastguard and Libya had been asked to facilitate UN activities in both sea rescue and detention centres.¹⁷¹ Moreover, on 15th July 2021, the House passed a majority resolution in which assistance and training for the Libyan Coast Guard were discussed. The Italian government analysed the possibility of transferring the function of such a bilateral mission to the *Irini* mission, which as one has described below is mainly focused on the arms embargo on Libya. However, this mission would also provide training for the Libyan military, which made Italy allocate 22 million euros from 2017 to 2020.¹⁷² The Italian policy seems once again to be based on a lack of responsibility and short-term goals. Delegating the European Union and strengthening the Libyan Coast Guard are not adequate tools to counter the flow of irregular migrants to Italy and to “move away from the usual emergency mindset on the issue”.¹⁷³ Moreover, the social aspects that are put at risk by such migration flows and the implications for Human Rights, especially for those detained in Libyan centres, have been not considered. Regarding this last aspect, in April and May 2021, there were the respective visits of Draghi to Libya and Libyan Prime Minister Dbeibah to Rome, reaffirming the importance of cooperation between Italy and Libya. In this instance, the humanitarian aspect was also emphasised, as one can perceive by Draghi’s words: “it is a moral duty but also an interest of Libya to ensure that the Rights of refugees and migrants are fully respected. Migration and humanitarian issues are a priority, for Italy but also for Libya. We have considered the control of Libyan borders, the fight against human trafficking, assistance to refugees, humanitarian

¹⁷⁰ Presidenza del Consiglio dei Ministri. (2021, May 12). *Camera dei Deputati, il Presidente Draghi risponde al Question time*. Available online at: <https://www.governo.it/it/node/16816> (Accessed on 09.08.2022)

¹⁷¹ Scavo, N. (2020, February 12). *Memorandum Italia-Libia, la bozza integrale: la partita dei fondi a Tripoli*. Available online at: <https://www.avvenire.it/c/attualita/Documents/Avvenire-%20memorandum.pdf>. (Accessed on 10.08.2022)

¹⁷² De Luca, A. (2021, July 15). *Libia e migrazioni, accordo rinnovato*. ISPI. Available at: <https://www.ispionline.it/it/pubblicazione/ispitel-libia-e-migrazioni-accordo-rinnovato-31152>. (Accessed on 10.08.2022)

¹⁷³ Barana, L. (2021). *L'Italia e le migrazioni*. In *Il governo Draghi e il nuovo protagonismo internazionale dell'Italia*. Istituto Affari Internazionali, Roma., p. 55

corridors, and the development of rural communities”.¹⁷⁴ In addition to that, the relevance of relaunching the economy and restoring proper security conditions in Libya was also emphasised by Foreign Minister Luigi di Maio.

Regarding the second objective announced by Draghi during the session in the Chamber of Deputies, namely the intra-European pressure for an effective redistribution of migrants, on 24th and 25th June 2021, the European Council held some meetings and “for the first time since December 2018, migration formally featured on the European Council’s agenda”.¹⁷⁵ The pressure put by Italy has contributed to pushing such issues up the European political agenda. Although Draghi’s government expected considerable news on the integration and implementation of the new pact on migration and asylum – proposed in 2020 – in reality, these meetings reiterated the importance of the EU’s external border controls and cooperation with the countries of origin and transit.¹⁷⁶ Furthermore, an important point for our research project concerns the demands made by Interior Minister Lamorgese, who asked the new Home Affairs Commissioner, Ylva Johansson, for a common mechanism for all member states to allow NGOs flying European flags to land safely¹⁷⁷. This request could be a preview of the coming years, and it is certainly relevant that SAR operations and their possible cooperation are also mentioned at the political level.

2.5.2. POSSIBLE FUTURE OVERVIEWS

In July 2022 a government crisis within the Italian coalition led to the Prime Minister’s resignation. Although the number of migrants landed in that period was not much higher than last year, registering around 40000 landings compared to 30000 in 2021¹⁷⁸, it is evident to what extent the campaign is characterised by a race for platitudes to resort to electoral victory. In

¹⁷⁴ HuffPost. (2021, May 31). *Premier libico Dbeibah a Roma. Draghi: "Dovere della Libia tutelare diritti migranti"*. Huffingtonpost. Available online at: https://www.huffingtonpost.it/entry/premier-libico-dbeibah-a-roma-tra-migranti-e-business-vede-draghi-e-di-maio_it_60b4727be4b0ead2796a5230/. (Accessed on 10.08.2022)

¹⁷⁵ European Council. (2021, June 25). *European Council conclusions, 24-25 June 2021*. Available online at: <https://www.consilium.europa.eu/media/50763/2425-06-21-euco-conclusions-en.pdf>. (Accessed on 10.08.2022)

¹⁷⁶ *Op.cit.*

¹⁷⁷ Ministero dell'Interno. (2021, August 4). *Telefonata del ministro Lamorgese alla commissaria Affari Interni Ylva Johansson: chiesta convocazione Consiglio Affari interni straordinario su flussi migratori*. Available online at: <https://www.interno.gov.it/it/stampa-e-comunicazione/comunicati-stampa/telefonata-ministro-lamorgese-alla-commissaria-affari-interni-ylva-johansson-chiesta-convocazione-consiglio-affari-interni-straordinario-flussi-migratori>. (Accessed on 10.08.2022)

¹⁷⁸ Ministero dell'Interno. (2022, July 31). *Cruscotto statistico giornaliero, 31 luglio 2022*. Available online at: <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero>. (Accessed on 10.08.2022)

particular, the “tunnel of invasion” is at the heart of the propaganda of some parties including the *League* who hope to secure a place in the new coalition that will be established after the September 2022 elections.¹⁷⁹

Having analysed how the League has positioned itself and conducted its migration policies from 2018 onwards, this scenario could bring further problems to Italy from various points of view. Indeed, the League's aversion to the European Union, which has already been used in the past as a scapegoat for not assuming its responsibilities in the management of migration flows, but especially in Italy's international protection claims and asylum procedures system, is well known. The estrangement from European institutions could lead to a decentralisation of Italy's role in the new pact on migration and asylum and to less pressure, which so far has served to make it clear how Italy has suffered enough from the burden of arrivals and needs solidarity from the other Member States. Moreover, there could be a clear danger that new Decree Laws will be put in place, probably to amend the D.L. no. 130 of 21 October 2020. Indeed, Salvini was the one who introduced the Security and the Follow-Up Security Decrees, which had an impact on applications for international protection and, in an overall perspective, on the possibilities for migrants to remain on Italian soil legally. Moreover, the security-oriented migration policy model would certainly have an impact on the work of NGOs and Search and Rescue operations. The perpetuation of that vision of migration as an emergency issue would consolidate a system for which no cooperation would be provided for Search and Rescue operations and normalisation and regularisation of such phenomena would never be reached.

Furthermore, regardless of the government that will be formed following the September 2022 elections, cooperation with Libya will continue to be unstable and fragile. Despite recent political advances, short-term goals set by both the European Union and the Italian governments could not have the desired impact as Libya will continue to be a transit country with few civil rights, pierced by decades of conflict that have led it to be a fundamentally unstable country.

A conclusion of the structure of migration policies involving Italy from 2014 to 2022 is deemed relevant in determining the interdependence with the policies and actions of the Search and

¹⁷⁹ Bechini, A. (2022, July 25). *Mattarella non aveva ancora sciolto le Camere che già si riparlava di invasione*. Huffingtonpost. Available online at: https://www.huffingtonpost.it/blog/2022/07/25/news/mattarella_non_aveva_ancora_sciolto_le_camere_che_gia_si_riparlava_di_invasione-9937993/. (Accessed on 11.08.2022)

Rescue operations conducted by the NGO SOS Méditerranée, the case study of this research project. Although there has been a development and evolution, migration policies have revolved around the main dimensions that have accompanied them throughout these years. In particular, the external dimension of Italian migration policies has been organised around agreements and collaborations with Third countries, mainly Libya, to control, reduce and select migrants intending to reach European and in this case Italian territory. If this process were based on cooperation with countries that are stable, aware of and respectful of fundamental rights and signatories to international conventions, externalisation would not be an issue of concern. But as has been analysed, externalisation has led to various diatribes and international law has been revoked several times as the welfare and safety conditions of migrants have fallen victim to a lack of responsibility on the part of Europe and Italy. To shirk all responsibility primarily to prevent the increases in the Mediterranean from persisting, and to be aware of how little international institutions of law can intervene, is an abhorrent practice. Moreover, as far as the internal dimension and thus the Italian territory is concerned, there has been a restriction and circumvention of applications for international protection. Restrictive and punitive measures against applicants have been applied, leading to an increasing categorisation of the right to asylum and, in overview, of foreigners who have reached the country. This has resulted in a consequent impact on the reception and integration of migrants into current societies, increasing their vulnerability and putting their social integration at great risk. Restricting access to fundamental rights and obstructing international protection procedures have been key features of some governments, namely the Conte I government embodied by Interior Minister Salvini, even though labour and family migration had higher numbers than irregular migration¹⁸⁰. In this regard, it is important to note that in December 2021 a new procedure of the Flow Decree was put in place: although in previous years, such quotas were not taken into account, it was determined that in 2022 more than 69000 non-European workers will enter Italy¹⁸¹. This is hopeful for the encouragement of future opportunities for legal routes. The Italian political-regulatory framework has been marked by a tightening of regularities of stay, a lack of proper mechanisms for countering irregular migration and avoiding fatalities at sea and one has to verify the impact on the Search and Rescue operations.

¹⁸⁰ Geddes, A., & Petracchin, A. (2020). *Italian migration policy and politics: exacerbating paradoxes*. Migration Policy Centre., p. 10

¹⁸¹ Ministero dell'Interno. (2022, July 31). *Cruscotto statistico giornaliero, 31 luglio 2022*. Available online at: <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero>. (Accessed on 10.08.2022)

However, even though Italian migration policies were made spectacular during the Conte I government with the media impact of Interior Minister Salvini and led to a deterioration of Italian responses to the migration phenomenon, the genealogy is much more distant. One has observed how the Minniti Decree had already paved the way for Salvini's draconian policies, applying restrictive and punitive measures against migrants and taking little account of their fundamental rights. Instead of creating and focusing adequate policies on family and labour migration components, which would have allowed the development and growth of certain Italian economic sectors and would have regularised migrants in the country, some particular migration policies remained neglected and unchanged. And the Memorandum is another example, introduced to counter irregular migration without taking into account perpetual Human Rights violations. The interdependence with SOS MED operations will explore the entire period without assuming that there was a larger impact with the 2018 migration policies.

In conclusion, the extent to which Italian migration policies were dependent on the role and framework of the European Union was also emphasized. There has been a desire on Italy's part for greater European solidarity that would allow for a balance of burdens among the various Member States, and repeated pressure has been put on the shortcomings of the European system. This should not, however, deflect Italy from its responsibility to have a more structured approach to managing flows and instrumentally use the European situation.¹⁸²

The next chapter will explore Search and Rescue operations under international law to explore how Italian policies affected SOS MED's policies. In this regard, it is important to note that since the end of Operation *Mare Nostrum*, there has been little focus on policy responses on humanitarian and sea rescue aspects. NGOs have often been condemned as potential pull factors, but what emerges from Italian policies between 2014 and 2022 is a lack of cooperation with NGO activities to rescue and pragmatically prevent further slaughter in the central Mediterranean. In particular, such a section will follow the timeline from 2016 to 2022 as SOS MED has been operational since that year.

¹⁸² Istituto Affari Internazionali (IAI). (2021). *Il governo Conte bis, la pandemia e la crisi del multilateralismo*. Available online at: <https://www.iai.it/sites/default/files/9788893681735.pdf>. (Accessed on 10.08.2022).

D. THE SECOND ACTOR OF THE MUTUALLY DEPENDENT RELATIONSHIP: SEARCH AND RESCUE OPERATIONS AND THE SOS MEDITERRANÉE CASE STUDY

1. THE INTERNATIONAL LAW FRAME AS REGULATOR OF SOS MED OPERATIONS

To introduce the case study of this research project, it has been deemed relevant to briefly review the framework of international law establishing and regulating rescue at sea. Although the aim is to explore the interdependence between Italian policies and SOS MED's activities, there are various types of dependence hidden within such a reciprocal relationship. On the one hand, one has remarked how Italian policies have been part of a European context that has influenced their shaping. Indeed, the series of circumstances and migration policies at the European level has allowed Italy to better position itself and follow a particular policy line in the management of migration flows from 2014 onwards. On the other hand, to grasp Search and Rescue Operations in the central Mediterranean and the role of SOS MED, the ensemble of international agreements should be highlighted. Indeed, sea rescue is enshrined in several international instruments and "there is no doubt that the duty to rescue is one of the best established principles of the international law at sea".¹⁸³ The international Convention for the Safety of life at sea, the International Convention on Maritime Search and Rescue and the United Nations Convention on the Law of the Sea – all three ratified by Italy – will be briefly described below.

1.1. THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA: A CORNERSTONE FOR SEARCH AND RESCUE OPERATIONS

The International Convention for the Safety of Life at Sea (SOLAS) has been adopted under the International Maritime Organization (IMO) aegis on 1st November 1974 and entered into force on 25th May 1980.¹⁸⁴ For the first time, important obligations on States have been

¹⁸³ Papanicolopulu, I. (2016). *The duty to rescue at sea, in peacetime and in war: a general overview*. International Review of the Red Cross, vol. 98, p. 492

¹⁸⁴ International Maritime Organization. (1980, June 30). *International Convention for the Safety of Life at Sea, 1974 (with annex and final act of the International Conference on Safety of Life at Sea, 1974)*. Available online at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201184/volume-1184-I-18961-English.pdf>. (Accessed on 23.08.2022)

established in terms of Search and Rescue, as Chapter 5 of such a Convention stressed. In particular, Regulation 33.1 foresaw that “the master of a ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, is bound to proceed with all speed to the assistance of the persons in distress informing them if possible that he is doing so [...]”.¹⁸⁵ Moreover, Regulation 7.1. of the above-mentioned Chapter established that “each Contracting Government undertakes to ensure that any necessary arrangements are made for coast watching and for the rescue of persons in distress at sea around its coasts. These arrangements should include the establishment, operation and maintenance of such maritime safety facilities [...] and should, so far as possible, afford adequate means of locating and rescuing such persons”.¹⁸⁶

Through these regulations, one should highlight that the duty to rescue is not limited only to States: the actors involved are several as is evident with Regulation 33.1 which refers directly to the shipmasters. Such an aspect is important for grasping the interdependence with SOS Méditerranée, whose operations are regulated by the SOLAS Convention as well. Moreover, although such a Convention was mainly adopted to regulate and protect the safety of the maritime world and avoid maritime incidents, it represents an important cornerstone for Search and Rescue Operations. The location and rescue of persons in distress at sea are hereby taken into consideration and the ensuing obligation to assist them and ensure the safety of human life at sea emerged. However, it has been claimed that a comprehensive international system concerning Search and Rescue operations – still missing at that time – assumed a more concrete shape in the follow-up SAR Convention.¹⁸⁷

1.2. INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE AND THE CRITICAL POINTS FOR SOS MEDITERRANÉE

The International Convention on Maritime Search and Rescue (SAR) has been adopted on 27th April 1979 and entered into force on 22nd June 1985. To strengthen the international system of Search and Rescue Operations and cover as many areas of distress at sea through better coordination among States, 13 Search and Rescue Regions (SRRs) have been established.

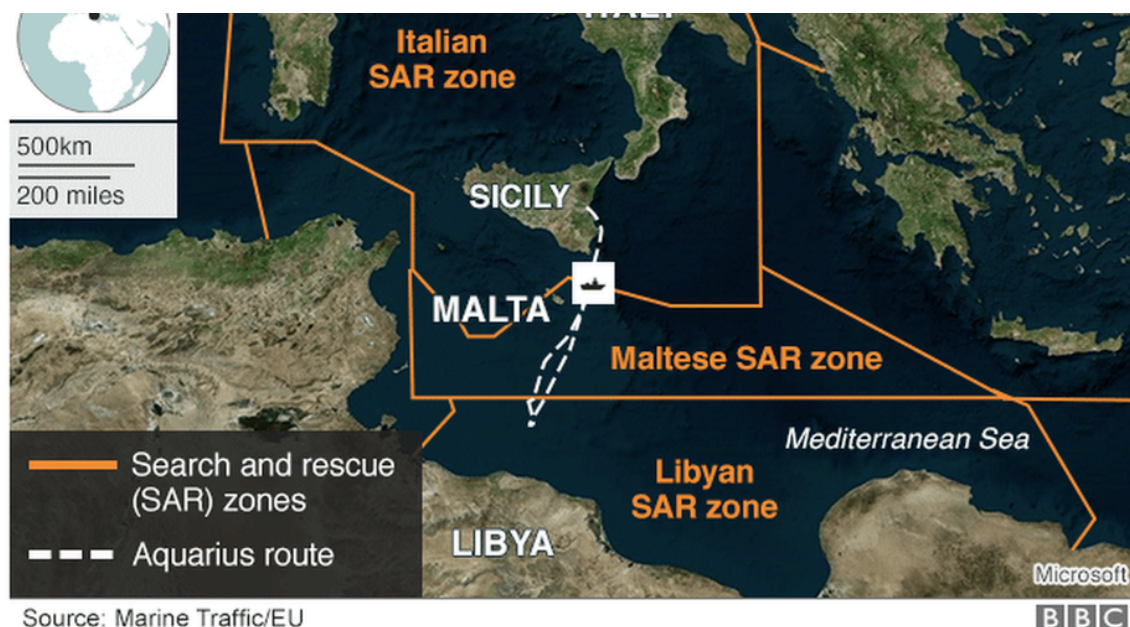
¹⁸⁵ *Ivi*, p. 414

¹⁸⁶ *Ivi*, p. 416

¹⁸⁷ International Maritime Organization. *International Convention on Maritime Search and Rescue (SAR)*. Available at: [https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx). (Accessed on 23.08.2022)

Within each area, a State must define a Search and Rescue Responsibility and set up one or more Maritime Search and Rescue Coordination Centers (MRRC).¹⁸⁸ Indeed, by providing a definition of “Search” (Regulation 1.3.1) and “Rescue” (Regulation 1.3.2.), the SAR Convention tried to overcome the issue of State responsibility to assist at sea.¹⁸⁹ As one can observe from figure 2, the Central Mediterranean route has been divided into three SAR zones and this research project aims at understanding whether Italy has provided appropriate means to monitor its own SAR zone and whether eventual variations have impacted SOS MED. Such aspects will be explored in the section concerning SOS MED, following the interview with Alessandro Porro.

Figure 2: Italian, Maltese and Libyan SAR zones



Furthermore, within the SAR convention, the duty to assist people in distress has been expressed by highlighting that no distinction must be made: “parties shall ensure that assistance is provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.”¹⁹⁰ Moreover, Chapter 1.3.2. established the obligation to “provide for their initial medical or other needs and

¹⁸⁸ *Op.cit.*

¹⁸⁹ Papanicolopulu, I. (2016). *The duty to rescue at sea, in peacetime and in war: a general overview*. International Review of the Red Cross, vol. 98, p. 498

¹⁹⁰ International Maritime Organization. (1979, April 27). *International Convention on Maritime Search and Rescue, 1979 (with annex). Concluded at Hamburg on 27 April 1979*, p. 125. Available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201405/volume-1405-I-23489-English.pdf>. (Accessed on 23.08.2022)

deliver them to a place of safety”.¹⁹¹ Applied to this research project, each migrant found in the Central Mediterranean must be rescued and taken to a “place of safety” – whose definition was provided by 2004 amendments¹⁹². The issue that arises from that and which will be raised in the interview with the President of the Italian SOS MED concerns how States very often refuse to let people in or to respond to NGOs that need to disembark shipwrecked people as quickly as possible. Indeed, international treaties still present some problematic characteristics. Disembarkation is one of them, as explained by Papanicopolulu: “the uncertainty still left by international treaties concerning the identification of the State that should accept disembarkation in its ports hinders the full applicability of the duty to rescue”.¹⁹³ To enter the Italian ports, an SOS MED’s vessel must receive consent from the Italian government and one has to understand how any prolonged waiting times or institutional non-responses have affected SOS MED. The maritime law – and in such a Convention aiming at providing all the appropriate instruments to regulate Search and Rescue Operations – does not specify that people saved at sea should be directly disembarked in the State responsible for the SAR zone. As emerged in the previous section concerning Italian migration policies, in 2018 the Minister of Interior banned several NGOs’ and Italian Coast Guard’s ships from disembarking in Italy but finally, the request for authorisation to proceed against him was rejected. Such a gap can trigger some Human Rights issues: on the one hand, migrants’ rights are covered by the non-refoulement principle establishing that people cannot be expelled to a country in which they are in danger of persecution on account of “race, religion, nationality, membership of a particular social group or political opinion”.¹⁹⁴ On the other, a State’s unwillingness to immediately disembark a ship carrying migrants has an impact on their psycho-physical condition. Indeed, the majority of migrants reach Europe after suffering serious Human Rights violations – including violence and exploitation – and having experienced terrible living conditions in detention centres or having crossed several States to enter transit countries like Libya. Their psychological and physical fragility is exacerbated by a persisting situation of hesitation among the various European states to decide where such a ship can be disembarked. Moreover, the long waiting times certainly do not benefit the migrants.

¹⁹¹ *Ivi*, p. 128

¹⁹² Regulation 6.12 of the Guidelines on the treatment of persons rescued at sea defines it as “a location where rescue operations are considered to terminate. It is also a place where the survivors’ safety of life is no longer threatened and where their basic human needs (such as food, shelter and medical needs) can be met, and from where transportation arrangements can be made for survivors’ next or final destination”.

¹⁹³ Papanicopolulu, I. (2016). *The duty to rescue at sea, in peacetime and in war: a general overview*. International Review of the Red Cross, vol. 98, p. 493.

¹⁹⁴ Art. 5 of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Available online at: <https://www.unhcr.org/4d9486929.pdf>. (Accessed on 25.08.2022)

1.3. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA AND THE IMPORTANCE OF COOPERATION AMONG COUNTRIES

The United Nations Convention on the Law of the Sea (UNCLOS) has been adopted on 10th December 1982 and entered into force on 16th November 1994.¹⁹⁵ The duty to render assistance is enshrined in Article 98: Article 98(1) addresses the flag States while in Article 98 (2) coastal States are invited to establish and maintain “adequate and effective Search and Rescue safety on and over the sea”¹⁹⁶ and cooperate with neighbouring States. Whereas one has observed that Regulation 33.1 of the SOLAS Convention addresses the masters of ship, in such a Convention only States are respondents. However, there is no distinction between military, governmental or non-governmental ships¹⁹⁷ so it applies to the NGO SOS MED as well. It is worth mentioning that Italy has incorporated the duties provided by UNCLOS in its Code of Navigation (Art. 489), whereas other countries including Libya are not bound by it.¹⁹⁸

Through these three instruments, one should remark that the Search and Rescue of people in distress at sea involve mainly States and masters of ships – which, in the case of this research project, are relevant for the NGO SOS MED. However, some problems may still occur when considering the disembarkation of migrants rescued in the Mediterranean central as the international maritime law does not have sufficiently detailed and precise rules. If one adds such a component to the flawed system of asylum requests and the externalisation practice, it is evident the complexity of the migration framework and the impact it has on migrants’ lives. Indeed, one has noticed that the distribution of requests for international protection set up by the Dublin III Regulation still causes several discords among the Member States, that do not want to take the whole burden of migration flows. The previous section has stressed how Italy, as one of the most affected European States, had tried repeatedly to refuse to let migrants rescued at sea disembark in its ports. Furthermore, to avoid this burden, externalisation is an increasingly common practice to stem departures from Africa. All this institutional context – which features several gaps – has been relevant to introduce SOS Méditerranée.

¹⁹⁵ United Nations. (1982, December 10). *United Nations Convention on the Law of the Sea*. Available online at: https://treaties.un.org/doc/publication/CTC/Ch_XXI_6_english_p.pdf. (Accessed on 25.08.2022)

¹⁹⁶ *Op.cit.*

¹⁹⁷ Papanicolopulu, I. (2016). *The duty to rescue at sea, in peacetime and in war: a general overview*. International Review of the Red Cross, vol. 98, p. 495.

¹⁹⁸ *Ivi*, p. 502.

2. SOS MEDITERRANÉE CASE STUDY TO GRASP THE INTERDEPENDENCE

Within the present research project, Search and Rescue operations are exemplified by SOS Méditerranée. To grasp the interdependence with Italian migration policies, it is worth emphasising that the purpose of this last section will be to verify the following hypothesis: “the more SOS Méditerranée, involved in Search and Rescue operations, has faced obstacles imposed by the Italian government and its authorities, the more there has been an impact on migrants’ life-threatening voyages”.

Firstly, one should determine whether the initiative to found SOS MED has a direct relationship with the dichotomy between politics and ethics, i.e. between economic and political interests revolving around migration governance and pure rescue at sea. Furthermore, the relevance of the term “Search and Rescue” for the NGO will be emphasised to remark any divergence with the institutional side. Indeed, the European categorisation has been an important tool to show the prominence of a more coordinated and harmonised response from the European Union and the willingness to adapt the most appropriate policies. As is known, in SAR operations there is no distinction between categories of people as one speaks about “mixed flows” and the sole purpose is to save lives at sea. Such an aspect will be verified with SOS MED, to illustrate how their conception goes beyond the categories employed within the various policies. Besides, the humanitarian practices of the NGO are relevant to grasp the opposition between border security and humanitarianism and the following regard given to subjectivity. If it has been pointed out that migrants’ needs are often neglected within migration policies, it will be discussed whether SOS MED has given a new dimension to subjectivity and especially whether this bottom-up approach has been affected by governmental measures. Lastly, the influence of the Italian policies over SOS MED is the core of this research project: possible changes in political as well as legislative and judicial processes are the basis of the interdependence and one should grasp which of their most salient aspects have influenced the NGO which has been operating in the Central Mediterranean since 2016. The way SOS MED eventually bridged the institutional gap within the migration management and reacted following the Italian paradigm characterising migration policies but even the other way around are essential elements for the interdependence.

Since the preexistent literature lacks research concerning the interdependence between the institutional and non-governmental levels, a semi-structured interview with the President of SOS MED Italy has been conducted to verify the research question of this project.

2.1. THE EMERGENCE OF SOS MED ENHANCED BY THE POLITICS-ETHICS BINOMIAL

SOS Méditerranée is made up of a network of four European associations – in Italy, France, Germany and Switzerland – and has been born in 2015, in the aftermath of the closure of *Mare Nostrum*. The idea came from Klaus Vogel. After a career as the first officer in the German merchant navy, he had an insight into how trade and shipping are managed by values that did not belong to him. Indeed, commercial business strategies are dominated by money-related capitalist logic which very often forced him to “avoid the routes of migrants in distress and to be rescued”.¹⁹⁹ This would have meant hijacking the ship and wasting the ship company’s time and costs. For that reason and strongly believing that “human life is above any politics, above any difference, above any separation between people”²⁰⁰, he decided to found SOS MED.

As has emerged from the previous sections, in 2013 there has been a climax concerning migrants’ fatalities at sea – after the tragically well-known Lampedusa shipwreck in which more than 360 people died. Through *Mare Nostrum*, Italy wanted to create an adequate Search and Rescue project aiming at actively avoiding those incidents, searching for boats trying to reach Europe and bringing them to a place of safety. Since 2015 such a project has been suspended and replaced by Frontex – whose purpose was more focused on border control projects – and NGOs have started to be the most prominent actors in SAR operations.²⁰¹ However, according to the President of SOS MED, there is a huge difference between SAR and border control operations in terms of material, organisation and structure and such a reality emerged and was strongly driven by the conception that life at sea must be safeguarded. There was an overall recognition that the European Union was slightly shifting to a paradigm of delegating border control to Third countries like Libya in the case of the Central Mediterranean. Moreover, the high number of migratory flows and rescues at sea were put on an equal footing, as if management had to go hand in hand. SOS MED operated in a context strongly dependent on the institutional one and since its foundation has continued to ask the European and Italian institutions to re-establish a coordinated European Search and Rescue system. Being aware of the institutional shortcomings, SOS MED has been born intending to reinforce the concept of

¹⁹⁹ Mari, J.-P. (2016, March 4). *Diario di bordo - Due uomini in mare*. Available online at: <https://sosmediterranee.it/diario-di-bordo-g8-due-uomini-in-mare/>. (Accessed on 28.08.2022)

²⁰⁰ *Op.cit.*

²⁰¹ Cusumano, E., Villa, M. (2019, November). *Sea rescue NGOs: a pull factor of irregular migration?* European University Institute, Migration Policy Centre 2019/22

sea rescue – which is compulsory under international law – and overcome all the categorisations linked to migration management.

As a way of wrapping up the motivations that drove the founders of SOS MED to create such a reality and the current collaborators to strongly believe in its core values daily, one should observe how the NGO deviates from various dynamics. On the one hand, there has been a desire to move away from those capitalist dynamics typical of merchant shipping in which the importance of money and profits – i.e. purely material factors – prevails. On the other, the emergence of SOS MED was enhanced by the closure of a national rescue project, i.e. *Mare Nostrum*, and the European paradigm shift from “rescue” to “border control”. Still based on border security and externalisation, both the European and Italian approaches have different premises. Indeed, migration and Search and Rescue are becoming two distinct realities: the institutional side is always more focused on migration management through draconian measures while SOS MED would like to focus solely on the duty to save shipwrecks and avoid fatalities at sea.

2.2. SOS MEDITERRANÉE AS A PROMINENT HUMANITARIAN ACTOR

In contrast with the theorisations linked to the institutional side, i.e. border security and externalisation, one has observed that the concept of humanitarianism stresses the importance of Human Rights and migrants’ needs. The understanding of the humanitarian side of SOS MED will be further developed to understand whether its practices have undergone significant changes due to the institutional impact.

Firstly, it should be emphasised that the subjectivity of those who resort to life-threatening voyages is at the heart of SOS MED's operations. As stated in the charter, a document that expresses the fundamental principles around the NGO and enshrines its main tasks, SOS MED is committed to saving lives at sea but also to “protecting and accompanying” and “bearing witness to the reality and faces of migration”.²⁰² Their logbook illustrates such principles that make SOS MED emerge as a humanitarian actor representing migrants. Indeed, the conditions in which they find themselves before the dangerous journeys and after they have been rescued

²⁰² SOS Méditerranée. (2015). *Carta*. Available online at: <https://sosmediterranee.it/wp-content/uploads/2015/10/sos-mediterranee-charte-italiano.pdf>. (Accessed on 29.08.2022)

are illustrated in several articles and take into account different perspectives and backgrounds. Each story seems to take on a singular value and the importance of subjectivity is pointed out. Although subjectivity is addressed, there are recurring aspects which are shared by a large part of those who face such a life-threatening journey. In particular, it repeatedly emerged how there is exacerbated racism in Libya towards sub-Saharan Africans, often referred to as “the black animals”²⁰³. Men are sold and bought for labour, forced to work at inhuman rates, tortured and subjected to degrading treatment; moreover, their conditions in detention centres go beyond any respect for Human Rights. The women are often raped, forced into prostitution and deprived of any freedom; they very often discover they are pregnant once on board SOS MED and are informed by the NGO's medical staff itself.²⁰⁴ Such are the migrants' conditions in Libya. Furthermore, during the voyages they are forced to make the crossing in poor quality and very fragile constructions – be they rubber dinghies, wooden or sailboats – and the deplorable structural conditions are made worse by the nails fixed to the ground that prevent them from lying or sitting down without injuring themselves. Most of the time, moreover, these “Zodiacs” are off the Libyan shore and have to be reached by swimming: many are unable and drown even before reaching these constructions, just when their dream of better living conditions seems to be almost achieved.²⁰⁵ In addition to the structural dynamics, the quantitative issue requires attention: the means of transport are overcrowded, with up to ten or twelve people per square meter and migrants very often struggle for survival inside them. The quantitative issue becomes problematic for SOS operations as once rescued at sea, the shipwrecked are in a precarious physical condition: often hypothermic, completely dehydrated, injured, in shock, etc. The psychological impact, in addition to the physical damage suffered, is considerable. They find themselves “sick, cold, dehydrated, frightened, ravaged by seasickness according to the rule of the five Fs: Faim, Froid, Frousse, Fatigue, Foif, i.e. Hunger, Cold, Fear, Fatigue, Thirst”.²⁰⁶

Through such reports of the crew members, and even the testimony of Alessandro Porro, the bottom-up approach and proximity to the needs and necessities of those seeking international protection and better prospects is therefore evident. However, it is worth emphasising that the

²⁰³ Iason Apostolopoulos. (2016, December 9). *Se avete intenzione di riportarmi in Libia, salto giù dalla barca – Diario di bordo – dal SAR team*. Available online at: <https://sosmediterranee.it/se-avete-intenzione-di-riportarmi-in-libia-salto-giu-dalla-barca-diario-di-bordo-dal-sar-team/> (Accessed on 29.08.2022)

²⁰⁴ *Op.cit.*

²⁰⁵ Mari, J.-P. (2016, Mars 10). *Diario di bordo – G14 – Rabbia non disperazione*. Available online at: <https://sosmediterranee.it/diario-di-bordo-g14-rabbia-non-disperazione/> (Accessed on 30.08.2022)

²⁰⁶ Mari, J.-P. (2016, February 26). *Diario di bordo – G2 – Più leggero di un sughero*. Available online at: <https://sosmediterranee.it/diario-di-bordo-g1-piu-leggero-di-un-sughero/> (Accessed on 30.08.2022)

humanitarian side of the SOS MED – rescuing, protecting and accompanying migrants but even representing them – embraces a technical one. Specific professional training is required from seafarers, rescuers and the doctors and nurses on board. Alessandro Porro, for example, got a licence for water rescue and rescue with dinghies directly with SOS MED, which gave him the skills to act in emergency areas due to the high number of fatalities at sea.

As SOS MED has been mainly analysed for its capacity to “fulfil tasks and adopt roles, tactics, strategies and routines which are mainly addressed to migrants”²⁰⁷, one should let emerge whether governmental measures have had an impact on such a relationship. In this regard, it is necessary to point out that an aspect often stressed by the President of the Italian SOS MED concerns the long waiting times that the NGO must undergo. Indeed, according to the international conventions above mentioned, a vessel must receive consent from the State in which it wants to disembark. The Italian authorities complicated the operations of SOS MED as waiting times were very often prolonged and “in no way justified or explained”.²⁰⁸ Such delays on the part of the institutional bodies had a twofold impact: on the one hand on Search and Rescue operations and on the other hand on the relationship between the NGO members and the migrants. Firstly, one has to consider that *Aquarius* and *Ocean Viking* – the two SOS MED rescue vessels – are isolated objects. Thus, the quantities of water, food and medical equipment provided should be proportionate to the number of days at sea – those needed to navigate the Central Mediterranean route. Secondly, the precariousness of the migrants’ psycho-physical conditions makes it clear that they need to disembark in a “place of safety” as quickly as possible. SOS MED staff members were asked countless times when the disembarkation would have taken place and how long it would have lasted. Migrants already feel betrayed by the Libyans who promised them they would reach Europe in four hours, knowing that at least three days are needed.²⁰⁹ The impact from the institutional side makes emerge a situation in which SOS MED members are unable to give a precise answer and migrants’ feelings of mistrust increase. Their reactions sometimes include extreme gestures: out of desperation, they throw themselves into the sea, attempt suicide, or assault SOS MED staff. The relationship of trust, therefore, established between the non-governmental side

²⁰⁷ Panebianco, S. (2019). *The Mediterranean migration crisis: humanitarian practices and migration governance in Italy*. In Contemporary Italian Politics, p. 8.

²⁰⁸ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁰⁹ Iason Apostolopoulos. (2016, December 9). *Se avete intenzione di riportarmi in Libia, salto giù dalla barca – Diario di bordo – dal SAR team*. Available online at: <https://sosmediterranea.it/se-avete-intenzione-di-riportarmi-in-libia-salto-giu-dalla-barca-diario-di-bordo-dal-sar-team/> (Accessed on 30.08.2022)

represented by the NGO - and thus by those who represent, listen to, and support the migrants – and the migrants themselves is undermined by the institutional side. If countries like Malta and Italy, instead of hesitating to disembark for fear of receiving too many applications for international protection and not being able to manage migratory flows, responded quickly and established clear communication, the impact on migrants would be different. Getting information for those who have experienced years or months of imprisonment, abuse and violence would be a big step forward. Moreover, in addition to improving the relationship of trust established between migrants and crew members, it would allow SOS MED to disembark, refuel, depart and allow other shipwrecked people to be rescued at sea. It is therefore clear that this institutional mechanism limits the NGO's operations: in the section concerning the impact of the Italian policies on SOS MED's SAR, an insight will be gained into whether there has been an evolution of the timing in which the NGO has been forced to stay at sea and has been dependent on the government in office.

2.3. UNDERSTANDING OF SOS MED SEARCH AND RESCUE OPERATIONS: AN OVERCOME OF POLITICAL CATEGORISATIONS

It has repeatedly been pointed out how, since the end of Operation *Mare Nostrum*, there has been an increasingly weak focus within European and Italian policies on Search and Rescue operations and humanitarian responses in the central Mediterranean. A lack of appropriate mechanisms to prevent casualties at sea has been shared both by the European Union and Italy as a Member State, although SAR operations are a specific objective of Frontex operations as enshrined in Regulation 2016/1624. The understanding of SOS MED SAR operations will be further developed by considering them as a component which overcomes all the categorisations exploited within the various policies.

Firstly, Search and Rescue is considered by SOS MED as a “concept of extreme triviality”²¹⁰. Their SAR operations are limited to international waters, i.e. to at least 12 nautical miles from the Coast – corresponding to about 20km according to the UNCLOS Convention. Since SOS MED's emergence, the operations have been based on statistics and data provided by the Italian Coast Guard and the NGO intervenes in areas in which the risk of accidents and fatalities at sea is very high, i.e. mainly in international waters off Tripoli. Furthermore, the SAR Convention

²¹⁰ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

provides definitions both for “Search” and “Rescue”. The main SOS MED “facilities to locate persons in distress”²¹¹ concern the deployment of vessels equipped with appropriate binoculars, radar and radio listening. Moreover, the rescue definition includes the aim to “retrieve persons in distress, provide for their initial medical and other needs” – and such an aspect emerged in the previous section concerning the humanitarian side – and to “deliver them to a place of safety”.²¹² Following the international agreements, rescue ends when all persons are disembarked; for that reason, the SOS MED operation is declared as concluded when, although the waiting time may be prolonged, all the shipwrecked people have disembarked in a place of safety. Concerning the timing, it has already been analysed above how delays in disembarkation have an impact on migrants’ psychophysical conditions and their relationship with the NGO but one should understand whether such problems arose in a particular period and following specific Italian policies.

Secondly, to grasp the interdependence one should stress that in SAR operations there is no distinction between categories of people as one speaks about “mixed flows”. The essence of international agreements on sea rescue prevails and the ONG does not question whether rescued people are refugees or asylum seekers, irregular or climate migrants. Such a belief defines their way of operating and approaching national authorities, as they are aware of the humanitarian shortcomings of the institutional bodies. Sea rescue and migration through the Mediterranean are becoming concepts which do not seem to be related to a single phenomenon and require distinct responses. On the one hand, the institutional side focuses on categorisations to adapt the most appropriate policies. On the other hand, SOS MED and other search-and-rescue actors want to reinforce the concept of sea rescue, which is compulsory under international law.

2.3.1. FACTORS FRAMING THE LIMITATIONS OF SOS MED SAR OPERATIONS

The limitations of SOS MED SAR operations have been regulated by the international law frame, as reflected by their positioning in international waters and especially about 12 miles off the Libyan coast. However, it should be mentioned that the decision to locate in a specific area is dictated by two main factors: the weather and the available information, which may come

²¹¹ International Maritime Organization. *International Convention on Maritime Search and Rescue (SAR)*. Available at: [https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx). (Accessed on 23.08.2022)

²¹² *Op.cit.*

from other NGOs or civil vessels in the area. In that sense, SOS MED has been trying to establish interactions with other NGOs within a framework of coordination, based on the regular exchange of information in the area in front of Libya and a willingness to work together to make Search and Rescue operations more effective.²¹³ Therefore, it has happened that SOS MED has carried out rescues in the waters inside the Libyan, the Maltese and the Italian SAR although the Libyan SAR is their main area of choice as most incidents occur there. Their operations have concerned mainly vessels trying to leave from Tripoli, Zuara and Az Zawiyah. Although it may have been expected that the positioning of SOS MED was dictated by the ineffectiveness of the Libyan Coast Guard and was a consequence of Italian externalisation policies, based on funding and technical support to the LCG – as emerged from the Memorandum of Understanding – it turned out that other factors were binding. Being oriented toward the Libyan SAR has been both a matter of geography and logistics if considering whether, high accident rate and the most fruitful cooperation with other NGOs. However, to complete the overview of Search and Rescue operations, it is also important to emphasise the cooperation with the Italian Coast Guard. Any variations could be an essential component of the interdependence between the institutional and the non-governmental sides and such aspects would be also revealed through the transshipment operations.

2.3.2. TRANSHIPMENT OPERATIONS: A COMPONENT OF THE POSSIBLE COLLABORATION BETWEEN THE ITALIAN COAST GUARD AND SOS MED

Although SOS MED has tried to establish interactions with other NGOs within a framework of SAR coordination, one should remark whether the NGO had the opportunity to follow the same pathway as the Italian Coast Guard – which represents the institutional side in the contest of such a research project. Following the SOS MED logbook, the importance of the IMRCC (Italian Maritime Rescue Coordination Centre) emerges and some key episodes showing the mutual participation in rescue operations are stressed. In particular, in 2016 the *Aquarius*' difficulties have often been overcome by the Italian Coast Guard and SOS MED has been asked to “operate with great vigilance and report any sightings”²¹⁴ to make SAR operations more

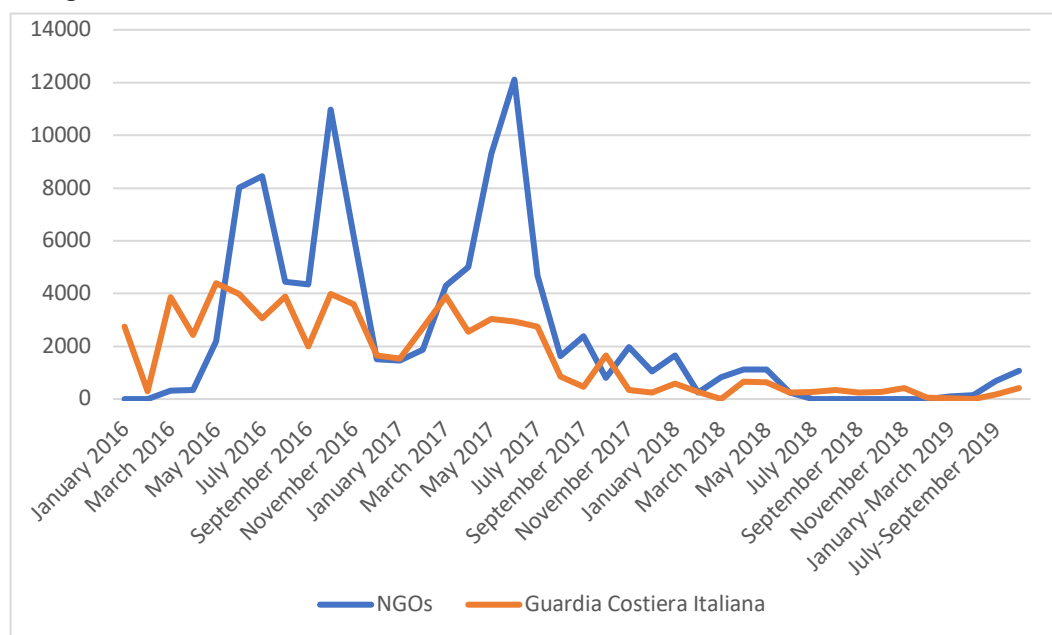
²¹³ Cusumano, E. (2021, February 18). *United to rescue? Humanitarian role conceptions and NGO-NGO interactions in the Mediterranean Sea*. *European Security*, 30(4), 547-368.

²¹⁴ Mari, J.-P. (2016, February 29). *Diario di bordo – G4 – Una testa di spillo sull'acqua*. Available online at: <https://sosmediterranee.it/diario-di-bordo-una-testa-di-spillo-sullacqua/>. (Accessed on 2.09.2022)

effective. While the exchange of accurate information between the two pillars turned out to be substantial in 2016, since 2017 there has been a weakening and nowadays a situation of lack of coordination has been reached, both for search and rescue operations.

To analyse the overview, some graphs illustrating SAR operations conducted by NGOs and the Italian Coast Guard under IMRCC coordination are provided. Although it is not possible to point out the coordination, as it is not known whether the two entities were involved in the same operations, this overview is instrumental for stressing the involvement of the Italian Coast Guard and the NGO. Since the Comando Generale delle Capitanerie di Porto removed such data from the official website in 2022, the following graphs have been elaborated through the republication of *Altreconomia* magazine.²¹⁵

Figure 3: Migrants rescued in the central Mediterranean under IMRCC coordination 2016-2019



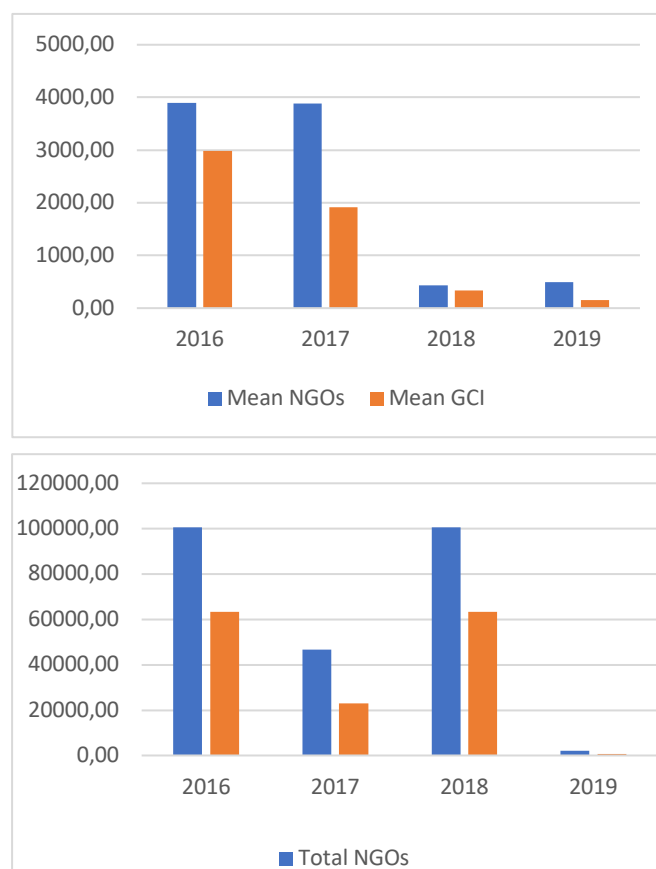
Source: Data elaborated through the republication of *Altreconomia* magazine

Firstly, in January and February 2016 the number of people rescued by the NGOs under the coordination of the Italian MRCC stands at 0, which is consistent with the case study and does not require particular attention. Indeed, *Aquarius* was deployed at sea in February 2016. Moreover, since June 2016 there has been an increase in sea rescues by NGOs, which became

²¹⁵ Altreconomia. (2022). *Guardia costiera: i dati sull'attività di ricerca e soccorso nel Mediterraneo*. Available online at: https://altreconomia.it/app/uploads/2022/06/ReportGC_def-1.pdf. (Accessed on 2.09.2022)

more involved than the Italian Coast Guard. The peak can be observed in October 2016, as the NGOs were implicated in 10971 rescues while the Italian Coast Guard in 3993. The first months of 2017 witnessed a fairly similar and balanced situation in terms of numbers and differences between the two parties, but since April greater involvement from the non-governmental side resurfaced. Moreover, in 2018 there has been a gap on the part of NGOs as their rescue operations are counted at 0 from July to December. This period corresponds to the main incidents that show Salvini's approach to NGO operations since June 2018. As one has affirmed in the institutional section concerning the Italian migration stances, the "closed ports" policies and the criminalisation of NGO activities started during this period. This approach prevented ships including *Aquarius* from disembarking in Italian ports and even from participating in operations coordinated by the IMRCC. Furthermore, it will be further analysed that, in October 2018, the ship *Aquarius* was placed under a naval blockade. To conclude, the year 2019 saw an increased investment of NGOs in rescue operations, especially during the last quarter. This is relevant considering that the Conte I government fell in August 2019.

Figures 4 and 5: A more impactful insight into the SAR operations in the central Mediterranean



Source: Data elaborated through the republication of Altreconomia magazine

The mean and total number of migrants rescued at sea are meant to be useful tools to have a clearer and more impactful insight into the involvement of both NGOs and the Coast Guard. However, it should be mentioned that the year 2019 follows a quarterly perspective: it is evident that both entities' participation has decreased, but the figures are not as accurate as in previous years. Although figure 3 showed the trend in the number of migrants rescued – which could have involved various factors on both the institutional and non-governmental sides – the results in figures 5 and 6 are more striking. Indeed, it is possible to deduce that during the years 2016-2019 Search and Rescue operations witnessed more coordinated and efficient responses from the non-governmental side. More migrants were rescued in the central Mediterranean by NGOs than by the Italian Coast Guard – which represents the institutional side.

In order to consider the collaboration between the Italian Coast Guard and SOS MED, and thus the interdependence between the two sides, one should mention the functioning of transshipment operations. They are a small component of the cooperation and consist in rescuing people who are then transported to other vessels. Such operations frequently followed the same procedure, as they were initiated by the Coast Guard and the shipwrecked were then moved to NGOs. Following the SOS MED case study, transshipment operations have been affected by the Code of Conduct. It is necessary to remember that on 2nd August such a Code was signed: on the one hand, it should be seen as a greater awareness on the part of the Italian Interior Minister of the need for stronger cooperation in SAR operations, on the other, a top-down approach emerged. Indeed, until the end of 2017 the norm envisaged a situation in which, in a spirit of mutual cooperation, people rescued at sea by civilian or military vessels or Coast Guard were transported to SOS MED. The NGO acted as a platform, which consequently brought the shipwrecked to Italy. As the Code of Conduct occurred, it was provided that civilian NGO vessels cannot do transshipments; therefore, they cannot pass the shipwrecked among themselves and they cannot rescue shipwrecked found by the Italian Coast Guard's vessels. Today prevails a situation in which SOS MED and the Italian Coast Guard personnel find themselves on the same scene but, following the top-down approach, ICG takes the coordination and tells the NGO how to behave and deal with the shipwrecked. Transshipment operations do not exist anymore, although they could represent an efficiency key factor for SAR operations: cooperation would allow some vessels to navigate directly to the Italian coast and finish rescue operations with the disembarkation while others continue and save more lives at sea. In conclusion, if a coordinating body would exist to be a constant support, the fatalities at sea could be easily avoided. But in the absolute majority of cases, there is no coordination.

This is emblematic of a very difficult and dramatic situation, as a coordination entity should be the basis of a better information-sharing system for Search and Rescue operations. The lack of coordination – in addition to the exclusion of transshipment possibilities – has already created unfortunate incidents: for example, in May 2022, SOS MED was at sea with *Ocean Viking* and it has been looking for a Zodiac for 18 hours – as no governmental or Frontex ship intervened or communicate any useful information in the search for the vessel. The result was 130 bodies floating alongside the SOS MED operators – which is illustrative of a “real serious situation”.²¹⁶

2.4. IMPACT OF THE MAIN ITALIAN POLICIES ON SOS MED

Heretofore, it has been stressed that the impact of Italian stances on the operations of SOS MED has mainly concerned the long waiting times before disembarkation and the decreased effectiveness of the NGO. Indeed, the weak communication and coordination system between the Italian Coast Guard and SOS MED for transshipment operations has affected the NGO’s responsiveness to rescue at sea. It is therefore clear that institutional mechanisms have limited SOS MED operations. However, in this section, the main Italian policies adopted toward NGOs will be analysed following a linear timeline to comprehend the cause-effect mechanism. Following the research question, on the one hand, the institutional framework – both at the European and Italian levels – has been necessary to reveal migrants’ resort to life-threatening voyages. The correlation with restrictive and draconian policies has been demonstrated. On the other hand, interdependence is a fundamental tool to conceive the extent to which institutional and non-governmental mutual reliance has influenced migrants’ possibilities. In this regard, the relationship between Frontex and SOS MED could be very relevant for the understanding of the flawed system concerning SAR operations in the Central Mediterranean. Indeed, the complex issues underlying migration management and SAR operations in Italy have deeper roots which require foresight into the European fabric.

2.4.1. FRONTEX INFLUENCE OVER SOS MED OPERATIONS

Before proceeding with the Italian policies’ influence over SOS MED, it should be recalled that a prerogative of Frontex is to “coordinate and organise joint operations and rapid border

²¹⁶ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

interventions to assist the Member States at the external borders, including in humanitarian emergencies and rescue at sea”.²¹⁷ As explained by the European Border and Coast Guard Agency itself, joint operations are the most incisive forms of intervention carried out in cooperation with the different Member States. In addition, Frontex may carry out some operations in non-EU countries to cope with the migratory pressure at those borders. Nevertheless, as confirmed by the NGO president, no cooperation with NGOs has at any time been envisaged and Frontex has never been an interlocutor. Although the European framework was instrumental in better identifying Italian political stances, it acquired a minor relevance in the analysis of the case study and the evolution of SOS MED operations. Indeed, at the European level, the prerogative to build a dialogue and collaborate with NGOs in Search and Rescue operations was never foreseen and Frontex in no circumstances replied to SOS MED distress calls, although several attempts were made.

The relationship between the European Union and SOS MED can be merely analysed from a conceptual point of view, as it has never been concerned with operationalisation. Indeed, the NGO's willingness includes "informing European public opinion about the situation of migrants in the Mediterranean Sea" and "raising the awareness of European institutions and national governments about the dramatic consequences of their migration policy".²¹⁸ Although the role of Frontex has been stressed in the SOS MED logbook and the NGO is aware of the operational strengths of the European Agency – their vessels are often portrayed as better equipped and more suitable for saving lives at sea²¹⁹ – there are several accusations. Indeed, for SOS MED it is inconceivable how the European Union does not give absolute priority to the provision of dedicated rescue means and does not increase their deployment to cope with the emergency of saving lives.²²⁰ Furthermore, the European Union is often considered to be “not up to the dramatic situation in the Mediterranean and the values of humanity and solidarity that founded it”²²¹. The absence of coordinated, solidarity-based and sustainable disembarkation represents

²¹⁷ Frontex. (2004). *Origin and tasks*. Available online at <https://frontex.europa.eu/about-frontex/who-we-are/origin-tasks/>. (Accessed on 04.09.2022).

²¹⁸ SOS Méditerranée. (2015). *Carta*. Available online at: <https://sosmediterranee.it/wp-content/uploads/2015/10/sos-mediterranee-charte-italiano.pdf>. (Accessed on 05.09.2022)

²¹⁹ Mari, J.-P. (2016, March 7). *Diario di bordo – G11 – Doppio allarme sull’Aquarius*. Available online at: <https://sosmediterranee.it/diario-di-bordo-g11-doppio-allarme-sullaquarius/>. (Accessed on 05.09.2022)

²²⁰ SOS Méditerranée. (2017, April 17). *Weekend di Pasqua drammatico nel Mediterraneo – priorità assoluta: più mezzi di soccorso*. Available online at: <https://sosmediterranee.it/weekend-di-pasqua-drammatico-nel-mediterraneo-priorita-assoluta-piu-mezzi-di-soccorso/>. (Accessed on 05.09.2022)

²²¹ SOS Méditerranée. (2020, July 8). *180 sopravvissuti sbarcati dopo 11 giorni di attesa insopportabile*. Available online at: <https://sosmediterranee.it/180-sopravvissuti-sbarcati-dopo-11-giorni-di-attesa-insopportabile/>. (Accessed on 05.09.2022)

a major flaw in the whole SAR system and SOS MED is aware that such premises are at the root of the European level.²²² To conclude, with Frontex a different picture emerges since the two realities have never come into operational contact but the European context is not excluded from reports of a flawed SAR system.

2.4.2. SPECIFIC STAGES OF SOS MED OPERATIONS TO COMPREHEND THE CAUSE-EFFECT MECHANISM

In order to grasp the impact of Italian policies on SOS MED, their activities have been traced at specific stages and one has tried to understand whether they have been more prominent in particular times or experienced critical moments feeling that their operations were at risk. According to Alessandro Porro, SOS MED concentrated the most SAR operations in the 2016-2018 phase – in which more than 29.000 shipwrecked people were rescued – while in the following four years the number was drastically reduced to 8.000. The difference in the proportion is therefore clear. The reasons behind this were that in the first two years SOS MED was coordinated by the Italian Coast Guard and the cooperation was strongly established. The transshipment operations were well managed – the Coast Guard handed over the shipwrecked people to SOS MED, being aware that it was an organisation designed to deal with Rescue and Protection and specialised in talking to people, having cultural mediation, giving them food and necessary medical examinations, etc. However, as has already been mentioned, at the end of 2017 the Code of Conduct was enacted and discrepancies with the Coast Guard began to emerge. To fully understand the context, the different reactions among the various NGOs – including that of SOS MED – will be analysed, since a common stand was not reached within the humanitarian community. For such an initial phase, it is worth mentioning that the Memorandum of Understanding, i.e. Italy's explicit support to the Libyan Coast Guard, did not have a direct impact on SOS MED operations. Although the creation of the LCG did not limit the NGO's choice to position itself in the Libyan SAR, there were reactions among the various non-governmental actors to what externalisation policies entailed. Furthermore, the second phase, which is still ongoing, began in June 2018 – and such a period corresponds to the beginning of the Conte I government. Three main keywords reflect the institutional approach towards SOS MED efficiency: “scepticism”, “criminalisation” and “suspicion”²²³. They are

²²² *Op.cit.*

²²³ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

complementary to a total lack of coordination, impossibility of transshipment and an overall numbers dropping. In this regard, one should remember that only 11.471 migrants reached the Italian coast through Libya in 2019, compared to 119.000 in 2017.²²⁴ The understanding of the institutional accusation of being ineffective, criminalised and a pull factor for migrants will be further developed through the Follow-up Security Decree and the SOS MED's vessels being seized. One should understand whether there has been an evolution of the institutional accusations and stances of the Interior Ministers and what the current situation is. With Decree-Law No. 130 there has been less criminalisation of NGOs but one should grasp how it has evolved since then with the Minister of the Interior Lamorgese.

2.4.3. SOS MED AND THE 2017 CODE OF CONDUCT: A LACK OF COMMON STAND WITHIN THE HUMANITARIAN COMMUNITY

Before exploring the impact this Code of Conduct had on SOS MED and the NGO's response to such an Italian stance, one should stress that the entire humanitarian community in the central Mediterranean reacted differently. As described in the institutional section, the Code both weakened the principle of saving lives at sea and triggered large controversies among the NGOs since the main aim was to change their *modus operandi*²²⁵ and to hinder their operations. In particular, the provisions concerning transshipment operations and the presence of armed officers on board NGO vessels were strongly criticised. Firstly, the former called for "not to transfer those rescued on other vessels" and provided that "NGO vessels should as a rule complete the operation by disembarking survivors in a safe port".²²⁶ However, it should be highlighted that this created complications for SAR operations since charities with small vessels had the functionality to keep migrants on board until more equipped vessels took them to a safe place.²²⁷ In conclusion, beyond the complications already observed between the Italian Coast Guard and SOS MED, difficulties also emerged among the NGOs themselves – especially since

²²⁴ Ministero dell'Interno. (2016, August 9). *Sbarchi e accoglienza dei migranti: tutti i dati*. Available online at: <https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/sbarchi-e-accoglienza-dei-migranti-tutti-i-dati>. (Accessed on 05.09.2022)

²²⁵ Camilli, A. (2017, August 1). *Le ONG boicottano il codice di condotta voluto dal governo*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2017/08/01/ong-codice-condotta>. (Accessed on 06.09.2022)

²²⁶ Scavo, N. (2017, July 4). *Code of conduct for NGOs undertaking activities in migrants' rescue operations at sea*. Available online at: <https://www.avvenire.it/c/attualita/Documents/Codice%20ONG%20migranti%2028%20luglio%202017%20EN.pdf>. (Accessed on 06.09.2022)

²²⁷ Cusumano, E. (2019). *Straightjacketing migrant rescuers? The code of conduct on maritime NGOs*. Mediterranean Politics, p. 110

many of the smaller realities were aware that they were not well equipped, but eager to fill the institutional gap of Search and Rescue operations.

Secondly, NGOs were required to “receive on board, upon request by the competent National Authorities, judicial police officers [...] conducting investigations related to migrant smuggling and trafficking in human beings”.²²⁸ Such an aspect has been strongly contested since it would have led to a violation of the principle of neutrality in the humanitarian space.²²⁹ In the wake of such provisions, the reactions among NGOs were as follows: MOAS was the first signatory of the Code to continue to maintain a good relationship with Italian authorities; the same approach was pursued by Sea-Eye, Open Arms and Save the Children. In contrast, Médecins sans Frontières strongly objected to the presence of armed officers on board as contradicting the principle of independence and neutrality and refused to sign the Code. Instead, Jugend Rettet was charged with aiding illegal immigration and its ship was confiscated after refusing to sign the Code.²³⁰

SOS MED reaction is relevant as it is the case study of this research project, although the impact of this policy is noteworthy if one considers the entire SAR system involving NGOs in the central Mediterranean and the lack of cohesion between non-governmental actors. On Monday 31st July 2017, a meeting was held between the representatives of the Italian government and the different NGOs involved in SAR operations. The Vice-President of SOS MED, Sophie Beau, was unable to attend and sent a letter to Interior Minister Marco Minniti. Three amendments were required for the NGO to sign the Code. Firstly, it was asked to specify what the meaning of “technical suitability for rescuing activities”²³¹ was. Secondly, a *sine qua non* condition of SOS MED signature concerned transshipment operations, which were considered “necessary operational tools to make rescue activities more efficient”²³². Thirdly, SOS MED established some conditions for the police officers: they should not be permanently present on

²²⁸ Scavo, N. (2017, July 4). *Code of conduct for NGOs undertaking activities in migrants' rescue operations at sea*. Available online at: <https://www.avvenire.it/c/attualita/Documents/Codice%20ONG%20migranti%2028%20luglio%202017%20EN.pdf>. (Accessed on 06.09.2022)

²²⁹ Cusumano, E. (2019). *Straightjacketing migrant rescuers? The code of conduct on maritime NGOs*. Mediterranean Politics, p. 111

²³⁰ Cusumano, E. (2021, February 18). *United to rescue? Humanitarian role conceptions and NGO-NGO interactions in the Mediterranean Sea*. European Security, 30(4), 547-368.

²³¹ Fourth commitment of the Code of conduct for NGOs

²³² SOS Méditerranée. (2017, July 31). *SOS Méditerranée pronta a firmare il Codice di Condotta per le ONG se prese in considerazione le principali preoccupazioni*. Available online at: <https://sosmediterranee.it/sos-mediterranee-pronta-a-firmare-il-codice-di-condotta-per-le-ong-se-prese-in-considerazione-le-principali-preoccupazioni/>. (Accessed on 07.09.2022)

board and they should not carry weapons, as this would be in clear conflict with the humanitarian principles of neutrality and independence.²³³ Following such a declaration, one can assume that SOS MED was perfectly in line with Médecins sans Frontières. Furthermore, on Friday 11st August 2017 a meeting was held between SOS MED and Mario Morcone, Head of the Department for Civil Liberties and Immigration at the Ministry of the Interior. Being “conducted in a spirit of openness and constructive dialogue”²³⁴, SOS MED decided to sign as aware and pleased with the Italian Interior Minister’s commitment. Indeed, Minniti accepted the proposed amendments and acknowledged that the Code was not legally binding, that NGOs were not committed to receiving armed men on board – except in the case of a warrant issued under national or international law – and that transshipment operations were not restricted when coordinated by the IMRCC.²³⁵

To conclude this section, the Code of Conduct was essential as it highlighted the discrepancies between the various NGOs involved in Search and Rescue operations and the fragmented SAR system. The impact of such a Code should have been unified and brought together by the various NGOs to make it clear that “binding obligations that encroach upon humanitarians' neutrality and independence”²³⁶ are not the right approach to increase cooperation in SAR operations. On the contrary, however, many NGOs overcame the threat of such principles and signed the Code immediately out of fear that relations with the institutions would deteriorate. For that reason, although the principles of neutrality, impartiality and independence from political authorities are common to all NGOs, many of them contributed indirectly to undermining the Search and Rescue system and solidarity among non-governmental actors operating in the Central Mediterranean.²³⁷ Such weakening of the humanitarian community cohesion has also had an impact on Italian political stances. Indeed, on the one hand, the Code of Conduct did not bring any innovation concerning SAR operations since NGOs were already operating in full compliance with international maritime law. On the other, the intent to delegitimise succeeded. The Italian authorities, finding themselves faced with a lack of a common front among humanitarian actors, took advantage to deprive the NGOs' work of

²³³ *Op.cit.*

²³⁴ SOS Méditerranée. (2017, August 11). *SOS Méditerranée firma versione aggiornata del Codice di Condotta durante l'incontro di Roma*. Available online at: <https://sosmediterranee.it/sos-mediterranee-firma-versione-aggiornata-del-codice-di-condotta-durante-lincontro-di-roma/>. (Accessed on 10.09.2022)

²³⁵ *Op.cit.*

²³⁶ Cusumano, E. (2019). *Straightjacketing migrant rescuers? The code of conduct on maritime NGOs*. Mediterranean Politics, p. 112

²³⁷ *Op.cit.*

validity and apply increasingly narrow criminalisation strategies.²³⁸ As affirmed by SOS MED, if one looks at what happens to NGOs, one can observe that a number of them have dropped out during this period – and not only because of the Code of Conduct. Such a situation should be included in a series of obstacles that affected the period from 2017 to 2019. Indeed, the Italian government has tried to hinder the NGO's operations by more devious means, namely the various inspections on board ships. In this regard, it is necessary to point out that SOS MED affirmed that the number of controls and inspections to which they were subjected has increased in parallel. They spent prolonged periods in which their ship has been detained in port and placed under administrative arrest for discrepancies detected by the Italian authorities. In contrast with what one might assume, non-conformities were for example the lack of an “emergency exit” sticker on the door. Such a pretext used by the Italian authorities was a way to block a vessel for months but it did not take into account the other side of the coin: with such stoppages, a vessel became ineffective for its Search and Rescue mission and fatalities at sea could not be avoided in the same way. “Waste” and “inefficiency”²³⁹ are keywords that characterise the influence of these procedures on the NGO. Instead of building a stronger cooperation system, the Code “only reinforced the misleading belief that maritime migrations can be reduced by simply straightjacketing rescuers”.²⁴⁰ And several stratagems were deemed necessary to hinder them. In the next section, one should verify whether the tightening of Italian policies and criminalisation strategies has influenced on the work of SOS MED.

2.4.4. SOS MED'S SAR OPERATIONS AS A PULL FACTOR OF IRREGULAR MIGRATION AND THE RESCUE VESSELS SEIZED

As has been pointed out, the tightening of Italian policies regarding the management of migration flows has reached its peak in the years 2018-2019. Although the conception of NGOs as a pull factor was already prompted by Interior Minister Minniti and the Code of Conduct enacted in August 2017, the figure of Matteo Salvini and his mediatic influence on Italian public opinion strengthened and reinforced it.

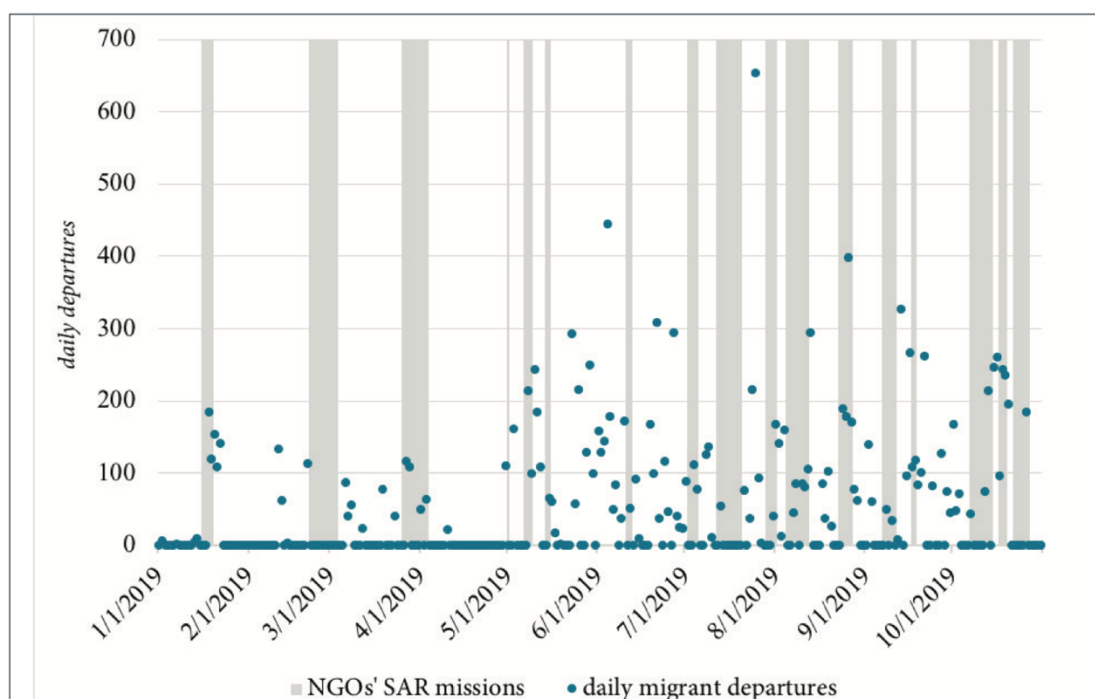
²³⁸ Cusumano, E. (2021, February 18). *United to rescue? Humanitarian role conceptions and NGO-NGO interactions in the Mediterranean Sea*. *European Security*, 30(4), 547-368.

²³⁹ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁴⁰ Cusumano, E. (2019). *Straightjacketing migrant rescuers? The code of conduct on maritime NGOs*. *Mediterranean Politics*, p. 113

Concerning SAR operations and the frequent accusations of being ineffective, one should highlight that SOS MED often questioned whether it was part of the issue concerning the high number of departures from Libya. The bottom-up approach and humanitarian practices – which allowed members to establish proximity relations to the needs and necessities of those seeking better standards of living – have enabled one to understand that the causes were different. Indeed, it has been realised that the reasons behind people leaving the Libyan and Tunisian coasts to reach Italy did not concern the presence or absence of NGOs or other factors like Covid-19. What determined successful departure was the weather and, according to Porro, “the equation is easy and constant: waves over a meter, people do not leave; Northerly wind, people do not leave”²⁴¹. A such equation has also been verified by a branch of literature, which has focused on the emergence of NGOs in the central Mediterranean and the evolution of their activities. In particular, the authors Cusumano and Villa described the pull factors of migration as “positive incentives to move to a specific destination”²⁴² and sought to investigate whether NGOs could be placed in such a category. The figure below is emblematic of their research – which solely covered the year 2019 to achieve more consistent results.

Figure 6: Daily Irregular Migrants Departures from Libya and NGOs' SAR operations (1st January - 27th October 2019)



Source: *Sea Rescue NGOs: a pull factor of irregular migration?* Eugenio Cusumano and Matteo Villa

²⁴¹ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁴² Cusumano, E., & Villa, M. (2019, November). *Sea Rescue NGOs: a pull factor of irregular migration?* European University Institute, Migration Policy Centre 2019/22, p. 3

As one can observe from figure 6, there is a contrast between the number of migrants departing daily from Libya and the presence of NGOs and thus the various SAR missions in the central Mediterranean. For example, in August 2019 there has been a huge percentage of daily migrant departures but the grey band – which represents the period where at least one NGO was present at sea – is not depicted. According to the authors, non-governmental SAR operations cannot be correlated with the number of migrants leaving Libya by sea and thus represent a pull effect of migrations. In contrast, the weather conditions and the Italian government's policies played a key role: the such thesis is in line with both Alessandro Porro's statements and the first hypothesis of this research project.

In this regard, one should remember that during the Conte I government, migration policies have been characterised by the Interior Minister's rhetoric within the public debate – whose focus has been the fight against arrivals in the Mediterranean and the condemnation and restrictions towards NGOs operations. On the one hand, the draconian measures have influenced the migrants' and refugees' resorts to irregular and life-threatening voyages. On the other, the effects of such policies on SOS MED are relevant to grasp interdependence. On 9th June 2018, the *Aquarius* ship was forced to disembark at the port of Valencia after 8 days of waiting despite the rescue being coordinated directly from Rome. At that time, *Aquarius* was banned from disembarking in Italy²⁴³ and such a moment represented the inauguration of a “mechanism of delays in allocating ports”²⁴⁴. In that regard, SOS MED declared that “the several delays due to the closure of Italian ports and then the forced, dangerous and degrading odyssey of the *Aquarius* ship in the Mediterranean must necessarily ring alarm bells for European leaders”²⁴⁵. But this does not seem to have happened. Indeed, in August the request to allocate a closer safe landing location in accordance with international maritime law had still not been met and the criticality of the landing was flagrant.²⁴⁶ Furthermore, in October 2018 – exactly five years after the Lampedusa tragedy – *Aquarius* was detained in Marseille for lack of registration and deprived for the second time of its flag, that of Panama. While the *Aquarius*

²⁴³ Camilli, A. (2018, June 11). *Cronaca di una giornata sull'Aquarius*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/06/11/cronaca-giornata-aquarius>. (Accessed on 06.09.2022)

²⁴⁴ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁴⁵ SOS Méditerranée. (2018, June 17). *L'intollerabile Odissea forzata della Aquarius deve essere un campanello d'allarme per l'Europa*. Available online at: <https://sosmediterranee.it/lintollerabile-odissea-forzata-della-aquarius-deve-essere-un-campanello-dallarme-per-leuropa/>. (Accessed on 07.09.2022)

²⁴⁶ SOS Méditerranée. (2018, August 12). *Aquarius chiede ai governi europei di assegnare un luogo di sbarco dopo i soccorsi nel Mediterraneo*. Available online at: <https://sosmediterranee.it/21939-2/>. (Accessed on 07.09.2022)

was at the centre of a smear and boycott campaign, incidents at sea continued to occur and fatalities to increase. According to Porro, this episode was emblematic of a “painful chapter in European history”.²⁴⁷ Although *Aquarius* was released after a month, the end of the SAR operations conducted by such a vessel was announced in December 2018. Barely a year later, however, SOS MED and MSF returned to cooperate at sea and inaugurated the *Ocean Viking*. The such stance was a rather strong message, given that *Aquarius* was the first to be affected by the “closed ports” policy announced by Interior Minister Salvini. However, the success of the reopening of the ports in September 2019 was undermined over the next two years, in which the difficulties for *Ocean Viking* persisted – enough to mention the vessel blockage in July 2022, after four inspections in one year. The reasons behind this, notified by the Italian Coast Guard, were that “the ship has carried more people than the number authorised by the Safety Certificate as a cargo ship”.²⁴⁸ It is therefore clear that SOS MED operations have been hindered during Conte I government, suffering the concretisation of smear policies established with the Follow-Up Security Decree.

Such an overview reveals how the tightening of the approach towards NGOs and continued criminalisation has evolved over time, peaking in 2018-2019. Continuing obstacles to SOS MED's operations have included their rescue vessels seized, the blockage and long waiting times before letting them disembark – all factors which greatly affected the possibility of saving more lives at sea and avoiding fatalities in the central Mediterranean. In the next section, to conclude such a research project, it will be revealed why the situation has not changed nowadays since SAR operations are still hampered.

2.4.5. EXTERNALISATION AND SUPPORT FOR THE LIBYAN COASTGUARD: THE CASE STUDY'S CONCEPTION

Although it was pointed out that externalisation did not affect directly SOS MED's decision of being oriented towards the Libyan SAR zone – since it has been both a geographical and a logistical matter – several denunciations of the European strategy occurred. In particular, from February 2017 SOS MED has begun to perceive changes due to the approach of the various

²⁴⁷ SOS Méditerranée. (2018, October 3). *Lampedusa, cinque anni dopo*. Available online at: <https://sosmediterranee.it/21998-2/>. (Accessed on 07.09.2022)

²⁴⁸ SOS Méditerranée. (2020, August 12). *La Ocean Viking bloccata: una nuova negazione d'umanità*. Available online at: <https://sosmediterranee.it/la-ocean-viking-bloccata-una-nuova-negazione-dumanita/>. (Accessed on 07.09.2022)

Member States. In contrast with what one might assume, such a perception has not been affected by the Memorandum of Understanding – which was never mentioned and not enough information was gathered about it. Indeed, SOS MED’s accusations against externalisation policies arose mainly as a result of the declaration made on 3rd February 2017 by the members of the European Council in Malta. One should again emphasise that the Italian policy enshrined in the MoU was a reflection of the European context. Indeed, during such a summit, the creation of a Libyan Search and Rescue Region and Rescue Coordination Center was foreseen and SOS MED and the other non-governmental actors acknowledged that the Libyan Coast Guard became officially responsible for SAR operations in the respective area.²⁴⁹ On 31st January 2020 SOS MED raised its concerns about the Libyan Coast Guard's continued violations of international law and traced the causes to the declaration made on 3rd February 2017. The NGO, whose operations still take place in the Libyan SAR zone, has repeatedly witnessed how the LCG sent intercepted Zodiac ships back to Libya, by following the directions of the Coordination Centre Rescue in Tripoli. According to SOS MED, the instructions concerned “the survivors to be returned to the Libyan Coast, even though international maritime law requires that people must be taken to a safe place, which Libya is not”.²⁵⁰ Alessandro Porro stressed once again that coastal countries must provide accurate indications on where to disembark. SOS MED operates mainly with people fleeing from Libya and on no occasion, it has returned shipwrecked people to Libya. The ONG has always worked with the awareness that the right democratic European conditions ensure compliance with Human Rights and symmetrically meet migrants’ basic needs and requirements. For that reason, SOS MED has observed on several occasions that the Libyan Coast Guard was acting “unpredictably and unreliably, further endangering human life”.²⁵¹

As affirmed, the conception of the case study concerning externalisation has been based on empirical data. Indeed, following the ISPI (Italian Institute for International Political Studies) between August 2017 and January 2020 “more than 4 out 10 migrants who left Libya were intercepted at sea and returned to the country and only 54% of them managed to reach the

²⁴⁹ SOS Méditerranée. (2020, January 31). *Tre anni dopo la Dichiarazione di Malta SOS Méditerranée denuncia come il sostegno dell’UE alla Guardia Costiera libica abbia ulteriormente peggiorato la situazione nel Mediterraneo centrale*. Available online at: <https://sosmediterranee.it/tre-anni-dopo-la-dichiarazione-di-malta-sos-mediterranee-denuncia-come-il-sostegno-dellue-alla-guardia-costiera-libica-abbia-ulteriormente-peggiolato-la-situazione-nel-mediterraneo-centrale/>. (Accessed on 09.09.2022)

²⁵⁰ *Op.cit.*

²⁵¹ *Op.cit.*

European Union”.²⁵² If one considers that the number of arrivals in Italy has decreased, one can notice that SOS MED’s complaint has focused on the support from the European Union and its Member States to the Libyan Coast Guard. Indeed, as a humanitarian actor, it has already emerged the extent to which the NGO is aware of the conditions migrants have to endure in Libya. Victims of racism, sold and bought for labour, forced into inhuman work rhythms, tortured, raped and deprived of any freedom. With the simple purpose of limiting and drastically reducing migratory flows from Libya, the Libyan Coast Guard has been funded and trained to make it more proactive in preventing departures or returning people to the country they are fleeing from. Human Rights are completely neglected and the possibility to ensure rescue at sea by the NGO is affected since it diminishes.

On the contrary, the European and Italian strategy has never addressed the coordination of SAR activities in the central Mediterranean. In that regard, Porro has explained that SOS MED systematically informs four realities when intervening: the flag country which is Norway, Libya if the rescue is carried out in the Libyan SAR zone and the neighbouring countries, i.e. Malta and Italy. The NGO sends them emails which are codified – by explaining the situation and by requesting authorisation to disembark according to international agreements including the 1979 SAR Convention and the 1951 Geneva Convention. The situation was quite always the same, since following the various requests forwarded to the four countries, the ones that materialise were the Italian ones. In recent years, the disembarkations conducted by SOS MED have often taken place in Italy. In contrast, Libya did not respond to both emails and calls and if they did, the exhortation to take people back to Tripoli was trendy.²⁵³ Such challenges arose both for rescue operations and the related waiting times – in which the four realities involved have little presence, making disembarkation operations considerably difficult – and for search operations. Indeed, the Italian, Libyan and Maltese coordination centres are supposed to promptly report any findings, but since the overall SAR system is weak and malfunctioning, “the chances of finding a boat in distress without any guidance or information from the relevant authorities are very slim”.²⁵⁴

²⁵² Villa, M. (2020, February 22). *Migrazioni nel Mediterraneo: tutti i numeri*. Available online at: <https://www.ispionline.it/it/pubblicazione/migrazioni-nel-mediterraneo-tutti-i-numeri-24892>. (Accessed on 10.09.2022)

²⁵³ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁵⁴ SOS Méditerranée. (2020, January 31). *Tre anni dopo la Dichiarazione di Malta SOS MEDITERRANEE denuncia come il sostegno dell'UE alla Guardia Costiera libica abbia ulteriormente peggiorato la situazione nel Mediterraneo centrale*. Available online at: <https://sosmediterranee.it/tre-anni-dopo-la-dichiarazione-di-malta-sos-mediterranee-denuncia-come-il-sostegno-dellue-alla-guardia-costiera-libica-abbia-ulteriormente-peggiolato-la-situazione-nel-mediterraneo-centrale/>. (Accessed on 09.09.2022)

To conclude, SOS MED is aware that both European and Italian approaches to finding a solution to a single political problem do not take into account long-term goals for the stability and capacity building of Libya²⁵⁵. Externalisation as a keyway to managing migration does not give credence to the subjective character of the migrant and does not prevent the violation of Human Rights. In contrast, such a mechanism continues to fund a maritime coordination body – the Libyan one – which cannot fulfil its mandate. If such funds were invested in SAR operations in the central Mediterranean, the flaws in the system could be addressed more easily and cooperation could be achieved. Indeed, one has noticed that in previous years collaboration has been a key element for the high number of rescues at sea.

2.5. THE COVID-19 IMPACT ON SOS MED

Following the UNHCR data, 32.782 arrivals were recorded on 17th July 2021, as opposed to 64.477 in 2020.²⁵⁶ As one can observe and in contrast with what one might assume, Covid-19 did not affect directly the migratory flows by drastically reducing the number of sea arrivals. However, such a global health crisis has also involved SAR operations – some difficulties may have emerged from such a context – and one should try to understand the effects on SOS MED.

Firstly, on 22nd March 2020, the ONG decided to sign a document addressed to the institutions to let the need for a different management of the health emergency emerge. SOS MED, alongside other associations, emphasised how Covid-19 was increasing the social and legal marginality of migrants, creating more inequalities and how “concrete and immediate solutions”²⁵⁷ were required. One should highlight that in March 2020 the law in force was still the one strongly advocated by Salvini – which received several criticisms by SOS MED and other humanitarian associations even in the pandemic context. Indeed, taking an overview of the rights put at risk by Covid, the document selected several areas of intervention – concerning mainly reception, CPR centres and hotspots and SAR and disembarkation operations. Firstly, it has been underlined how the Legislative Decree 130/18 gave rise to the collective reception

²⁵⁵ *Op.cit.*

²⁵⁶ UNHCR, *Operational data portal, refugee situations*. Available online: <https://data.unhcr.org/en/situations/mediterranean/location/5205>. (Accessed on 07.09.2022)

²⁵⁷ SOS Méditerranée. (2020, March 23). *Emergenza Covid-19. L'impatto sui diritti dei cittadini marginalizzati e le misure di tutela necessarie*. Available online at: <https://sosmediterranee.it/emergenza-covid-19-limpatto-sui-diritti-dei-cittadini-marginalizzati-e-le-misure-di-tutela-necessarie/>. (Accessed on 08.09.2022)

in large centres – notably CAS, CARA and HUB – which did not allow compliance with the measures for the prevention of contagion. Furthermore, the difficulties in accessing health and social territorial services have been highlighted. In this regard, the closure of the large reception centres, the organisation of a widespread reception system, specific protocols for the management of positives and more information to guarantee access to the health system by the regional and ASL departments have been suggested.²⁵⁸ Secondly, in addition to the high number of people living in crowded conditions in CPRs and hotspots, the issue of repatriation was additionally raised. Indeed, with Covid-19 many countries have ordered the blocking of flights from Italy, stopping forced repatriation. SOS MED and other associations have called for the suspension of any new entry into CPRs and hotspots due to overcrowding and the impossibility of guaranteeing a regular repatriation process.

In conclusion, it has been stressed that there were major organisational and logistical difficulties for NGOs related to SAR operations. The reasons behind this were that they called for better “management of landings”, “quarantine measures for migrants and crew” and “necessary health control activities”. Waiting times have certainly lengthened during this period and logistical issues concerning the disembarkation of migrants in quarantine vessels have further exacerbated the situation.

An important aspect to emphasise in this regard concerns the denunciation of the Security Decrees issued by Prime Minister Matteo Salvini, which have been considered to have “drastically worsened the legal regulation of migration policies”²⁵⁹. In the case of SOS MED, one should explore whether, with the repeal of these Security Decrees, the relationship with the Ministry of the Interior has evolved and whether the demand to allow the rapid granting of a safe port for the migrants’ disembarkation has been met. Considered a “further revolution”²⁶⁰, SOS MED had to change its protocols because of Covid-19 and adapt to the Italian disembarkation system, which involved not disembarking ashore but putting the shipwrecked people on quarantine vessels. Until 1st June 2022, SOS landings were conditional on the availability of places on the Italian state chartered ferries. Nowadays “the emergency phase is over but the waiting times are still high”.²⁶¹ Even though that the Minister of Interior changed, according to Alessandro Porro there has been continuity with the Lamorgese cabinet.

²⁵⁸ *Op.cit.*

²⁵⁹ *Op.cit.*

²⁶⁰ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁶¹ *Op.cit.*

SOS MED continued to receive answers from the institutional side which promised to undertake everything possible although the results were different and fatalities at sea continued to occur. The situation with Matteo Salvini was more critical concerning the migrants' Human Rights and legal conditions. However, one should affirm that there has not have been an evolution of the situation concerning SAR operations and the long waiting times before disembarking. If the global health emergency has deteriorated the overall context of SAR operations, through SOS Méditerranée one has remarked that it should not be used as a scapegoat since the underlying issues are linked to other factors including political stances.

A conclusion of the SOS Méditerranée operations from 2016 until 2022 is deemed relevant in determining the interdependence with the Italian migration policies and the impact on migrants' life-threatening voyages. One should emphasise that the SOS MED charter and logbook, in addition to the interview with Alessandro Porro, had a twofold impact on this thesis project: firstly, they allowed the reader to grasp various aspects of the NGO's nature and policies, to provide a fundament for the mutual reliance. Secondly, they enabled the importance of citizen awareness-raising for SOS MED to be realised. It is important to acknowledge that there have never been some economic interdependences between the NGO and European or Italian institutional actors. Indeed, SOS MED has always had to finance its activities through citizens' funds in order to have the means to operate in the central Mediterranean. Interdependence occurred as the constant accusations against NGOs and the changing political terminology for rescues at sea have had an impact on their ability to raise funds. This hypothesis is confirmed by Alessandro Porro but will not be explored further as it is not the focus of this research project. In contrast, the final outcomes will follow to leave the reader with a clear understanding of such a subject. The answer to the main research question will be stated and the future outlook will be shown to let understand what new knowledge could contribute to such a field. Indeed, the current situation witnesses a deepening split between sea rescue and migration. On the one hand, the institutional side is moving further away from SAR operations and the right to life is being jeopardized by restrictive policies to diminish or eradicate the migratory phenomenon. On the other, the non-governmental side seems to seek to fill the institutional gap of SAR but is subject to criminalisation and obstruction. The assumption of interdependence has never taken on negative connotations but such a thesis project has led to the conclusion that there is no longer collaboration and cooperation between institutional and non-governmental actors. Such a flawed system has an impact on migrants in search of better living conditions in Europe.

CONCLUSION

In such a section and view of the conclusion of the research project, the main results obtained from the analysis of the official documents for the institutional side and the data collected for the non-governmental one will be reported. An attempt will be made to address the research question by separating the two hypotheses set out at the beginning of the thesis research. Firstly, one should remember that the research question has been the following:

**To what extent has the interdependence between Italian policies and SAR operations
– exemplified by SOS MED –
influenced migrants' and refugees' life-threatening voyages?**

In particular, the first hypothesis of this research – **H1** – assumed that the more the Italian government and its authorities imposed restrictive policies, the more migrants and refugees resorted to irregular, life-threatening voyages. Section C, which defined the Italian migration policies from 2014 onwards by taking into account the European comprehensive approach, did not reveal a direct correlation between restrictive policies and the rate of irregular arrivals in the country. However, what emerged is that European policies have been based more on border security and externalisation of migration from 2014 onwards. Concerning border security, it was found that the interception of boats at sea was not related to purely saving lives at sea but to countering smuggling networks, human trafficking and terrorist threats. And the role of Frontex supported such an argument. Furthermore, although externalisation was emphasised by the EU as a Human Rights-compliant practice, it emerged how collaborations with Third countries like Turkey and Libya revealed other objectives, namely reducing and countering irregular migration. Finally, the current European political asylum system has numerous flaws that have led to a great disparity between European countries. Countries like Italy have a high concentration of political asylum applications and tend to apply restrictive policies because they are aware that the principle of solidarity is not likely to materialise immediately. Consequently, this overview has necessarily affected migrants entering the country irregularly. Although the development of Italian policies has been relevant to understand whether there was any effective interdependence with non-governmental actors and thus with SOS MED, it must be emphasised that Italy followed the European model and the premises of the migration policies have been very analogous and related. Firstly, as far as the relationship with Europe is concerned, there was an overall tendency to cooperate with other European states for a

solidarity-based asylum system and a fairer distribution of asylum seekers. One only has to recall the diplomatic actions promoted by the Renzi government between 2014 and 2016 and the discontinuity of the Conte II government from the previous one. Although the years 2018-2019 were characterised by a strong Eurosceptic trend, in 2019 Italy wanted to regain a central position in migration management at the European level. Indeed, the importance of a better distribution system was reaffirmed and a new pact on migration and asylum was signed on 23rd September 2020. A similar situation occurred with the Draghi government, as the need for a more credible asylum system was emphasised and Italian pressure helped to raise this issue on the European political agenda – which had not taken place since 2018. To grasp the impact on migrants' choices to resort to irregular routes, however, it is necessary to emphasise that the pressure at the European level has been selective. Primarily focused on the asylum system and the burdens Italy was facing, it was less active in the adoption of visa codes and blue cards. Legal alternatives for regular entry and stay were therefore not encouraged. Beyond the connections that there may have been at the European level, such alternatives were not even promoted at the national level. Renzi government has welcomed favourable initiatives including the humanitarian corridors for countries like Lebanon and Jordan – thus constituting an advanced step in opening and managing legal channels for entry and stay. However, these initiatives have suffered a setback with the following governments: if one considers for example the Minniti-Orlando Decree, it provided for the fight against irregular migration by increasing the number of repatriation centres. Moreover, the first Security Decree was not a model for the fostering of legal alternatives in Italy. On the contrary, it was a necessary instrument to grasp the direct link with the irregularity component. As emerged from ISMU data, the years 2018 and 2019 witnessed an increase in irregular migrants while 2020 experienced a decrease. There may be a link to Salvini's main legislative amendments, namely the Security Decree and the following shift due to the Decree Law No. 130 established with Luciana Lamorgese. Lastly, in the context of this research project – which follows the time frame from 2014 to 2022 – it is deemed relevant to emphasise that externalisation was consolidated with the Migration Compact. Italy, in the same way as Europe, decided to rely on Third Countries including Libya for border controls and the reduction of flows to Europe. Such a practice intensified with the Memorandum of Understanding and has more recently been reiterated by both the Conte II and Draghi governments. Nevertheless, it is well acknowledged how Human Rights are violated in such a transit country and the conditions migrants suffer in Libya. In conclusion to the first hypothesis of the research project, section C analysed Italy's migration management mostly to investigate the interdependence with NGOs and SOS MED. Although

research has not pointed to a direct link between restrictive policies and irregularity – except for the Conte I government and Salvini’s main legislative amendments –, it can be argued that decisions to undertake irregular and life-threatening voyages may have been influenced by externalisation practices, focus on border controls, the weak emphasis on legal routes to reach and stay in Italy and the European context which do not examine legal processes as expected. The results contributed a clearer understanding of that branch of literature which strongly emphasises the correlation between the strengthening of restrictive asylum and visa policies and irregularity rates. Although no strong components have been identified to regulate migration flows and speed up the legal processes to reach and stay in Italy, not enough information has been gathered to demonstrate such a correlation.

Conversely, the study demonstrates a strong connection among the institutional – i.e. the Italian migration policies – and the non-governmental – i.e. the SOS MED operations – levels. Indeed, the second hypothesis of the present research project – **H2** – expected that the more SOS Méditerranée has faced obstacles imposed by the Italian government and its authorities, the more there has been an impact on migrants’ life-threatening voyages. Although for the first hypothesis the correlation was not straightforward, for the second hypothesis interdependence was used as a key to a deeper understanding of the migration phenomenon. Through the case study, it has been realised that dependence subsisted and therefore the impact on migrants has been better explored. In particular, in the second hypothesis the term “faced obstacles” did not only refer to direct criminalisation and accusations toward the NGO operations by the Italian government but to the mere institutional stances towards the migration phenomenon. Firstly, considering the policies directly targeting NGOs, it has been observed as the Code of Conduct overshadowed the interest of saving lives at sea and limited the operations of SOS MED. Although this NGO originally emerged intending to limit the impact of irregular voyages and fatalities at sea, it has been prevented from entering Libyan territorial waters and cooperating with the Libyan Coast Guard. But it is acknowledged that one of the practices most carried out by the Libyan Coast Guard involves taking migrants back to such a transit country. Although it has turned out how much the NGO principles of independence, neutrality and impartiality have been threatened and the unity of the SAR system among the various non-state actors has been undermined, the implication of migrants’ choices is different. Indeed, such a policy had an impact on those who decide to reach Italy in order to survive and escape degrading and inhumane situations when one considers that the journey for them is often synonymous with survival. Moreover, the Follow-Up Security Decree worsened adversity towards NGOs;

the related impossibility of disembarkation and the policy of closed ports had an impact on migrants. Whereas the years 2018 and 2019 witnessed the peak of such practices, long waiting times before the disembarkation occurred even during the previous years and persist nowadays. Such an issue is problematic as it may greatly affect the possibility for migrants to be saved at sea and of avoiding more fatalities in the central Mediterranean. Moreover, migrants' relationship with SOS MED staff and the humanitarian side of the NGO were endangered as migrants began to trust increasingly less the promises they could not fulfil. And not by their own will, but because institutions were not giving them timely and immediate responses. The sailing was also made challenging by the NGOs' difficulty in being able to provide the necessary sustenance for the days at sea. And depriving individuals who have already suffered of the opportunity to see their basic needs including food and medical care met is an abhorrent practice. In addition, with Alessandro Porro, it emerged that constant accusations against NGOs and the changing political terminology for rescues at sea have had an impact on their ability to raise funds. This aspect erodes as well the likelihood of having means available at sea to save lives. To conclude, the lack of cooperation with the Italian Coast Guard – manifested mainly in transshipment operations with the Code of Conduct – and the continuous inspections and blockades of SOS MED vessels may continue to influence migrants' and refugees' life-threatening voyages since they already reduced the possibility for the NGOs to operate in the central Mediterranean. It is enough to mention that SOS MED concentrated the largest number of rescues between 2016 and 2018 – about 28,000 compared to 8,000 in the following four years. Such efficiency was fostered by the strong coordination and collaboration with the Coast Guard and transshipment operations. In addition, NGOs have been through periods in which waiting times were 2 or 3 days. When one considers that nowadays non-governmental actors have to wait at least 12 days, the impact on those seeking international protection is clear.

A final note is that the results of such a research project should not be extrapolated to the reality of the other NGOs. Indeed, SOS MED exemplified SAR operations in the central Mediterranean and the non-governmental side was the only one that could provide data collection. In contrast, some difficulties have been experienced in accessing official and relevant documents for grasping the institutional responses to the migration phenomenon. Further research is needed to establish a strong correlation between Italian migration policies and the irregularity rate in the country. Moreover, it would be interesting to get insight into other NGOs to have weightier results for such interdependence in the central Mediterranean.

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APPENDIX I

INTERVIEW GUIDE

1. **[Breve presentazione del mio progetto di tesi e di Alessandro Porro, presidente di SOS MED ITA] / [Short presentation of my thesis project and of Alessandro Porro, president of SOS MED ITA]**
2. **Quando e come è nata l'iniziativa di fondare SOS MED? La nascita dell'ONG ha un rapporto diretto con il contrasto tra politica ed etica, ovvero tra gli interessi economici e politici che ruotano intorno alla governance migratoria e il puro salvataggio in mare? / When and how did the initiative to found SOS MED come about? Does the birth of the NGO have a direct relationship with the contrast between politics and ethics, i.e., between economic and political interests concerning migration governance and pure rescue at sea?**
3. **Che cosa significa effettivamente il termine “Ricerca e Soccorso” nel caso di SOS MED? / What does the term “Search and Rescue” actually mean in the case of SOS MED?**
4. **So che a breve partirà in navigazione per qualche mese, l'operatività dell'ONG è limitata ad uno spazio geografico limitato? Dove si posiziona rispetto alle diverse responsabilità SAR nel Mediterraneo Centrale? (Ovvero zona SAR italiana, zona SAR maltese – dal momento che vi è una sovrapposizione tra le due – e zona SAR libica) / As you will soon be sailing for a few months, is the NGO's operation restricted to a limited geographical space? Where is it positioned in relation to the different SAR responsibilities in the central Mediterranean? (i.e., Italian SAR zone, Maltese SAR zone - since there is an overlap between the two - and Libyan SAR zone)**
5. **Chi coordina le operazioni di trasbordo di SOS MED? / Who coordinates SOS MED's transshipment operations?**
6. **Secondo la Convenzione di Amburgo del 1979, ogni paese stabilisce la propria “zona SAR” e mette a disposizione mezzi appropriati per monitorarla. Che mezzi ha messo in atto l'Italia dal 2014 e, qualora questi siano diminuiti oggi, che impatto ha avuto su SOS MED? / According to the 1979 Hamburg Convention, each**

country establishes its own 'SAR zone' and provides appropriate means to monitor it. What means has Italy put in place and, if these have diminished, what impact has this had on SOS MED?

7. **SOS MED collabora o ha mai collaborato con Frontex e le autorità italiane ed europee per quanto riguarda la lotta alle attività dei trafficanti? / Does SOS MED cooperate or has it ever cooperated with Frontex and the Italian and European authorities in the fight against traffickers' activities?**
8. **Poiché il quadro temporale di questo progetto di tesi copre il periodo 2014-2022, ovvero dalla fine dell'Operazione *Mare Nostrum*, è possibile ritracciare l'evoluzione delle operazioni nel Mediterraneo Centrale in fasi precise? / Since the time frame of this thesis project covers the period 2014-2022, i.e. since the end of Operation *Mare Nostrum*, is it possible to trace the evolution of operations in the Central Mediterranean in specified stages?**
9. **Se tali fasi possono essere identificabili, in quali il vostro operato è stato particolarmente influenzato? Quando è aumentata la vostra attività nelle operazioni? / If such phases can be identified, in which ones has your operation been particularly affected? When did your activity in operations increase?**

Es. con l'Operazione *Sophia* nel 2015 vi è stato un passaggio dalle operazioni di Ricerca e Soccorso della Guardia Costiera Italiana alla sorveglianza della frontiera, l'ONG ha assunto un ruolo più rilevante? E soprattutto, come si è posizionata SOS MED rispetto all'intento di smantellare le reti di contrabbando?

10. **EunavforMed, nel 2015, affermava che “i trafficanti possono contare su un crescente numero di navi di ONG operanti al limite della acque libiche, mentre i nostri assetti sono più arretrati e fungono da deterrente”. Com'è stato – o se lo è tuttora - com'è operare con l'accusa di essere inefficaci e spesso criminalizzati e di rappresentare un fattore di attrazione per i migranti? Tali visioni hanno un impatto sul vostro operato di salvataggio in mare? / EunavforMed, in 2015, stated that “traffickers can rely on a growing number of NGO vessels operating on the edge of Libyan waters, while our assets are more backward and act as a deterrent”. How has it been - or if it still is - what is it like to operate under the accusation of being ineffective**

and a pull factor for migrants? Do such views have an impact on your rescue work at sea?

11. **Nonostante le operazioni europee siano regolamentate dalle convenzioni internazionali quali SOLAS e Amburgo, che rivendicano quindi il salvataggio in mare, perché i sopravvissuti vengono trasferiti alle ONG? Ciò avviene anche con la Guardia Costiera Italiana e SOS MED? / Despite the fact that European operations are regulated by international conventions namely SOLAS and Hamburg, thus claiming rescue at sea, why are survivors transferred to NGOs? Does this also apply to the Italian Coast Guard?**
12. **Qual è stato il momento più critico rispetto alle politiche di migrazione italiane? Come ha reagito SOS MED quando Salvini dichiarava di voler chiudere i porti italiani nel 2018? / What was the most critical moment with respect to Italian migration policies? How did SOS MED react when Salvini declared his intention to close Italian ports in 2018?**
13. **Vi è mai stato un eventuale impatto delle decisioni del Ministro degli Interni sul vostro operato (Minniti, Salvini...)? Quest'ultima misura, in particolare, ha creato le condizioni affinché il governo – nella persona del vicecapo del governo, ministro dell'Interno e leader della Lega Matteo Salvini – mettesse in pratica in modo più efficace la sua posizione antagonista nei confronti delle ONG. / Has there ever been any impact of the Interior Minister's decisions on your work? (Minniti, Salvini...) This last measure, in particular, created the conditions for the government – in the person of the deputy head of government, Minister of the Interior and leader of the League, Matteo Salvini – to put its antagonistic stance towards NGOs into practice more effectively.**
14. **Il caso di Sea-Watch nel 2019 è stato emblematico della politicizzazione dell'immigrazione in Italia, ma anche dei paradossi sottostante (contrastare la migrazione irregolare, per esempio, attraverso misure drastiche e contenitive). È mai accaduto qualcosa di simile per SOS MEDITERRANEE? / The Sea-Watch case in 2019 was emblematic of the politicisation of immigration in Italy, but also of the underlying paradoxes (countering irregular migration, for example, through drastic and**

restraining measures). Has anything similar ever happened to SOS MEDITERRANEAN?

15. **Ad oggi, il famoso “decreto Salvini” è stato modificato, il quadro dei divieti e dei limiti di navigazione per le imbarcazioni di SOS MED è diverso?** / As of today, the well-known “Salvini decree” has been amended, is the framework of prohibitions and navigation limits for SOS MED vessels different?
16. **Nonostante un’ONG debba operare in maniera indipendente dai vari Stati, sembra indiscutibile che la gestione dei migranti sia dettata da un’interdipendenza tra le politiche migratorie – europee e italiane – e l’operatività delle ONG. Come ha reagito SOS MED all’introduzione del codice di condotta europeo nel 2017? Cos’è cambiato esattamente e perché, secondo te, è stato introdotto l’obbligo di non ostacolare l’attività della Guardia costiera libica?** / Although an NGO must operate independently from the various states, it seems indisputable that the management of migrants is dictated by an interdependence between migration policies - European and Italian - and the operations of NGOs. How did SOS MED react to the introduction of the European Code of Conduct in 2017? What exactly changed and why, in your opinion, was the obligation not to obstruct the activity of the Libyan Coast Guard introduced?
17. **In vista della creazione della Guardia Costiera Libica, vi è stato un cambiamento nella relazione tra MRCC italiano e SOS MED? Le operazioni SAR sembrano mancare di un coordinamento saldo, è realmente così?** / In view of the creation of the Libyan Coast Guard, has there been a change in the relationship between the Italian MRCC and SOS MED? SAR operations seem to lack firm coordination, is this really the case?
18. **Nonostante la Libia abbia ratificato la convenzione SAR del 1979, il paese ha ufficialmente dichiarato una specifica area di responsabilità SAR? Cosa succede se la prima centrale MRCC è quella italiana? Come si comporta SOS MED?** / Although Libya has ratified the 1979 SAR Convention, has the country officially declared a specific SAR area of responsibility? What happens if the first MRCC is the Italian one? How does SOS MED act?

19. **Com'è possibile che ci sia un'intercettazione sicura delle imbarcazioni che partono dalla Libia? SOS MED aspetta tali intercettazioni ufficiali o le operazioni di salvataggio partono indipendentemente da ciò?** / How can there be a safe interception of boats leaving Libya? Does SOS MED wait for such official interception or do rescue operations start regardless?
20. **Qual è, qualora esista, il rapporto finanziario tra SOS MED e l'Unione Europea e in particolare l'Italia? Vi sono mai stati fondi europei o italiani per aiutare nelle operazioni di salvataggio?** / What, if any, is the financial relationship between SOS MED and the European Union and Italy in particular? Has there ever been European or Italian funding to help with rescue operations?
21. **Come viene percepito il ruolo umanitario di SOS MED oggi e quanto è influenzato dall'esterno?** / How is the humanitarian role of SOS MED perceived nowadays and how much is it influenced by the external environment?
22. **Ad oggi, 27 luglio 2022, avreste fatto le stesse cose? Eventuali processi di cambiamento delle vostre politiche hanno a che vedere con il processo politico, legislativo, istituzionale europeo ma soprattutto italiano?** / Seen from today, summer 2022, would you have done the same things? any processes of change have to do with the political, legislative, institutional process of the European Union but above all of Italy?
23. **Qual è, secondo te, una soluzione pragmatica alla gestione dei flussi migratori per le operazioni di ricerca e soccorso? C'entra in qualche modo con il fatto che l'Unione Europea e l'Italia non hanno ancora adottato un meccanismo appropriato per il salvataggio in mare?** / What do you think is a pragmatic solution to the management of migratory flows for search and rescue operations? Does it have anything to do with the fact that the EU and Italy have not yet adopted an appropriate mechanism for rescue at sea?
24. **Che ne è del futuro, secondo te? Vi sono progetti o operazioni assicurate fino ad un certo periodo?** / What about the future, in your opinion? Are there projects or operations guaranteed until a certain period?

APPENDIX II

INTERVIEW TRANSCRIPTS

Martina Desio: Per iniziare, la mia tesi di ricerca si baserà sull'interdipendenza tra le politiche europee e italiane dal 2014 al 2022, cioè ad oggi, e l'operatività di SOS Méditerranée. Volevo innanzitutto iniziare magari chiedendoti se potessi presentarti per far capire meglio il tuo ruolo all'interno dell'ONG, poi partire da domande generali per arrivare a domande più specifiche.

Alessandro Porro: Sì, sono il presidente dell'associazione italiana che si chiama SOS Méditerranée Italia, siamo composti da un network di quattro associazioni – Italia, Francia, Germania e Svizzera e ogni associazione raccoglie fondi e fa mobilitazione cittadina in modo da poter finanziare e rendere operativa la nave. Al di là del ruolo di presidente, sono un soccorritore. È da cinque anni che sono imbarcato sulle navi – prima l'Aquarius e poi la Ocean Viking – e di formazione sono un informatico e un soccorritore, è da vent'anni o più che sono sull'ambulanza.

Martina Desio: Quindi tu hai fatto una formazione per essere soccorritore?

Alessandro Porro: Io ho fatto una formazione con la Croce Rossa per l'ambulanza e poi ho preso un brevetto per il soccorso in acqua, sempre con la Croce Rossa, e soccorso con i gommoni, attività in area critica, ecc. ecc. E poi c'è una formazione interna a SOS MED che ti dà le competenze per agire in un ambito che è piuttosto specifico, perché le emergenze che abbiamo in mare sono emergenze con generalmente tantissime persone. E questo un po' confligge con le metodologie classiche di soccorso in acqua che si rivolgono a numeri molto più bassi; quindi, si è costruito in questi anni un set di conoscenze che a volte esportiamo, cioè ci chiamano per fare formazione ad altre ONG o anche le guardie costiere.

Martina Desio: Quindi quando si parla di “emergenza”, tale parola riguarda il numero di persone ed è più legato all'aspetto quantitativo nel vostro caso?

Alessandro Porro: No, sono due elementi diversi. Allora, emergenza dal punto di vista della normativa esiste qualora troviamo alcuni segnali: una barca che non che non naviga bene, una barca con personale non addestrato, una barca senza giubbotti di salvataggio; quindi, questo ci

permette di definire che le persone che abbiamo di fronte sono in *distress* e secondo le leggi internazionali hanno bisogno di essere soccorse il prima possibile. Poi, dall'altro lato c'è una questione quantitativa perché i gommoni, le barche di legno, le barche di vetroresina o le barche a vela presenti nel Mediterraneo sono tendenzialmente sovraffollate con un affollamento anche di dieci o dodici persone per metro quadro. Figurati che ad un concerto il massimo affollamento consentito è di sette persone al metro quadro; quindi, ti dà un'idea della pressione umana. E in quei contesti è difficile che ci sia una persona che stia male o una persona che cada in acqua: generalmente, sono emergenze che riguardano numeri importanti; quindi, se c'è una persona in acqua probabilmente ce ne sono altre venti per problemi strutturali piuttosto che rotture o dinamiche di folla.

Martina Desio: Per quanto riguarda invece la nascita di SOS Méditerranée, ti dicevo appunto che lo scopo della mia tesi di ricerca è andare ad analizzare il rapporto tra la politica e l'etica. Volevo capire, appunto, se la fondazione dell'ONG fosse legata a questo contrasto tra interessi economici e politici che ruotano intorno alla governance migratoria e il puro salvataggio in mare.

Alessandro Porro: Noi siamo nati all'indomani della chiusura di *Mare Nostrum*. Emergenze in mare che riguardano persone migranti esistono da tanti anni, dal 2008 almeno in poi con numeri significativi. Nel 2013 c'è stato un momento di apice, un naufragio di Lampedusa in cui sono morte più di 360 persone. In Italia c'è stata una reazione forte che ha portato alla creazione di un progetto italiano di ricerca soccorso con navi, elicotteri, sommergibili, personale militare proprio per andare a cercare attivamente queste imbarcazioni e portarle in un luogo sicuro. In Italia dopo un anno questo progetto è stato sospeso dall'Europa, da Frontex ed è stato sostituito da dei progetti di controllo delle frontiere. Ora, tra *Search and Rescue* e controllo delle frontiere c'è la stessa differenza che c'è tra essere soccorsi da un'ambulanza ed essere soccorsi da due carabinieri che stanno facendo un posto di blocco. Questo per quanto riguarda il materiale, l'organizzazione, la struttura. Per cui non solo SOS MED ma anche altre realtà sono nate all'indomani della chiusura di un progetto nazionale di soccorso con l'idea che non fosse giusto lasciare persone morire in mare o comunque lasciarle sole. Noi continuiamo dall'anno della nostra fondazione a chiedere alle istituzioni europee, e non solo quelle italiane, che venga ripristinato il prima possibile un sistema europeo prevedibile e coordinato di ricerca e di soccorso; però vediamo che si sta andando fondamentalmente nella direzione apposta cioè quella di delega del controllo delle frontiere da parte di paesi terzi come la Libia nel nostro

caso, come il Marocco o l'Algeria nei confronti della Spagna, come la Grecia nei confronti della Turchia per creare dei muri, delle barriere in mare. Però sono due tematiche diverse quella della migrazione e del soccorso in mare che, sì, tendono a coincidere nel Mediterraneo a un certo punto ma per noi sono abbastanza divise. Noi siamo dei tecnici, dei marittimi, dei soccorritori, dei medici, degli infermieri e del fatto che le persone che soccorriamo siano persone migranti ce ne importa il giusto. Per noi prevale il senso della lettera degli accordi internazionali sul soccorso in mare e quindi non ci chiediamo se queste persone siano rifugiate o richiedenti asilo, migranti, migranti irregolari, migranti climatici. Per noi sono persone, anzi sono naufraghi. Questo impatto, quest'impronta definisce un po' il nostro modo di operare e anche il nostro modo di approcciarci, confrontarci con le autorità nazionali: quando parliamo di soccorso in mare e delle carenze enormi, evidenti che riscontriamo non stiamo a stressare sul concetto della migrazione ma stiamo a rinforzare il concetto del soccorso in mare che per la legge internazionale è obbligatorio.

Martina Desio: Volevo chiederti che cosa significasse esattamente Ricerca e Soccorso nel caso di SOS MED. Studiando l'Unione europea ho notato che molte volte la migrazione venga divisa in varie categorie, come ad esempio la migrazione irregolare o i richiedenti asilo, ecc. proprio per trovare delle politiche idonee. Però da quello che mi hai detto anche tu, Ricerca e Soccorso appunto va oltre tutte quelle categorie sfruttate all'interno delle varie politiche.

Alessandro Porro: Assolutamente, per noi Ricerca e Soccorso è un qualcosa di una banalità estrema: sappiamo da dati e statistiche fornite dalla stessa Guardia Costiera Italiana – quindi, non sono dati riservati – che negli anni, dal 2008 in poi, si sono verificati degli incidenti in mare. Questi incidenti tendono a concentrarsi in aree che grossomodo, per quanto riguarda il nostro ambito operativo, sono aree di fronte a Tripoli, in acque internazionali magari un po' più a Ovest, magari un po' più a Est; sulla distanza dalla costa dalle 20 alle 60 miglia c'è una reale di svariate centinaia di milioni di chilometri quadrati in cui noi facciamo ricerca con binocoli, radar, ascolto radio insomma con quello che abbiamo a disposizione. Nel momento in cui vediamo una barca in difficoltà, secondo i criteri delle leggi internazionali, cioè mancanza di personale addestrato, struttura temporanea, mancanza di giubbotti di salvataggio, ecc. interveniamo con i nostri gommoni. Se le persone ci dicono “sì abbiamo bisogno di essere aiutate”, le portiamo in un posto sicuro con la nostra nave. Una volta che abbiamo le persone a bordo, non è che le puoi solo recuperare e mettere sulla nave; devi dare loro da mangiare, da bere, avere dei bagni, un posto sicuro per dormire e le attese diventano molto lunghe. Secondo

le leggi internazionali, i soccorsi quindi il *Rescue* finisce nel momento in cui tutte le persone sbarcano. Quindi se noi rimaniamo a bordo con 100, 200, 500 persone per 15 giorni come capita dichiariamo che il nostro soccorso è durato 15 giorni perché non si esaurisce con l'estrazione in acqua del naufrago ma si conclude quando tutti i naufraghi sono effettivamente sbarcati in un luogo definito sicuro.

Martina Desio: E chi è che stabilisce questo luogo sicuro?

Alessandro Porro: Allora, i paesi costieri hanno l'obbligo di predisporre dei centri di Ricerca e Soccorso, che sono delle centrali operative tipo il 112 o il 118. Hanno anche l'obbligo di istituire, di fornire indicazioni sul luogo in cui sbarcare e questo luogo deve essere "sicuro". Cosa vuol dire sicuro, vuol dire che il naufrago non deve sentirsi minacciato per quanto riguarda la sua appartenenza etnica, religiosa, il suo credo, il suo orientamento sessuale e comunque questo posto non deve essere lo stesso luogo da cui scappa. Per cui, noi abbiamo tendenzialmente persone che scappano dalla Libia; nella stragrande maggioranza La Libia non può essere considerato un paese sicuro per via di accordi anche internazionali tra cui la Convenzione di Ginevra, per cui aspettiamo che tendenzialmente Malta o l'Italia ci assegnino un porto, e un qualsiasi porto assegnato dall'Italia o da Malta corrisponde a quel concetto di sicurezza che ti ho accennato prima. In Europa, nell'Europa che si affaccia sul mare, non c'è guerra, vi sono democrazie quindi c'è la relativa sicurezza che le persone vengano poi accolte in una maniera simmetrica rispetto ai loro bisogni e necessità fondamentali. Nel nostro caso, nel 95% delle situazioni è l'Italia ad assegnarci un porto di sbarco e il ministero che si incarica di questo è il Ministero degli Interni.

Martina Desio: E invece per quanto riguarda le operazioni di trasbordo?

Alessandro Porro: Cosa intendi per trasbordo?

Martina Desio: Prima appunto con *Mare Nostrum* c'erano queste operazioni di Ricerca e Soccorso condotte dalla Guardia Costiera italiana stessa mentre adesso ci si è più spostati verso un approccio basato sul concetto di sicurezza di frontiere e c'è un'esternalizzazione delle proprie capacità di gestire questi flussi verso Paesi Terzi come dicevamo prima. Nel momento in cui un barcone dovesse essere intercettato dalla Guardia Costiera Italiana, i naufraghi vengono

successivamente trasportati sulle vostre navi oppure vengono proprio portati nei luoghi sicuri dalla Guardia Costiera italiana stessa?

Alessandro Porro: Allora, dipende dal contesto. Fino al 2018, era perfettamente normale e in uno spirito di mutua collaborazione che persone soccorse da navi civili, navi militari o Guardia Costiera venissero, secondo i desideri della Guardia Costiera Italiana, trasbordati eventualmente su navi di ONG che funzionavano un po' da piattaforma diciamo e poi più lentamente portati verso l'Italia. Dal 2018 in poi, succedono tante cose, fra cui il Codice di Condotta delle ONG creato dall'allora ministro Minniti. Questo Codice dice, fra le varie cose, che le navi civili delle ONG non possono fare trasbordi; quindi, non possono passarsi persone fra di loro e non possono recuperare naufraghi recuperati da navi della Guardia Costiera. Quindi, questo meccanismo di cooperazione che è valso fino al giugno del 2018, da un giorno all'altro smette per decreto di esistere e di funzionare. Quindi trasbordi non ce ne sono più, capita a volte di essere sulla stessa scena, noi e personale della Guardia Costiera Italiana, quando ci sono loro prendono il coordinamento e ci dicono cosa fare e noi ci adeguiamo. Se ci dicono allontanatevi ci allontaniamo, se ci dicono prendetevi cura dei casi medici ci prendiamo cura dei casi medici, se ci dicono state in attesa e scortate questa barca per una certa distanza noi lo facciamo. Quindi noi siamo ben felici qualora ci sia un organismo di coordinamento di essere di supporto, il problema è che molte volte, moltissime volte, diciamo l'assoluta maggioranza dei casi, non c'è assolutamente coordinamento.

Martina Desio: Il che rende ancora tutto più difficile.

Alessandro Porro: È molto più difficile perché il coordinamento ti fornisce informazioni, tipo un'entità coordinatrice ti può dire “ragazzi c'è un'emergenza a queste coordinate, sappiamo che voi siete vicini, andate voi e poi vi mandiamo un elicottero, vi mandiamo un'altra nave”. Ok questo è il coordinamento. L'assenza di coordinamento è quello che è successo a noi a maggio dell'anno scorso, di essere in mare, di cercare un gommone, cercarlo per 18 ore, mandare le allerte all'Italia, Malta, alla Norvegia e alla Libia e finire poi che nessuna nave militare interviene, Frontex non interviene, noi questo gommone lo ritroviamo dopo 18 ore dopo una tempesta e il risultato sono 130 cadaveri che galleggiano allegramente accanto a noi. Questa è la mancanza di coordinamento, cioè bussare a una porta e quella porta non ti dà alcuna risposta. È grave, è molto grave.

Martina Desio: Ma perché secondo te non ci sono delle risposte da parte di Frontex?

Alessandro Porro: Frontex non è mai stato un interlocutore con noi, questa è la risposta. Non è un soggetto che interloquisce, che si rapporta con noi.

Martina Desio: Quindi non avete mai collaborato con Frontex oppure con le autorità italiane ed europee per quanto riguarda la lotta alle attività di trafficanti di esseri umani?

Alessandro Porro: Se intendi noi lottare nella lotta ai trafficanti di essere umani? Il nostro focus è il soccorso in mare, recuperare persone che sono in un posto pericoloso. Siamo attrezzati come un ospedale fondamentalmente, con medici e infermieri; quindi, non siamo un'unità che può fare lotta al traffico. Poi dipende che cosa si intende per trafficanti, se mi dici trafficanti di petrolio chiaramente non abbiamo nessuno strumento, se mi dici trafficanti di droga chiaramente non siamo forze di polizia, trafficanti di essere umani? E beh, i trafficanti di esseri umani mettono le persone in mare, lo sappiamo. Lo sappiamo noi, lo sa l'Unione Europea, lo sa Frontex però non abbiamo mai nessun modo di vederli. Cioè gli scafisti, tanto per smentire quello che viene detto dai giornali, gli scafisti non esistono più, non si imbarcano. Almeno io non ho non ho contezza di un soccorso fatto da noi in cui ci sia una persona che chiaramente guida gommone, sa dove andare e ha un piano. Noi abbiamo a che fare con persone che sono vittime dei trafficanti, e in uno stadio successivo. Però, per semplificare, con la Guardia Costiera italiana e con la Marina italiana fino al 2018 c'è stata piena collaborazione, cioè erano loro a chiamarci e dirci dove andare. Frontex non è mai stato un nostro interlocutore, cioè non rispondono alle nostre mail, non rispondono alle nostre telefonate.

Martina Desio: Presumo che questa cosa avvenga con tutte le ONG nel Mediterraneo.

Alessandro Porro: Certo, chiaro, chiaramente. Non è una prerogativa di Frontex quella di parlare e collaborare con le ONG.

Martina Desio: Mi hai detto che a breve partirai in navigazione. Volevo chiedere se appunto l'operatività di SOS MED fosse limitata ad uno spazio geografico preciso, e più che se si deve posizionare in una zona nel Mediterraneo centrale, cioè in una zona SAR del Mediterraneo centrale particolare? Considerando che c'è una sovrapposizione tra la zona SAR italiana e quella maltese, non so quanto questo vada ad influire su dove dovete posizionarvi voi.

Alessandro Porro: Guarda, la nostra operatività è per scelta limitata alle acque internazionali, cioè tutto ciò che è almeno 12 miglia circa 20 km distante dalla costa. Poi le zone sono zone di responsabilità ma non zone di vincolo. Nel senso che la zona SAR libica che si estende per un centinaio di miglia dalla costa libica verso nord, verso Malta è una zona in cui in teoria dovrebbe esserci il coordinamento libico, come in Italia dovrebbe esserci il coordinamento italiano e come nella regione maltese dovrebbe esserci il coordinamento maltese. Ma coordinamento non implica l'esclusività, cioè ovviamente implica condivisione di informazioni, supporto invio di mezzi di supporto qualora fosse necessario. Quindi noi siamo in acque internazionali, questo è il nostro limite. La nostra scelta poi nello specifico su dove posizionarsi è data dal meteo ed è data da informazioni che abbiamo, che possono arrivare da altre ONG, che possono arrivare dalla posizione di altre navi civili ma prevalentemente il meteo è la caratteristica fondamentale. Quindi a noi è capitato di fare soccorsi nelle acque all'interno della SAR libica e diciamo che sono la maggioranza, è capitato di fare soccorsi all'interno della SAR maltese ed è capitato di fare dei soccorsi anche nella SAR italiana. Poi nella SAR italiana tendenzialmente a un certo punto arrivano gli italiani e prendono il coordinamento, il comando. Ma ecco se non dovesse arrivare nessuno, come capita nel 98% dei casi, noi siamo perfettamente autorizzati a intervenire.

Martina Desio: Sapresti specificare che mezzi ha messo in atto l'Italia appunto nella zona SAR italiana e se ci sono stati ci sono state delle variazioni, dal 2014 in poi, e soprattutto se questo ha avuto un impatto su SOS Méditerranée. Se mi dici “noi operiamo maggiormente nella SAR libica” immagino che questa cosa sia abbastanza recente.

Alessandro Porro: No, assolutamente no. La SAR libica è la nostra zona di elezione perché la maggior parte degli incidenti si verifica nella SAR libica. La SAR libica è molto verso la Libia quindi le imbarcazioni che cercano di partire da Tripoli, da Zuara, Az Zawiyah, ecc. o arrivano in Europa e nessuno le vede o hanno incidenti, tipo rimanere senza carburante o rotture quindi essere orientati verso la SAR libica è fatto di geografia e di logistica. Gli incidenti statisticamente – ma lo vedi anche sulle mappe che lo IOM presenta online sui dispersi – si concentrano in quella zona molto Sud. Poi, nel corso degli anni cosa è cambiato? È cambiato che è finito il coordinamento italiano, cioè gli italiani hanno smesso di darci informazioni e supporto – supporto di dati, non sto mai parlando di soldi o di mezzi o di strutture – e ci sono stati dei cambi di ottica puntati dalla politica verso l'opinione pubblica. Da eroi come eravamo descritti nel 2013, 2014, 2015 e 2016 siamo diventati dei tassisti del mare, siamo diventati dei

vice scafisti quindi questo cambio di terminologia ha impattato sulla nostra capacità di raccogliere fondi. Noi siamo finanziati solo da cittadini e quindi, se i cittadini smettono di donare, noi non abbiamo i mezzi per essere in mare. È aumentato parallelamente il numero di controlli e di ispezioni ai quali siamo soggetti, per cui abbiamo avuto dei periodi anche prolungati in cui la nostra nave è rimasta ferma in porto, messa sotto fermo amministrativo per difformità rilevate delle autorità italiane. Difformità, si pensa a “chissà cosa nascondono”, no. Difformità a volte sono la mancanza dell'adesivo “uscita di sicurezza” sulla porta. Quindi, tu blocchi una nave magari per mesi, la rendi inefficace per la sua missione di Ricerca e Soccorso. L'altro aspetto che si è verificato negli ultimi anni è un allungamento importante dei tempi che passiamo in mare. Quindi, dal momento del soccorso al momento in cui uno Stato dovrebbe fornirci un'indicazione di sbarco, passano una settimana, due settimane, tre settimane. Ed è chiaro che se una nave sta due settimane con 500 persone a bordo, in quelle due settimane sarebbe potuta sbarcare, fare rifornimento, ripartire e salvarne altre 500 ritornando indietro. Invece in questo modo, la nostra operatività viene molto limitata. Ora, la nostra nave ha 380 persone a bordo e siamo già al giorno cinque d'attesa. Le ultime missioni che ho fatto, siamo rimasti in attesa 11-12 giorni quindi tempi lunghi che, combinati al concetto generale di criminalizzazione, alla mancanza di informazioni e ai fermi amministrativi rendono la nostra operatività molto limitata. Di fatto, se vai a vedere le statistiche, globalmente le ONG negli ultimi anni hanno contribuito a meno del 30% dei soccorsi in mare. E comunque la maggior parte di chi parte o viene intercettato o arriva da solo. Quindi, i soccorsi sono una percentuale piccola – visibile perché noi facciamo rumore – ma molto piccola rispetto alle partenze complessive. Purtroppo, non siamo abbastanza efficaci e non solo per colpa nostra.

Martina Desio: Quando accennavi alle difformità, da chi vengono dettati questi controlli, dal Ministero dell'Interno?

Alessandro Porro: Allora, no, tecnicamente dal Ministero dei Trasporti e della Navigazione. Diciamo che le navi che battono bandiera straniera ogni due anni circa si possono aspettare un controllo da parte della Guardia Costiera del paese in cui attraccano. Ed è una cosa perfettamente normale. Non diventa normale se i controlli non sono ogni due anni, ma sono quattro in un anno. Poi, comunque, sono sempre tutte cose che si sono risolte, non c'è mai stato impedito di navigare però abbiamo perso del tempo, vi sono stati sprechi e inefficienze.

Martina Desio: Invece quando parli appunto dei tempi più allungati nel tempo in cui siete obbligati a restare in mare, da chi dovete avere la conferma? Dalla Guardia Costiera Italiana piuttosto che da quella di Malta?

Alessandro Porro: Allora, noi ogni volta che facciamo un soccorso avvisiamo sistematicamente quattro realtà: il nostro paese di bandiera che è la Norvegia, poi informiamo la Libia se il soccorso è fatto nella SAR libica e poi informiamo i paesi vicini, cioè Malta e l'Italia. Ed è un fatto geografico, potremmo anche informare la Spagna ma è a sei giorni di navigazione quindi non ha senso. Mandiamo loro delle e-mail che sono codificate – insomma non ci inventiamo niente di volta in volta, è tutto molto lineare – dicendo che abbiamo un tot numero di persone soccorse in queste coordinate, le condizioni sono così così così, e richiediamo secondo la Convenzione SAR del 1979, la Convenzione di Ginevra del 1951 e altri accordi di poter sbarcare in un luogo sicuro. Capitano varie cose: capita che l'Italia, il più delle volte, ci risponda “non è competenza nostra, rivolgetevi a qualcun altro”; Malta il più delle volte non ci risponde e quando ci risponde, lo in maniera anche maleducata. E per maleducata intendo maleducata, un ufficiale che rappresenta uno Stato non dovrebbe esprimersi certo così. La Libia a volte ci risponde, non sempre, quando ci risponde ci invita a portare le persone a Tripoli tendenzialmente. A tal punto noi rispondiamo che, secondo gli accordi internazionali, secondo la convenzione di Ginevra, ecc. la Libia non si può considerare un paese sicuro e quindi non possiamo sbarcare in quel paese. Abbiamo persone che scappano dalla Libia e per il principio di non-refoulement non possiamo riportarle lì. Non è un'opinione nostra, è un'opinione dell'UNHCR, dell'IOM. Quindi, sostanzialmente, nella prassi delle nostre varie richieste inoltrate ai quattro paesi quelle che poi si concretizzano sono quelle italiane, perché negli ultimi anni, comunque, gli sbarchi sono sempre avvenuti in Italia.

Martina Desio: Quindi diresti che comunque, nonostante i vari problemi in Italia, sia quella più efficace per quanto riguarda almeno...

Alessandro Porro: No, no, intendiamoci. Non è una cortesia indicare un porto di sbarco, è un obbligo. L'obbligo prevede che lo sbarco debba avvenire nel minor tempo possibile, e minor tempo possibile è una definizione vaga, chiaramente. Non c'è scritto entro 8, 16, 20 ore, quattro giorni. E quindi, la nostra impressione è che su questo concetto di minor tempo possibile si giochi un pochetto. Ma su cosa si gioca? Si gioca sulla pelle degli altri.

Martina Desio: Ok, grazie. Come sai, il quadro temporale della tesi è 2014-2022 e volevo sapere se il vostro operato potesse essere rintracciato in fasi ben precise, nel senso sia rispetto alle azioni dell'Unione Europea sia rispetto a quelle dell'Italia. Quando è aumentata la vostra attività, quando ci sono stati momenti più critici in cui appunto avete percepito il vostro operato a rischio?

Alessandro Porro: Allora, credo in parte di averti risposto ma posso andare più nel dettaglio. Noi siamo nati nel 2016, nella fase 2016-2018 abbiamo concentrato il maggior numero di salvataggi: circa 28000-29000, un numero del genere, rispetto ai 36.000 totali. Quindi in due anni, facciamo che siano a 28.000 – è un numero che non ho sotto mano ma è molto realistico – nei quattro anni successivi un totale di 8000 persone, quindi vedi che c'è una proporzione molto diversa. Perché? Perché nei primi due anni siamo stati coordinati dalla Guardia Costiera Italiana che ci diceva “andate qui, andate là...andate qui, andate là” e in più potevamo caricare sulla nostra nave persone soccorse da altri, liberando questi assetti in grado che potessero tornare a fare altro. Esempio classico, la Guardia Costiera soccorre una barca con 70 persone cosa fa, dal bel mezzo del mare torna in Italia con 70 persone? No, si avvicina a noi e consegna queste 70 persone alle nostre cure. In questo modo l'Unità Guardia Costiera è libera di fare quello che deve fare, non ci interessa cosa, ma è libera di fare il suo lavoro; e noi, invece, che siamo una nave progettata per fare Soccorso e Protezione siamo specializzati nel parlare con le persone, avere una mediazione culturale, dare loro cibo, visite mediche ecc. Quindi, la prima fase finisce il 28 di giugno 2018, nettamente. La seconda fase è quella che, di fatto, in cui ci troviamo ancora adesso e cioè scetticismo, criminalizzazione e sospetto in generale nei nostri confronti almeno da stampa, da una certa visione politica; dall'altro lato, mancanza pressoché totale di coordinamento, impossibilità di fare trasbordi, numeri complessivi che calano. Non è che riceviamo un premio se soccorriamo più persone, il punto è che siamo meno efficaci, siamo meno in grado di operare. Poi, in più c'è stato il Covid che è stata un'ulteriore rivoluzione perché abbiamo dovuto cambiare i nostri protocolli e adeguarci al sistema di sbarco in Italia, che prevedeva non lo sbarco terra ma l'immissione dei nostri naufraghi su navi quarantena. Fino a giugno di quest'anno, fino al 1° giugno 2022, i nostri sbarchi erano condizionati alla disponibilità di posti sui traghetti noleggiati dello Stato italiano. Ma ora che questa fase di emergenza è conclusa, e in teoria le persone, una volta arrivate in Italia sbarcano e vanno in centri di accoglienza o vengono rimpatriati o hanno i fogli di via, in teoria si potrebbe pensare che non essendoci più le navi quarantena, non dobbiamo aspettare loro e quindi siamo più liberi. E invece no, perché i tempi di attesa sono comunque alti e non sono in nessun modo giustificati

né spiegati. Nonostante io abbia il numero telefonico del gabinetto della Lamorgese, se telefono per chiedere quando ci fanno sbarcare la risposta è “stiamo facendo tutto il possibile”. È un problema pratico, se tu su una nave hai 500 persone e hai 300.000 litri di acqua, un conto è gestire quell'acqua per 5 giorni, un conto è gestirla per 20. La nave è un oggetto isolato, lo stesso vale per il cibo, ma lo stesso vale anche per la pazienza. Noi a volte abbiamo delle persone che dopo un po' si spazientiscono. Noi diciamo la verità, diciamo che non sappiamo quando sbarcheremo perché non dipende da noi. Quando lo dici un giorno, lo dici due, lo dici tre, lo dici otto... sembra che li prendi in giro, sembra che nascondi qualcosa. E quindi, ci sono a volte delle reazioni che sono poco ortodosse: c'è gente che si butta in mare, c'è gente che tenta il suicidio, c'è gente che ci aggredisce... Diverso sarebbe sapere che il tempo di attesa è di 1,2,5,12, 16 giorni e comunicarlo chiaramente. Sembra poco, ma avere informazioni soprattutto da parte di persone che hanno vissuto gli ultimi anni o mesi in prigionia o comunque non in una situazione in grado di esprimere la loro volontà, sarebbe già tanto.

Martina Desio: Com'è stato e com'è tuttora operare con l'accusa di essere inefficaci, di essere sempre criminalizzati e a volte anche di essere un fattore di attrazione per i migranti?

Alessandro Porro: Noi ci interroghiamo, più e più volte, sul fatto che si sia parte del problema; il punto è che dati, statistiche, studi, ricerche dimostrano il contrario cioè che le persone dalla Libia e dalla Tunisia partono a prescindere dalla nostra presente e dalla nostra assenza, a prescindere dal Covid o dall'assenza di Covid. Quella cosa che determina il successo della partenza è il meteo. L'equazione è facile: onde superiori a un metro, non si può partire; vento da Nord, non si può partire. È così banale.

Martina Desio: Ciò fa sorridere, se si pensa a come la gestione dei migranti venga gestita a livello politico e quanto siano complessi i costrutti legati alle politiche adattate dall'Unione Europea e dai vari governi. Il fatto di mettere in mezzo voi e vedervi come fattori di attrazione quando il vostro compito è quello di salvare vite in mare, nonostante i motivi delle partenze siano altri...

Alessandro Porro: Attirare l'attenzione su di noi è facile, perché in un contesto in cui non si sa, in cui non c'è informazione, noi invece l'informazione la facciamo. Parliamo, raccontiamo, abbiamo giornalisti, siamo visibili, andiamo in giro nelle università, nei festival, nelle scuole, in ogni occasione scriviamo libri, facciamo film...quindi parliamo di questa realtà. Siamo una

parte visibile, però non è tutta la storia. Sul fatto del perché le persone partano, io ti posso dire, così a spanne, cambiamento climatico, violenze locali, condizioni di arretratezza e desiderio di una vita migliore. Poi, ci sono migliaia di declinazioni, migliaia di storie diverse ma fondamentalmente questi sono i quattro motivi che generano milioni di storia. Poi, riguardo la dinamica vera e propria delle partenze, il mare è lì, è una barriera fisica, se quel mare è agitato le persone non partono. I nostri politici lo sanno, non è che sono stupidi, lo sanno benissimo; per cui l'atteggiamento è stato da un lato diminuire la nostra capacità di soccorrere quel minimo 30% di arrivi e dall'altro lato potenziare il muro. Non potendo agire sul mare, sulla forza, sulle onde del mare, si agisce sulle esternalizzazioni delle frontiere delegando alla Libia, piuttosto che alla Turchia, piuttosto che all'Algeria e al Marocco i controlli sui flussi marittimi. Poi ecco, questi tentativi valgono in mare ma valgono anche con le frontiere terrestre. Non è tanto diverso la dinamica che c'è in Polonia, in Slovenia, in Croazia rispetto agli arrivi della rotta balcanica. Non è tanto diverso rispetto a quello che la polizia francese fa al confine fra Italia e Francia. Sono stato quest'inverno con la Croce Rossa a recuperare i respinti dalla polizia francese; quindi, mare o terra le dinamiche sono simili. Il settore marittimo è probabilmente più visibile, abbiamo il mare, abbiamo le coste, siamo tanto a Sud, purtroppo Lampedusa è geograficamente più tunisina che italiana... io ogni tanto faccio una battuta, dico vogliamo risolvere il problema della migrazione in Europa? Allora diamo Lampedusa ai tunisini, abbiamo risolto il problema (risate).

Martina Desio: Le convenzioni internazionali rivendicano i salvataggi in mare?

Alessandro Porro: Le convenzioni internazionali regolano il salvataggio in mare, non c'è necessità di rivendicarlo ma istituirlo e regolamentarlo. Il salvataggio in mare c'è sempre stato, i marinai hanno sempre fatto salvataggio in mare. Però, dal Secondo Dopoguerra in poi, sono nate delle Convenzioni per formalizzare quelli che sono stati moti spontanei e anche migliorare quello che poteva essere gestito in maniera unilaterale e non standardizzata, per cui ci sono vari obblighi che ricadono sui capitani delle navi, che è l'obbligo di soccorrere, che ricadono sugli Stati Costieri, cioè che devono organizzare dei centri di Ricerca e Soccorso cioè avere dei posti, degli uffici, degli ufficiali, dei radar, dei macchinari, delle apparecchiature che collezionino informazioni sugli aerei e sulle navi che stanno volando o navigando nell'area di competenza. È obbligo dei paesi costieri assegnare dei luoghi di sbarco qualora vengano richiesti dalle navi; quindi, le normative ci sono per regolamentare delle attività. Quello che secondo me è successo e sta succedendo è che delle regole che sono nate fondamentalmente in un mondo post Guerra

Mondiale, in cui la migrazione via mare non era nelle visibilità, nelle priorità di coloro che hanno scritto i vari trattati che regolano i soccorsi in mare, è che ora prepotentemente nel soccorso in mare si affaccia un qualcosa di imprevisto e cioè che i naufraghi non siano solo marinai di petroliere, non siano solo piloti di aerei militari, che hanno avarie e finiscono in mare ma siano persone che non hanno soldi, documenti ma tanta speranza. E quello che mi aspetto io che succeda, è che ci sia una o una presa di coscienza incredibile da parte delle istituzioni europee affermando “ragazzi, ci siamo sbagliati per vent'anni, ci siamo comportati come dei criminali” oppure che ci sia un cambio degli accordi internazionali in una direzione in cui il soccorso in mare e la migrazione via mare diventano due cose diverse. Questo è il mio timore, succederà probabilmente questo.

Martina Desio: C'è stato un impatto delle decisioni del Ministro degli Interni sul vostro operato? Ad esempio, qual è stato l'impatto di Salvini quando ha dichiarato di voler chiudere i porti nel 2018 ma anche con il Decreto Sicurezza Bis...

Alessandro Porro: Sì, sì l'ha fatto...non ha solo dichiarato.

Martina Desio: Mi sono sempre chiesta effettivamente se Salvini avesse preferito acquistare potere mediatico e affermare semplicemente la volontà di voler chiudere i porti, o lo avesse fatto realmente.

Alessandro Porro: Guarda, la risposta non è lineare. Ha fatto delle dichiarazioni che sono sembrate reali al punto da diventare reali. Quindi, anche se non ha effettivamente chiuso, sigillato i porti perché comunque gli arrivi autonomi hanno continuato a esserci, di fatto ha innescato un meccanismo di ritardo che i governi successivi hanno ripreso. Quindi, lui ha inaugurato la nostra difficoltà a sbarcare. Di fatto non sono stati chiusi porti perché gli arrivi autonomi ci sono stati, non ha sconfitto l'immigrazione via mare però ha innescato un meccanismo che, con i ritardi nell'assegnazione dei porti, ha comportato un cambiamento e questo ritardo negli sbarchi è stato sostanzialmente mantenuto anche dai governi successivi.

Martina Desio: Quindi anche attualmente ci sono.

Alessandro Porro: Certamente, attualmente noi ci mettiamo 12 giorni in media a sbarcare.

Martina Desio: E la media degli anni precedenti?

Alessandro Porro: Prima, nel 2007 o all'inizio del 2008 erano 2 o 3 giorni, 2 versus 12 capisci che la differenza è notevole

Martina Desio: Ci sono mai stati i fondi europei italiani per aiutare nelle operazioni di salvataggio?

Alessandro Porro: La risposta è facile ed è no, no gigante.

Martina Desio: Non c'è mai stata proprio nessun tipo di proposta in tutti questi anni?

Alessandro Porro: Niente

Martina Desio: Allora passiamo alla conclusione. Considerando oggi, appunto 27 luglio 2022, vi sono stati dei cambiamenti delle politiche di SOS Méditerranée rispetto al processo politico, legislativo ed istituzionale europeo ma anche italiano. Avreste fatto le stesse cose, vi sareste comportati nello stesso modo?

Alessandro Porro: Siamo stati fino adesso molto cauti, rispettosi e preoccupati di non inviare messaggi che potessero irritare ulteriormente il mondo di riferimento politico già sensibile e adirato nei nostri confronti. La cosa ci ha portato dei benefici? Non credo. Vedo altre ONG che invece hanno un atteggiamento molto più aggressivo, che parlano schiettamente di quei politici, che fanno ricorso ai tribunali mia e allo strumento allo strumento di protesta di mobilitazione cittadina in maniera più frequente e la loro operatività è grossomodo come la nostra. Quindi, probabilmente tutte le cautele che abbiamo avuto finora diciamo in un ambito di comunicazione più istituzionale e diplomatica non sono servite a niente. Quindi, potessimo tornare indietro di qualche anno probabilmente saremmo un po' più aggressivi.

Martina Desio: Più volte nella conversazione è emersa la mancanza di un meccanismo comune appropriato per il salvataggio in mare. Qual è, secondo te, una soluzione pragmatica alla gestione dei flussi migratori per le operazioni di Ricerca e Soccorso? C'entra in qualche modo con il fatto che l'Unione Europea e l'Italia non abbiamo ancora adottato misure idonee?

Alessandro Porro: Guarda, la Ricerca e Soccorso è comunque una misura di emergenza e quindi anche un sistema europeo condiviso, prevedibile, funzionante; fa parte delle manovre di emergenza. Ci sono stati dei tentativi di prevenire le partenze, ma si sono risolti con degli slogan tipo “aiutiamoli a casa loro” o si sono risolti con la delega a Paesi Terzi di controllo delle frontiere, quindi delle manovre o di facciata o delle operazioni di polizia. Quello che manca, secondo me, è la comprensione che la migrazione è una questione strutturale e non contingenziale o di emergenza; manca la comprensione, no... manca l'accettazione, perché la comprensione c'è. Manca l'accettazione che persone dall'Africa, dal Medio Oriente continueranno a spostarsi, a muoversi e cercare di voler venire in Europa. Non c'è nulla che si possa fare per prevenirlo – e questa è una mia opinione personale, non di SOS Méditerranée – se vogliamo ridurre il numero di persone in mare, una soluzione è che queste persone debbano partire in un altro modo, quindi canali diversi, quindi visti, quindi permessi di lavoro, permessi di studio... diciamo un'operazione di normalizzazione della migrazione che non sia più un qualcosa di cui vergognarsi o un meccanismo di fuga dei reietti della società ma venga trasformato in una serie di permessi per cui, chi vuole venire a fare un'esperienza in Europa, provare a mettersi in gioco, lo possa fare con la sicurezza di poi poter tornare indietro. Ma la sicurezza di poter tornare indietro anche prendendo un aereo, un traghetto, una macchina, un pullmino senza doversi nascondere o mettersi sui gommoni. Perché tutti questi stratagemmi sono dettati dall'impossibilità di muoversi liberamente. Ma ribadisco che qui è Alessandro Porro e non SOS Méditerranée. Tutto ciò di cui abbiamo parlato è assolutamente una questione europea e il nostro non attaccare i vari Presidenti, piuttosto che il Ministro dell'Interno dell'Italia deriva dalla comprensione del fatto che le politiche italiane riflettono le politiche europee, ci si rispecchino dentro. Io temo di doverti lasciare.

Martina Desio: Grazie mille per la disponibilità e per il contributo.

APPENDIX III

PLAGIARISM REGULATION



Plagiarism Declaration

Considering that plagiarism is an unacceptable fault on the legal, ethical and intellectual levels;
Aware that tolerating plagiarism would negatively affect all student, scientific and academic bodies by undermining the reputation of the institution and jeopardizing the future of certain pedagogical approaches;

Noting that students are made aware of intellectual integrity issues in their first year of university study and that the ULB Libraries website clearly indicates how to avoid plagiarism:

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Reminding Articles 104 and 105 of the General Rules of Studies 2021-2022:

<https://www.ulb.be/fr/documents-officiels/reglement-general-des-etudes>

Agreeing that no justification, such as medical considerations, lack of previous disciplinary history or level of education, can be a mitigating factor.

The Faculty of Philosophy and Social Sciences reminds that the minimum sanction for proven plagiarism is the award of a grade of 0 for the entire course in question. This reminder does not presage the sanction finally proposed to the jury by the Dean according to the details of the case of plagiarism which was transmitted.

I Martina Desio, confirm having read this regulation and certify that I have not committed plagiarism for this research.

Done in Rome

Date 10.09.2022

APPENDIX IV

EXECUTIVE SUMMARY

Although the author Triulzi¹ affirms that “immigration is a permanent feature of human history”, over time there have been significant evolutions concerning the phenomenon and nowadays migratory dynamics represent an element of a clash between the two sides of the Mediterranean, and thus between the European Union and the MENA countries. While migration can be explored from countless perspectives, including related economic, socio-political, demographic and environmental factors, such a research project focuses on the management of migration flows in the central Mediterranean. In particular, the issue is addressed from a dual perspective – the institutional and the non-governmental – following the time framework which covers the 2014-2022 period. As far as the institutional side is concerned, an evolution in policy stances is evident when one considers that Italy had planned a commitment to Search and Rescue operations with *Mare Nostrum*, by investing considerable sums of money and providing the Italian Coast Guard with adequate means of rescue. The main purpose was to save lives at sea. However, the following paradigm shift led emerge countering human smuggling and trafficking networks, in addition to terrorist threats, as essential components in migration governance. As a result, border security acquired a more relevant dimension in contrast with rescue at sea and new actors emerged operating at sea. Indeed, the proliferation of NGOs specialised in Search and Rescue operations was deemed necessary to bridge the institutional gap since 2014. It emerged that the focus on reducing flows and related restrictive policies did not prevent migrants from undertaking their journeys but further contributed to the number of fatalities at sea. The central Mediterranean is thus crucial for grasping interdependence: SOS Méditerranée – the case study of such a research project – has been operating within the region since 2016.

The description of migratory movements and the overall context, as well as the integration of migrants into Western societies, are well-known subjects to the academic public. Moreover, the coexistence of different actors from 2014 onwards led to the emergence of a clash between the principles of border security and humanitarianism, strongly driven by the duty to save lives at sea. The literature review of this research project has been retained within this framework.

¹ Triulzi, U. (2021). *An Overview of the Changed EU-MENA Economic Landscape: From Cooperation to Migration*. In States, Actors and Geopolitical Drivers in the Mediterranean, Francesca Maria Corrao e Riccardo Redaelli, p. 89.

However, while there has been substantial research on security borders (Raineri & Rossi, 2017; Kaunert & Yakubov, 2018), externalisation (Stock et al., 2019; FitzGerald, 2020) and humanitarianism related to the emergence of NGOs (Panebianco, 2019; Cuttitta, 2018; Cusumano, 2019), little has focused specifically on the correlation between the institutional and non-governmental sides. As interdependence implies a mutual reliance between two or more actors, both levels have been analysed as a reciprocal relation. In particular, it is pertinent to gain a more complete picture of the influence that actor A, i.e. Italian migration policies, exerted on actor B, i.e. NGOs operating in the central Mediterranean, exemplified by the case study SOS Méditerranée. Such interdependence is considered a keystone for understanding whether it represents one of the reasons for which migrants and refugees resort to irregular, life-threatening voyages. Consequently, this research project aims at answering the following research question:

**To what extent has the interdependence between Italian policies and SAR operations
– exemplified by SOS MED –
influenced migrants' and refugees' life-threatening voyages?**

The baseline theory that will orient this research is neo-institutionalism as developed by McCormick and Weinberger. The key premise is the idea that one has to concentrate on institutions in a broad sense – including procedures, protocols and conventions – and their impact on actors' choices. Thus, one should explore whether the Italian institutions have narrowed SOS MED's efficiency, letting the NGO have a few possible manoeuvres. In light of the exposed theoretical framework, the present proposal aims to verify two hypotheses:

H1: The more the Italian government and its authorities imposed restrictive policies, the more migrants and refugees resorted to irregular, life-threatening voyages.

H2: The more SOS Méditerranée, involved in Search and Rescue Operations, has faced obstacles imposed by the Italian government and its authorities, the more there has been an impact on migrants' life-threatening voyages.

Moreover, the research design consists of a two-fold qualitative analysis. Firstly, it entails the study of Italian migration policies through the analysis of official documents. Secondly, it explores the efficiency of the NGO through a semi-structured interview with Alessandro Porro, the President of SOS MED Italy.

A. THE FIRST ACTOR OF THE MUTUALLY DEPENDENT RELATIONSHIP: ITALIAN MIGRATION POLICIES WITHIN THE EUROPEAN FRAME

1. THE EUROPEAN COMPREHENSIVE APPROACH

Whereas the role of the European Union's institutions is quite weak in family and labour migration, the situation is different for the asylum policies process and irregular migration. Both categories witness the prominence of a more coordinated and harmonised response from the European Union. This occurred particularly after 2015 when the lack of common responses from the Member States pushed the European institutions to reconcile national concerns with the supranational level.² Firstly, the current picture of the European asylum system highlights the failure of the European project, as a fragile and flawed system prevails. Secondly, the European fight against irregular migration has revolved around border security and the external dimension of migration governance, which is established through cooperation with sending and transit countries.³ On the one hand, the creation of Frontex represented the concretisation of establishing common border management and a means to counter irregular arrivals. Through Frontex, the European paradigm shift is evident: while SAR operations were mentioned with *Triton*, since the refugee crisis this component has become less important, and the emphasis has shifted more to combating smuggling and terrorism. This evolution constitutes an important background factor for grasping the interdependence between both the institutional and non-governmental sides. Furthermore, the European framework highlights how the EU-Turkey deal represents a cornerstone for cooperation with Third countries, which is deemed necessary to counter irregular migration, smuggling and terrorism stemming from the flows. This externalisation process has further materialised with the collaboration with the Libyan Coast Guard. It should be relevant to verify, on the one hand, whether Italy has followed in the same footsteps as the European Union and, on the other, whether these agreements have had an impact on SOS MED SAR operations. To conclude, one should affirm that the overall Italian migration management is strictly intertwined with the European migration policy system. However, in the following section, an insight into Italy is deemed relevant for the development and grasping of interdependence with the non-governmental level.

² Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Migration and Mobility in the European Union*. Red Globe Press, p. 42

³ Geddes, A., Hadj-Abdou, L., & Brumat, L. (2020). *Irregular immigration*. In A. Geddes, L. Hadj-Abdou, & L. Brumat, *Migration and Mobility in the European Union*. Red Globe Press, p. 110.

1. THE ITALIAN MIGRATION POLICIES

Such a section represents the core of this research project: the progression of the European Union provided a picture of the various migration policies adopted to strengthen the supranational framework. Consequently, Italy as a Member State has been affected by European instances which have contributed to shaping the complex migration context and responses. However, the evolution of Italian policies is analysed following a linear timeline to grasp the most salient aspects and empirically verify the impact on migrants' voyages and SOS MED.

From 2014 to 2016 Italian migration policies were mainly characterised by two pillars: the need for cooperation between the various Member States to overcome “Dublin”⁴ and the collaboration with Third countries. The former intensified mainly as a result of the end of the *Mare Nostrum* operation. Indeed, the country was more heavily under pressure from the migration phenomenon in the central Mediterranean and a more proportionate system was required to relieve the burden. However, the importance of involving the European Union to achieve common approaches occurred only in certain areas. Indeed, Italy was less active on aspects concerning the adoption of European visa codes and the so-called Blue Card.⁵ Thus, the country contributed very little to the legal routes and the establishment of a common system that could facilitate and regularise migration flows at the time. Concerning the Italian position vis-à-vis transit and departure countries, externalisation practices emerged in the wake of the EU-Turkey agreement. On the one hand, it accelerated the cooperation with Lebanon for Syrian asylum seekers and the respective legal routes. Conversely, on the other hand, such a practice was perceived as a necessary tool to counter irregular migration and strengthen border security.

In 2017 the number of migrants reaching the Italian coast through Libya decreased, reaching 94.802 in contrast with 181.436 in the previous year.⁶ Such a decline was driven by the new centre-left coalition policies. Indeed, the period 2016-2018 was marked by the fight against irregular migration and the illegal activities of human traffickers, as well as increased

⁴ Parlamento italiano. (2015, April 22). *Resoconto stenografico dell'Assemblea. Seduta n. 413 di mercoledì 22 aprile 2015*. Available online at: <https://www.camera.it/leg17/410?idSeduta=0413&tipo=stenografico>. (Accessed on 09.08.2022)

⁵ Di Filippo, M. (2016). *Strategia e priorità della politica migratoria. In Rapporto sulla politica esterna italiana: Il governo Renzi*. Edizione 2016. Istituto Affari Internazionali. Roma: Edizioni Nuova Cultura, pp. 57-64

⁶ Ministero dell'Interno. (2017, July 31). *Sbarchi e accoglienza dei migranti: tutti i dati*. Available online at: http://www.libertacivilimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_del_31_luglio_2017.pdf. (Accessed on 06.08.2022)

involvement of Third countries. Firstly, the concept of externalisation of borders as a keyway to managing migration became evident in the Italian case in 2017. Indeed, on 2nd February the Memorandum of Understanding on cooperation in development, combatting illegal immigration, trafficking in human beings, smuggling and strengthening security at borders between the State of Libya and the Italian Republic was agreed upon⁷. Such a policy established closer cooperation between both countries but neglected the protection of migrants' fundamental rights and the prevention of fatalities at sea. Secondly, besides cooperation with Third countries, the government decided that the most suitable method to tackle the presence of irregular migrants on Italian soil was to increase the number of repatriation centres. Through the Minniti-Orlando Decree, one can observe to which extent Human Rights have been disregarded and restrictive and punitive measures have been applied. Hence, the legal ways for migrants to either enter and stay on Italian soil or return to their countries of origin have been limited. Thirdly, with the Code of Conduct, an attempt to change the *modus operandi* of NGOs⁸ was made. Instead of accentuating the principle of saving lives at sea and avoiding fatalities, the provisions related to the Code tried to hinder non-governmental actors' SAR operations.

Although there has been an evolution in migration policies during the Gentiloni cabinet, such a transformation was always accompanied by the goal of acquiring a more central position in European decision-making. The situation changed dramatically in the following years, when the government made up of *Lega* and *Movimento Cinque Stelle* coalition was formed between June 2018 and September 2019. Resentments towards the European Union and its role in the management of migration have increased during this period, reaching the peak of Italian repugnance towards European institutions. Furthermore, anti-immigration positions and draconian measures toward migrants' regular entry and stay in the country have been applied. The overall picture of the Security Decree – which was made law in December 2018 – is a clear example of the tightening of the Italian anti-immigration policy over this timeframe. The most salient aspects highlight how the guarantees of migrants' fundamental rights have been undermined and how the conditions for obtaining international protection and remaining on Italian soil legally have been drastically narrowed down. Such policy had a strong impact on

⁷ Governo. (2017, February 2). *Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana*. Available online at: <https://www.governo.it/sites/governo.it/files/Libia.pdf> (Accessed on 09.08.2022)

⁸ Camilli, A. (2017, August 1). *Le ONG boicottano il codice di condotta voluto dal governo*. Internazionale. Available online at: <https://www.internazionale.it/bloc-notes/annalisa-camilli/2017/08/01/ong-codice-condotta>. (Accessed on 04.08.2022)

migrants' vulnerabilities as the precarious conditions of both those who had already followed legal channels for entry and stay and those who had not yet obtained legal status worsened. Moreover, with the Follow-Up Security Decree in 2019, the populist and media condemnation of NGOs was achieved and SAR operations were condemned and restricted despite being fully compliant with international obligations. To conclude with such a period, it is necessary to emphasise that the role of the Interior Minister has become increasingly important within Italian migration policies, both at the national and European levels. This has happened at the expense of the Ministry of Foreign Affairs, which, especially during the Yellow-Green coalition, has always been very accommodating to Salvini's draconian measures⁹. Such an evolution is taken into account to analyse the interdependence with SOS MED, to understand whether there has been a direct impact caused by the actions and measures taken both by Minniti and Salvini. Moreover, migration policies from 2018 to 2019 have been characterised by several paradoxes: Salvini's rhetoric within the public debate has focused on fighting against arrivals in the Mediterranean when statistics show that they have been much lower than family and labour migration.¹⁰ Instead of creating and focusing adequate policies on such migration components, which would have allowed the development of certain Italian economic sectors and would have regularised migrant workers in the country, labour migration policies remained neglected and unchanged. But this is not peculiar to the Conte I government, as labour migration policies were not expanded even previously.¹¹ Moreover, it should be mentioned that some studies have found a direct link between the Security Decree and the increase in irregular migrants¹².

Since 2019, the government in office has been characterised by both continuity and discontinuity: on the one hand, the continuation of the same strategic objectives – including the reduction of irregular entries and the increase of returns to countries of origin through externalisation and the renewed need for cooperation with Libya – has occurred. On the other hand, there has been a gap concerning the discourse on the country's security and the fomenting of public hostility toward migratory phenomena, the main crux of the previous government's attitudes. Indeed, the Minister of the Interior Lamorgese has actively contributed to amending the former regulations and adopting new ones that would allow more rights to applicants for

⁹ Zotti, A., & Fassi, E. (2020, May). *Immigration and Foreign Policy: Italy's Domestic-International Linkage in the Management of Mass Human Movements*. Italian Political Science, 15, p. 105

¹⁰ Geddes, A., & Petracchin, A. (2020). *Italian migration policy and politics: exacerbating paradoxes*. Migration Policy Centre., p.6

¹¹ *Ivi.*, p. 10

¹² Fondazione ISMU. *Iniziative e studi sulla multietnicità*. (2022). Ventisettesimo Rapporto sulle migrazioni 2021. Milano: Franco Angeli, p. 66

international protection. The law of 18th December 2020 on “urgent provision on immigration and security” is a clear example thereof. Such a recasting was both politically and judicially called for, since it followed the Italian President’s remarks and judgment no. 186/2020 of the Constitutional Court. In addition, sanctions towards NGOs were abolished and more emphasis was put on the compliance of SAR operations with international maritime law. Furthermore, despite the height of the health emergency, Italy has repositioned itself in a central position at the European level, calling for more cooperation and emphasising the need for a revision of the Dublin asylum system. Nonetheless, it should also be noted that the pandemic had no significant impact on the number of landings: in 2020, irregular arrivals reached more than 34,000.¹³

Finally, the arrival of Prime Minister Draghi in office and the new coalition can be described as a continuum of the previous government's Italian migration policies. Italy has continued to remain relevant at the European level and the revision of the Memorandum text announced in 2019 by Foreign Minister Di Maio and Interior Minister Lamorgese has materialised. Furthermore, the government crisis that led to the Prime Minister's resignation in July 2022 is relevant to underline how the migration issue could again become a slogan of the sovereigntists and increase the possible impact on both the work of NGOs and the migrants’ life-threatening journeys. Indeed, the perpetuation of migration perception as an emergency issue would consolidate a system for which no cooperation would be provided for Search and Rescue operations and normalisation and regularisation of such phenomena would never be reached.

A conclusion of the structure of migration policies involving Italy from 2014 to 2022 is deemed relevant in determining the interdependence with the policies and actions of the Search and Rescue operations conducted by the NGO SOS Méditerranée, the case study of this research project. Although there has been a development and evolution, migration policies have revolved around agreements and collaboration with Third countries, border control and related restrictions and circumventions of applications for international protection. This has resulted in a consequent impact on the reception and integration of migrants into the current society, increasing their vulnerability and putting their social integration at great risk.

¹³ Ministro degli Interni. (2020, December 31). *Cruscotto statistico giornaliero, 31 dicembre 2020*. Available at: http://www.libertacivilimmigrazione.dlci.interno.gov/sites/default/files/allegati/cruscotto_statistico_giornaliero_31-12-2020_1.pdf. (Accessed on 08.08.2022)

B. THE SECOND ACTOR OF THE MUTUALLY DEPENDENT RELATIONSHIP: SEARCH AND RESCUE OPERATIONS AND THE SOS MEDITERRANÉE CASE STUDY

To introduce the case study of this research project, it has been deemed relevant to briefly review the framework of international law establishing and regulating rescue at sea. Moreover, to grasp the interdependence one should stress that in SAR operations there is no distinction between categories of people as one speaks about “mixed flows”. The essence of international agreements on sea rescue prevails and the ONG does not question whether rescued people are refugees or asylum seekers, irregular or climate migrants. Such a belief defines their way of operating and approaching national authorities, as they are aware of the humanitarian shortcomings of the institutional bodies. However, through the SOLAS, SAR and UNCLOS Conventions, one should point out that some problems may still occur when considering the disembarkation of migrants rescued in the Mediterranean central. Indeed, international maritime law does not have sufficiently detailed and precise rules. If one adds such a component to the flawed system of asylum requests and the externalisation practice, the complexity of the migration framework is evident. Indeed, one has noticed that the distribution of requests for international protection set up by the Dublin III Regulation still causes several discords among the Member States, that do not want to take the whole burden of migration flows. The previous section has stressed how Italy, as one of the most affected European States, had tried repeatedly to refuse to let migrants rescued at sea disembark in its ports. Furthermore, to avoid this burden, externalisation is an increasingly common practice to stem departures from African countries.

1. SOS MEDITERRANÉE CASE STUDY TO GRASP THE INTERDEPENDENCE

The emergence of SOS MED was enhanced by the closure of the Italian rescue project, i.e. *Mare Nostrum*, and the European paradigm shift from “rescue” to “border control”. Still based on border security and externalisation, the institutional approaches have different premises. Indeed, migration and Search and Rescue are becoming two distinct realities: on the one hand, the institutional side is always more focused on border security. Hence, draconian measures prompted the prevention of arrivals and the decline of migrants’ presence in Europe and thus in Italy. On the other, NGOs including SOS MED focus solely on the duty to save shipwrecks

and avoid fatalities at sea, in compliance with international maritime law.¹⁴ In order to highlight the contrast between theorisations linked to the institutional and non-governmental levels, the SOS MED humanitarian practices have been pointed out. In particular, it should be emphasised that the subjectivity of those who resort to life-threatening voyages is at the heart of SOS MED's operations. Through the NGO's Chart, logbook and the testimony of Alessandro Porro as well, the bottom-up approach and proximity to the needs and necessities of those seeking international protection and better prospects are therefore evident. In this regard, an aspect often stressed by the President of the Italian SOS MED concerns the long waiting times that the NGO must undergo. Indeed, according to the international conventions above mentioned, a vessel must receive consent from the State in which it wants to disembark. The Italian authorities complicated the operations of SOS MED as waiting times were very often prolonged and "in no way justified or explained".¹⁵ Such delays on the part of the institutional bodies had a twofold impact: on the one hand, on Search and Rescue operations and, on the other hand, on the relationship between the NGO members and the migrants. Firstly, one has to consider that *Aquarius* and *Ocean Viking* – the two SOS MED rescue vessels – are isolated objects. Thus, the quantities of water, food and medical equipment provided should be proportionate to the number of days at sea – those needed to navigate the Central Mediterranean route. Secondly, the precariousness of the migrants' psycho-physical conditions makes it clear that they need to disembark in a "place of safety" as quickly as possible. SOS MED staff members were asked countless times when the disembarkation would have taken place and how long it would have lasted. Migrants already feel betrayed by the Libyans who promised them they would reach Europe in four hours, knowing that at least three days are needed.¹⁶ The impact from the institutional side makes emerge a situation in which SOS MED members are unable to give a precise answer and migrants' feelings of mistrust increase. Their reactions sometimes include extreme gestures: out of desperation, they throw themselves into the sea, attempt suicide, or assault SOS MED staff. The relationship of trust, therefore, established between the non-governmental side represented by the NGO – and thus by those who represent, listen to, and support the migrants – and the migrants themselves is undermined by the institutional side. Moreover, the possibility to refuel, depart and allow other shipwrecked people to be rescued at sea by NGOs is limited and hindered.

¹⁴ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

¹⁵ *Op.cit.*

¹⁶ Iason Apostolopoulos. (2016, December 9). *Se avete intenzione di riportarmi in Libia, salto giù dalla barca – Diario di bordo – dal SAR team*. Available online at: <https://sosmediterranee.it/se-avete-intenzione-di-riportarmi-in-libia-salto-giu-dalla-barca-diario-di-bordo-dal-sar-team/> (Accessed on 30.08.2022)

However, although the interdependence between the two actors is evident, it must be emphasised that since 2016 the positioning of SOS MED is due to other factors. Indeed, the limitations of SOS MED SAR operations have been regulated by the international law frame, as reflected by their positioning in international waters and especially about 12 miles off the Libyan coast. Moreover, the decision to locate in a specific area is dictated by two main factors: the weather and the available information, which may come from other NGOs or civil vessels in the area. It may have been expected that the positioning of SOS MED was dictated by the ineffectiveness of the Libyan Coast Guard and was a consequence of Italian externalisation policies – based on funding and technical support to the LCG – but it turned out that other factors were binding. Indeed, being oriented toward the Libyan SAR has been both a matter of geography and logistics, considering also high accidents within the area.

In order to grasp the impact of Italian policies on SOS MED, their activities have been traced at specific stages and one has tried to understand whether they have been more prominent in particular times or experienced critical moments feeling that their operations were at risk. According to Alessandro Porro, SOS MED concentrated the most SAR operations in the 2016-2018 phase – in which more than 29.000 shipwrecked people were rescued – while in the following four years the number was drastically reduced to 8.000.¹⁷ The difference in the proportion is therefore clear. The reasons behind such a disparity were that in the first two years SOS MED was coordinated by the Italian Coast Guard and the cooperation was strongly established. In that sense, one should mention the functioning of transshipment operations. They are a small component of the cooperation and consist in rescuing people who are then transported to other vessels. Such operations frequently followed the same procedure, as they were initiated by the Coast Guard and the shipwrecked were then moved to NGOs. Following the SOS MED case study, transshipment operations have been affected by the Code of Conduct. Indeed, until the end of 2017 the norm envisaged a situation in which, in a spirit of mutual cooperation, people rescued at sea by civilian or military vessels or Coast Guard were transported to SOS MED. The NGO acted as a platform, which consequently brought the shipwrecked to Italy. As the Code of Conduct occurred, it was provided that civilian NGO vessels cannot do transshipments; therefore, they cannot pass the shipwrecked among themselves and they cannot rescue shipwrecked found by the Italian Coast Guard's vessels. Moreover, the Code of Conduct was essential as it highlighted the discrepancies between the

¹⁷ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

various NGOs involved in Search and Rescue operations and the fragmented SAR system. Such weakening of the humanitarian community cohesion has also had an impact on Italian political stances. Indeed, on the one hand, the Code of Conduct did not bring any innovation concerning SAR operations since NGOs were already operating in full compliance with international maritime law. On the other, the intent to delegitimise succeeded. The Italian authorities, finding themselves faced with a lack of a common front among humanitarian actors, took advantage to deprive the NGOs' work of validity and apply increasingly narrow criminalisation strategies.¹⁸

Moreover, the second phase – which is still ongoing – began in June 2018 and such a period corresponds to the beginning of the Conte I government. Three main keywords reflect the institutional approach towards SOS MED's efficiency: “scepticism”, “criminalisation” and “suspicion”¹⁹. They are complementary to a total lack of coordination, an overall numbers dropping and the impossibility of transshipment. Indeed, although transshipment operations could represent an efficiency key factor for SAR operations, they do not exist anymore. Moreover, as has been pointed out, the tightening of Italian policies regarding the management of migration flows has reached its peak in the years 2018-2019. Continuing obstacles to SOS MED operations have included their rescue vessels seized, the blockage and long waiting times before letting them disembark – all factors which greatly affected the possibility of saving more lives at sea and avoiding fatalities in the central Mediterranean. Moreover, some difficulties have emerged for SAR operations from the global health crisis in 2021. Following the UNHCR data, 32.782 arrivals were recorded on 17th July 2021, as opposed to 64.477 in 2020.²⁰ As one can observe and in contrast with what one might assume, Covid-19 did not affect directly the migratory flows by drastically reducing the number of sea arrivals. However, major organisational and logistical difficulties emerged from such a situation: waiting times have lengthened during this period and disembarkation issues in quarantine vessels further aggravated the overall context. Until 1st June 2022, landings have been conditional on the availability of places on the Italian state chartered ferries.²¹ Nowadays, “the emergency phase is over but the waiting times are still high”.²² Indeed, according to Alessandro Porro, even after

¹⁸ Cusumano, E. (2021, February 18). *United to rescue? Humanitarian role conceptions and NGO-NGO interactions in the Mediterranean Sea*. *European Security*, 30(4), 547-368.

¹⁹ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

²⁰ UNHCR, *Operational data portal, refugee situations*. Available online: <https://data.unhcr.org/en/situations/mediterranean/location/5205>. (Accessed on 07.09.2022)

²¹ ²¹ SOS Méditerranée. (2020, March 23). *Emergenza Covid-19. L'impatto sui diritti dei cittadini marginalizzati e le misure di tutela necessarie*. Available online at: <https://sosmediterranee.it/emergenza-covid-19-limpatto-sui-diritti-dei-cittadini-marginalizzati-e-le-misure-di-tutela-necessarie/>. (Accessed on 08.09.2022)

²² Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

the apogee of the migration draconian measures with the Interior Minister Matteo Salvini, there has been continuity with the Lamorgese cabinet. SOS MED continued to receive answers from the institutional side which promised to undertake all possible actions to reduce waiting times but the results were different and fatalities at sea continued to occur. To conclude, the situation during the 2018-2019 years was more critical concerning the migrants' Human Rights and legal conditions. However, one should affirm that there has not been an evolution of the situation concerning SAR operations and the long waiting times before disembarking. If the global health emergency has deteriorated the overall context of SAR operations, through SOS Méditerranée one has remarked that it should not be used as a scapegoat since the underlying issues are linked to other factors including political stances.

A conclusion of the SOS Méditerranée operations from 2016 until 2022 is deemed relevant in determining the interdependence with the Italian migration policies and the impact on migrants' life-threatening voyages. One should emphasise that the SOS MED charter and logbook, in addition to the interview with Alessandro Porro, had a twofold impact on this thesis project: firstly, they allowed the reader to grasp various aspects of the NGO's nature and policies, to provide a fundament for the mutual reliance. Secondly, they enabled the importance of citizen awareness-raising for SOS MED to be realised. It is important to acknowledge that there have never been some economic interdependences between the NGO and European or Italian institutional actors. Indeed, SOS MED has always had to finance its activities through citizens' funds in order to have the means to operate in the central Mediterranean. Interdependence occurred as the constant accusations against NGOs and the changing political terminology for rescues at sea have had an impact on their ability to raise funds. This hypothesis is confirmed by Alessandro Porro but will not be explored further as it is not the focus of this research project. In contrast, the final outcomes will follow to leave the reader with a clear understanding of such a subject. Indeed, the current situation witnesses a deepening split between sea rescue and migration. On the one hand, the institutional side is moving further away from SAR operations and the right to life is being jeopardized by restrictive policies to diminish or eradicate the migratory phenomenon. On the other, the non-governmental side seems to seek to fill the institutional Search and Rescue gap but is subject to criminalisation and obstruction. The assumption of interdependence has never taken on negative connotations but such a thesis project has led to the conclusion that there is no longer collaboration and cooperation between institutional and non-governmental actors. Such a flawed system has an impact on migrants in search of better living conditions in Europe.

CONCLUSION

As already mentioned, the perpetuation of migration perception as an emergency issue has already consolidated a system for which no cooperation is provided for Search and Rescue operations and normalisation and regularisation of migration phenomena is still to be reached. In that sense, one should mention that for SOS MED it is inconceivable how the European Union does not give absolute priority to the provision of dedicated rescue means and does not increase their deployment to cope with the emergency of saving lives.²³ Furthermore, the European Union is often considered to be “not up to the dramatic situation in the Mediterranean and the values of humanity and solidarity that founded it”.²⁴ The absence of coordinated, solidarity-based and sustainable disembarkation represents a major flaw in the whole SAR system and SOS MED is aware that such premises are at the root of the European level.²⁵ However, all the efforts to build a more institutional and diplomatic sphere of communication have been considered inconclusive and unsuccessful.²⁶

To conclude, an attempt will be made to address the research question by separating the two hypotheses set out at the beginning of such thesis research. The first hypothesis of this research – **H1** – assumed that the more the Italian government and its authorities imposed restrictive policies, the more migrants and refugees resorted to irregular, life-threatening voyages. Although the development of Italian policies has been relevant to understand whether there was any effective interdependence with non-governmental actors and thus with SOS MED, it must be emphasised that Italy followed the European model and the premises of the migration policies have been very analogous and related. However, this research project has not pointed to a direct link between restrictive policies and irregularity – except for the Conte I government and Salvini’s main legislative amendments. In contrast, it can be argued that decisions to undertake irregular and life-threatening voyages may have been influenced by externalisation practices, focus on border controls, the weak emphasis on legal routes to reach and stay in Italy and the European context which does not examine legal processes as expected. The results contributed a clearer understanding of that branch of literature which strongly emphasises the

²³ SOS Méditerranée. (2017, April 17). *Weekend di Pasqua drammatico nel Mediterraneo – priorità assoluta: più mezzi di soccorso*. Available online at: <https://sosmediterranee.it/weekend-di-pasqua-drammatico-nel-mediterraneo-priorita-assoluta-piu-mezzi-di-soccorso/>. (Accessed on 05.09.2022)

²⁴ SOS Méditerranée. (2020, July 8). *180 sopravvissuti sbarcati dopo 11 giorni di attesa insopportabile*. Available online at: <https://sosmediterranee.it/180-sopravvissuti-sbarcati-dopo-11-giorni-di-attesa-insopportabile/> (Accessed on 05.09.2022)

²⁵ *Op.cit.*

²⁶ Interview with Alessandro Porro, President of SOS MED Italy. See Appendix II.

correlation between the strengthening of restrictive asylum and visa policies and irregularity rates. Although no strong components have been identified to regulate migration flows and speed up the legal processes to reach and stay in Italy, not enough information has been gathered to demonstrate such a correlation.

Conversely, the study demonstrates a strong connection among the institutional – i.e. the Italian migration policies – and the non-governmental – i.e. the SOS MED operations – levels. Indeed, the second hypothesis of the present research project – **H2** – expected that the more SOS Méditerranée has faced obstacles imposed by the Italian government and its authorities, the more there has been an impact on migrants' life-threatening voyages. Although for the first hypothesis the correlation was not straightforward, for the second hypothesis interdependence was used as a key to a deeper understanding of the migration phenomenon and confirmed the hypothesis. Through the case study, it has been realised that dependence subsisted and therefore the impact on migrants has been better explored. In particular, in the second hypothesis the term “faced obstacles” did not only refer to direct criminalisation and accusations toward the NGO operations by the Italian government but to the mere institutional stances toward the migration phenomenon. It is enough to mention that SOS MED concentrated the largest number of rescues between 2016 and 2018 – about 28.000 compared to 8.000 in the following four years. Such efficiency was fostered by the strong coordination and collaboration between NGOs and the Italian Coast Guard and transshipment operations. In addition, NGOs have been through periods in which waiting times were 2 or 3 days. When one considers that nowadays non-governmental actors have to wait at least 12 days, the impact on those seeking international protection is clear. To conclude, the gap between institutional and non-governmental objectives can therefore be included among the reasons why migrants resort to irregular and life-threatening voyages.

A final note is that the results of such a research project should not be extrapolated to the reality of the other NGOs. Indeed, SOS MED exemplified SAR operations in the central Mediterranean and the non-governmental side was the only one that could provide data collection. In contrast, some difficulties have been experienced in accessing official and relevant documents for grasping the institutional responses to the migration phenomenon. Further research is needed to establish a strong correlation between Italian migration policies and the irregularity rate in the country. Moreover, it would be interesting to get insight into other NGOs to have weightier results for such interdependence in the central Mediterranean and thus the impact on migrants' voyages.