Editorial Brief

We have in the second volume of IJMGS articles that were peer reviewed by scholars in the field. All, but one, were presented at various times on virtual weekly webinar organized by the Centre. They were then revised and independently reviewed as part of intellectual rigour the Journal editorial is noted for. The coverage is multidisciplinary in contents, and trans-global in analyses. The current world discourse is predicated on three main issues: health and development in the midst of ravaging COVID-19 pandemic; climate change; and food security. The commonality with the three challenges, and scholar's interrogation, is the phenomenal transdisciplinary Migration and its global context. The articles in this volume are rich in contents, informative in analyses; and refreshing in evidence. They are useful in all parameters and will add value to finding solutions to some of the issues raised on all topics.

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Editor

States Non-Governmental Relation and Migrant Fatalities on The Mediterranean

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Abstract

Global forced displacement has seen accelerated growth over the years and since 2013, it has reached unprecedented levels. By the end of 2014, 59.5 million individuals were forcibly displaced worldwide as a result of persecution, conflict, generalized violence and human rights violations. This is 8.3 million persons more than 2013 and the highest annual increase in a single year (UNHCR Report, 2015). This number increased as the years progressed with 65.6 million people recorded as being displaced at the end of 2016. The growth of refugees and internally displaced persons was concentrated between 2013 and 2015, driven mainly by the Syrian conflict along with other conflicts in Africa and the Middle East. This situation is relatively the same in countries like Nigeria, D.R. Congo, Libya, South Sudan, Central African Republic, Somalia, Eritrea, Yemen and recently Northern Cameroun, Ethiopia with the Tigray crisis (The Guardian, 2015).

Keywords: Migrants; Relation; IDP; Conflict; Africa; Refugees

Introduction

Discourse in global displacement and refugee situation are mostly concerned with people displaced for several reasons and hosted in Lebanon, Jordan and Turkey amongst other countries. This article, however, analysed the plight of refugees fleeing troubled spots in Africa and the Middle East, as well as, the consequences of their legality in the new host countries. This is an area yet to be fully underscored by scholars. A vast majority did not have the right to work in their countries of asylum as none of them were formally recognized as refugees. Meanwhile, Gulf countries who are geographically closest and financially more viable are willing to provide funding but reluctant to host refugees (IOM Report, 2016). This means that those fleeing were limited in their choice of safe havens in that geographical landscape. To make matters more desperate, a huge shortfall in UN funding led to cuts to the hand - outs given to refugee families every month. This made the Middle East an increasingly untenable place for them to stay (The Guardian, 2015).

The inability to access the rights, benefits, security and opportunities befitting of a refugee in the Middle East, as enunciated under the 1951 Refugee Convention, led to large scale migration towards Europe. The International Organization for Migration estimates that more than 1,011,700 migrants had arrived in Europe as at 21 December 2015. This compares with 280,000 arrivals for the whole of 2014 (IOM, 2016). It is expedient to note here that these figures do not include those who emigrated undetected. Many of these migrants arrived on the shores of Europe heralding the European Migrant Crisis, as countries struggled to cope with the influx and creating division in the European Union (EU) over how best to deal with resettling people. It is pertinent to add here that the situation is relatively the same

today. According to IOM reports (2016), illegal border crossing at the EU external borders increased sharply in 2014 to over 2,045,42 arrivals in Italy, Greece and to a lesser extent Malta. This situation led to stricter border control in most of Europe and the attendant search for alternatives with many favouring the Mediterranean Sea as a pathway to reaching Europe.

Boat migration to Europe across the Mediterranean is not a new phenomenon. However, it has been growing steadily recently due to the on-going crises and worsening economic conditions in Africa and the Middle East which are prompting outflows of migrants and refugees. Although it is not the only route for irregular migration to Europe, boat migration across the Mediterranean captured more attention due to the tremendous human tragedies it involves and the complexities of addressing it. According to the IOM Missing Migrant Project, between Jan 2014 and June 2017 about 14,767 persons lost their lives on the treacherous journey (IOM Reports, 2016). The issue of fatalities related to Mediterranean crossings began dominating current debates at all levels, leading the Italian government in October 2013, to commission *Operation Mare Nostrum*, a Search and Rescue (SAR) operation. *Operation Mare Nostrum* saved more than 100,000 lives however, the operation was criticized as being a pull factor for irregular migrants to cross the Mediterranean (Death by Rescue 2016). In November 2014, the Italian government ended the Operation citing operational funding as a major challenge while stating that the EU ought to pay for what is essentially a European problem (FRONTEX 2016).

The EU responded by establishing Operation Triton led by FRONTEX, the European Union's border security agency. Operation Triton did not come close to Mare Nostrum's Mediterranean-wide rescue effort. Besides, Triton's

2.9 million Euros per month budget was only a third of what Mare Nostrum received and this was evident considering their limited maritime presence (Kimberly, 2017). Based on the foregoing, Civil Society and Non-Governmental Organizations (NGOs) expressed very critical views about FRONTEX operations stating that even though the military are not deliberately killing migrants, they do not make efforts to save them and do not demonstrate a human approach (Kimberly, 2017). This situation has led to Civil Society Organizations, particularly the more structured NGOs such as Dutch Boat Refugee Foundation, Migrant Offshore Aids Station (MOAS), Sea Watch, Médicine Sans Frontiéres (MSF), playing a pivotal role in the provision of Non-Governmental Search and Rescue (SAR) Operations in the assistance of migrants. The activities of these NGOs in the central Mediterranean has received a lot of back lash from the countries concerned with some calling their operations a pull factor for the unending migrant crisis. Lately, some government coast guards have resorted to taking aggressive actions towards the SAR NGO vessels in a bid to halt their activities. It is against this tangled Politics of Search and Rescue Operations in the Mediterranean that this study will assess the state – NGO relations with regards to migrant fatalities on the Mediterranean.

Research Justification

In the wake of the events of 9/11 2001 and successive similar events across Europe, coupled with the recent COVID-19 Pandemic, the wave of immigration was curtailed. These events and rising trend of European conservatism make immigration towards Europe increasingly selective in

general. Europe erects restrictive immigration barriers and laws and growingly favourable only to skilled labour (an institutionalized form of brain drain). Restrictive immigration rules were intended to protect Europe from the influx of migrants though because of rising security concerns. Such climate strengthens window of opportunity for smugglers wanting to exploit the desperation of immigrants from poor and warring countries. Illegal migration has thus garnered momentum through chains of organized traffickers; though a trend complemented by the political instability and worsening economic conditions in Africa and parts of the Middle East. The recent refugee crisis is reported to be the largest movement of people since the World War II. According to the UNHCR (2015), the Syrian refugees are estimated to be round 4.8 million, while around 8.7 million was expected to be displaced inside Syria by the year 2016, a figure that increased in the following years, as a result of the on-going war.

Studies such as those conducted by the Centre for European Policy Studies on The 2015 refugee crisis in the European Union, have concentrated on the socio-economic and political dimensions of the mass exodus paying little attention to the future of the relationship between NGOs spearheading the Mediterranean Search and Rescue (SAR) and the States embroiled in the refugee crisis. Many of the studies have dwelt extensively on the origin and causes of the refugee crisis while some focused on the role of the media and political orientations of the crisis. Scholars and practitioners have extensively investigated the role of NGOs in mitigating large-scale suffering caused by conflict, natural disasters and extreme poverty. However, studies have overlooked maritime humanitarian operations, implicitly identifying the humanitarian space with the provision of aid to those suffering during crises

taking place on dry land. Consequently, while humanitarian action on land is regulated by best practices and codes of conduct, no guidance exists on the prerogatives of humanitarian actors at sea and how to ensure coordination and conflict amongst NGOs, coast guards and navies. Hence, investigating humanitarian intervention at sea is important from both theoretical and policy standpoints and it is against this backdrop that this paper seeks to assess the relationship between states and NGOs involved in the migrant fatality crisis.

Conceptual Definitions, Theoretical Application and Analysis of Relevant Studies

This section borders on conceptual clarifications, the review of some related literatures and the presentation of relevant theory that aid the explanation of migrant fatalities on the Mediterranean with emphasis on the relationship between States and Non-Governmental Organization.

Conceptual Clarifications

The concept to be clarified includes; Migration, Migrant, Fatalities, Migrant Fatalities, The State, Non-Governmental Organization, Relationship.

Migration

According to Demko (1970, see Sinha, 2005) migration is the most complex component of population change. It provides an important network for the diffusion of ideas and information and indicates symptoms of social and economic change and can be regarded as a human adjustment to economic,

environmental, and social problems (Also see Ogen, 2021). In addition, migration is the component of change most difficult to project because of the uncertainty associated with the decision to change one's place of residence. Migration is viewed as a form of individual or group adaptation to perceived changes in environment. Chapman (1979, cf; Sinha, 2005) considered migration as a good example of relocation diffusion since nobody can literally be in two places at once. However, to regard migration as an example of relocation diffusion does not explain the forces underlying the individual decisions to move. In the words of Zelinsky, (1966), migration is a cultural phenomenon and a dynamic element, probably more than fertility and mortality, in population. Migration is a result of overall design of a society within which economic, social, demographic and other types of behaviour are enfolded. Similarly, migration can be considered as a means of spatial interaction too. Hence, migration in this study will be conceptualized as the perceptible and simultaneous shifts in both spatial and social locus. It implies a permanent or semi-permanent change of residence.

Table 1: Key Global Migration Figures 2017-2021

Migrant Population	Migration Governance
About 281 million people were estimated to have been international migrants	As at 31 December, 2020, 83 countries and 30 Local Authorities have embarked on Migration Governance Indicators (MGI)
Female Migrants	Child Migrants
By the mid of 2020, 48% of the global migrants were women	About 12% of international migrants in 2019 were children below 18 years

Labour Migrants	Migrant Remittances
The 2017 ILO sources estimated that 164 million persons were migrant workers.	In 2019, migrant remittances reached $554 Billion
Refugees and Asylum Seekers	**Refugees**
Sources from UNHCR 2020 reported that as at 2019, there were estimated 26 million refugees and 4.2 million asylum seekers globally.	By 2019, there were 33.4 million internally displaced persons around the world. Out of this number, 24.9 million were displaced as a result of natural disasters while 8.5 million were displaced as a result of conflict.
Migrant Resettlement	**Trafficked Migrants**
Citing government statistics, UNHCR in 2020 estimated that by 2019, 107,800 refugees sought for resettlement in 26 countries.	The Counter Trafficking Data Collaborative (CTDC) reported that 108,613 persons were victims of trafficking between 2002 and 2019.
Migrant Returnees	**Dead/Missing Migrants**
IOM reported that 64,958 migrants were willing to return to their countries as at 2019.	The 2021 IOM report has it that 40, 189 migrants were declared either dead or missing between 2014 and 2020.

Sources: IOM UN MIGRATION and IOM Global Migration Data Analysis Centre. https://migrationdataprotal.org/themes/migrant-deaths-and-disappearances. Accessed 16 August, 2021.

Migrant

According to the 1998 United Nations Recommendations on Statistics of International Migration, a migrant is defined as any person who changes his or her country of usual residence. Furthermore, an international migrant is a person who is living in a country other than his or her country of birth (UN, Department of Economic and Social Affairs, Population Division, 2016). For the purpose of this study, a migrant is conceptualized as anybody, who is living in a country other than his or her country of birth.

The State – A state is any politically organized community living under a single system of government. According to the Global Policy Forum, a state is the means of rule over a defined or sovereign territory. State is a country considered as an organized political community by one government. Sometimes, a republic or federations forming part of a country are also called states where as they cannot be termed as states in the political sense. Anyhow when we use the term state in the field of international relation, it has the symbolic sense of signifying the existence of an independent sovereign entity and will be conceptualized thus in this study.

Non-Governmental Organization – The term, "Non-Governmental Organization" or NGO, came into currency in 1945 because of the need for the UN to differentiate in its Charter between participation rights for intergovernmental specialized agencies and those for international private organizations. At the UN, virtually all types of private bodies can be recognized as NGOs. They only have to independent from government control, not seeking to challenge governments either as a political party or by a narrow focus on human rights, non- profit-making and non-criminal (Peter,

1996). Vakil (1997; David, 2010), defined NGO as self-governing, private, not-for-profit organizations that are geared towards improving the quality of life for disadvantaged people.

Literature Review

The Advent of the Mediterranean Sea as a Humanitarian Space

The notion of humanitarian space primarily refers to those crisis scenarios where humanitarian agencies provide relief assistance. The concept, however, is not merely used to delimit any physical area where large-scale suffering occurs, but also identifies a symbolic space separated from politics where aid workers can operate in compliance with humanitarian principles (Eugenio, 2017). In 2015, over one million migrants crossed the Mediterranean Sea to reach Europe. The death toll was large, amounting to 3771 estimated casualties. In 2016, migrant arrivals by sea decreased to around 360,000. Causalities, however, grew dramatically. Owing to the larger number of transits through the Central Mediterranean route, increasingly dangerous due to human smuggler's use of more rickety and overloaded boats, migrant causalities reached 5076, (a whopping 34.6 percent increase to the previous year) making 2016 the deadliest year in the recent history of migration movements to Europe. Such a large number of deaths at sea have turned the Central Mediterranean into the theatre of a complex humanitarian emergence. According to the Overseas Development Institute (ODI), both international non–governmental organizations and smaller, ad hoc charities have attempted to mitigate the humanitarian crisis arising from the absence of large-scale state Search and Rescue (SAR) operations by conducting migrant rescuing missions offshore (ODI, 2010). The nature of international waters, as a space where all seafarers enjoy a right of innocent passage and no state

jurisdiction applies, may prompt the perception that the sea provides an area for NGOs to operate in full compliance with humanitarian principles.

The operations of both large international NGOs and small local charities have played a key role in addressing the suffering and dangers caused by large-scale migrations. The direct involvement of humanitarian organizations in the provision of Mediterranean SAR, however, is a more recent phenomenon. The German NGO Cap Anamur was the first organization to conduct a migrant rescuing operation in Sicily in 2004. Upon disembarking migrants to Italy, Cap Anamur's personnel were prosecuted for abetting illegal immigration, which forced the NGO to suspend its activities. Italy's approach to migrant rescue changed by October 2013, when its navy launched the large-scale SAR Operation *Mare Nostrum*. A year later, *Mare Nostum* was replaced by FRONTEX Operation Triton, a mission focusing primarily on border control which only operated within 30 miles from Italian territorial waters (Pierre, 2011).

Humanitarian Principles in Maritime Migration

The humanitarian space is gradually shrinking. The growing threat to the safety of humanitarian personnel has reduced their ability to access crisis areas. Humanitarian organizations have traditionally considered their adherence to humanitarian principles as a guarantee for their acceptance by local communities and warring parties. Humanitarian principles embrace humanity, which is the effort to protect human life and dignity anywhere they are threatened, hence the effort to refrain from taking part in hostilities and political controversies and impartiality. In other words, aid and rescue should

be delivered based on need alone, irrespective of the race, nationality and political status of those in need. Humanitarian intervention should also be guided by the principle of independence, which is the commitment to operate autonomously from political actors and refrain from supporting their economic and security agendas (UNOCHA, 2012). However, due to the growing politicization and militarization of aid, increasingly tied to political conditionality or seen as a vehicle to achieve the strategic objectives of military campaigns, it has become difficult for humanitarian agencies to remain independent, especially from the agendas of Western governments and present themselves as truly neutral, impartial and independent actors (Pierre, 2011).

Peter (2004) opined that the provision of humanitarian aid at sea is less constrained by logistic and security hurdles than most complex emergencies on land. History has shown that accessing, supplying aid to and conducting relief operations in landlocked conflict-ridden territories is a complex and costly endeavour which frequently endangers the safety of humanitarian workers. However, achieving access to maritime migrant routes could be relatively less demanding. Procuring a small vessel has proved feasible and financially viable even for small, newly established charities entirely run by volunteers like Sea-Watch and Sea-Eye. Furthermore, conducting maritime rescue operations is less dangerous for humanitarian workers. This relieves humanitarian organizations of the hurdles imposed by tight security protocols put in place for the safety of humanitarian workers. Also, NGOs operating in conflict scenarios have frequently been forced to compromise on independence and neutrality by seeking the protection of military forces, negotiating with local strongmen, or hiring private security companies. Such

constraints do not apply at sea, where humanitarian personnel are relatively more secure than amid most crises taking place on dry land (Humanitarian Policy Group Report, 2008).

Relations between States and SAR NGOs in the Wake of Migrant Fatalities on the Mediterranean

Unlike MSF, both Migrant Offshore Aid Station (MOAS) and Sea-Watch were established for the specific purpose of rescuing migrants in the Mediterranean. Also, while MOAS and MSF both rely on the work of paid professionals, the Sea-Watch crew is made of volunteers. The Non-governmental organizations (NGOs) have been gradually changing the Search and Rescue (SAR) methods on the Mediterranean. In August 2014, the Migrant Offshore Aid Station, a Maltese foundation created by Christopher and Regina Catrambone, an Italian–American couple, with the launching of a rescue operation with their ship MY Phoenix. The mission had to be stopped after two months because of financial constraints, but in 2015 the Amsterdam operational centre of the medical-humanitarian organization MSF allowed MOAS to resume activities by providing the necessary funding and medical staff. Also, in 2015, the MSF operational centres of Barcelona and Brussels (the latter also including Rome), as well as Sea-Watch, a German association created by private citizens in 2014, each set up their own vessel: the Dignity I, the Bourbon Argos and the Sea-Watch, respectively. In terms of funding, MOAS and Sea-Watch depend entirely on private donations. The MSF receives 92% of its funding from private donations, while the remaining, state-funded 8% is only dedicated to 'apolitical' projects e.g. post-earthquake and flood disaster humanitarian assistance.

By the end of 2015, the three organizations had rescued 20,063 of the total 152,343 people rescued on the Mediterranean (*Guardian*, 2016). In 2016, these NGOs resumed activities with some changes regarding both the partnerships and the vessels. Sea-Watch replaced the old boat with a larger one; MOAS ended its cooperation with MSF and launched its third SAR season with two ships (the Phoenix and the Responder), in partnership with the Italian Red Cross. The MSF, besides running the Bourbon Argos and the Dignity I, also provided the medical staff for the SOS Méditerranée's MS Aquarius. Other NGOs involved in the Mediterranean SAR operations included Sea Watch, JugendRettet, Proactiva Open Arms, Cadus/Lifeboat, Boat Refugee Foundation and Save the Children. Thus, the number of non-governmental SAR vessels rose from four in 2015 to thirteen in 2016, while the number of people rescued reached 46,796 out of a total of 178,415 rescued (MSF Report, 2015).

According to *Telegraph News* (2017), NGOs had saved tens of thousands of migrants who likely would have died on the Mediterranean. Over Easter weekend in 2017, search and rescue boats saved more than 8,000 people from drowning. However, even while alleviating the responsibility of governments to save migrants, the politics of search and rescue remains controversial and now these same NGOs find themselves in the crossfire. As the scale and impact of NGO operations grew, their role in SAR operations increasingly faced mounting criticism as a pull factor for illegal migration, a facilitator of human smuggling, and an obstacle to the identification of smugglers and asylum seekers. In fact, both European and Libyan officials have likened the NGO ship to "migrant taxis", blaming the search and rescue operations for the continued crossings. The attendant de-legitimization and criminalization campaign

against these NGOs has not only involved FRONTEX, high-level politicians, and the media, but has also led to the opening of several exploratory inquiries by prosecutors in Italy. Meanwhile, despite the fact that Italy no longer conducts SAR, Italian ports are still the primary destination for migrants rescued by NGOs. That is because most other EU member states have closed their borders, both by land and by sea. Besides, in a bid to self-regulate, the NGOs cooperate with the Maritime Rescue Coordination Centre (MRCC) run by the Italian Coast Guard. In the case of those picked up by FRONTEX as part of Operation Triton, they are required to go to Italian ports as part of the protocol initially agreed upon in 2014. Consequently, Italy is still principally at the centre of the rescue framework (FRONTEX Report, 2014).

   According to the IOM (2017), more than 93,000 migrants had arrived in Italy out of 111,000 migrant arrivals in the entire Mediterranean in July 2017. The assessment here is, should the arrivals continue at this pace, 2017 could be a record year for migrants reaching Italy surpassing 2106 when 181,000 were rescued and brought to Italian shores. Based on these records, the opinion here is that much like Greece, the strain on Italian government and social service system would certifiably be unsustainable. In order to stem this tide, the government of Italy came up with an EU backed code of conduct which outlined the guidelines to be followed by the NGOs conducting SAR in the Mediterranean. The 11-point plan included a categorical ban on NGOs entering Libyan waters, giving away their position by using maritime radar or using flares to pinpoint their position. Both the Amnesty International and Human Rights Watch warned that the code of conduct could have a disastrous impact on the NGO missions as attempts to restrict NGO SAR operations risk

endangering thousands of lives by limiting rescue boats from accessing the perilous waters near Libya (Euro News, 2017).

The Italian government responded by threatening to shut its ports to NGOs that did not sign the code of conduct. MOAS, Proactiva Open Arms and Save the Children agreed to the conditions but, Sea-Watch, JugendRettet, MSF, and SOS Mediterranée declined. In addition to the foregoing, the Italian initiative was also included in the "Action Plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity" submitted by the European Commission in July 2017. The Action plan also included an EU Trust Fund program for Africa to reinforce the integrated migration and border management capacities of the Libyan authorities. The program steps up activities in support of the Libyan Border- and Coast Guards, to enhance their capacity to effectively manage the country's borders. In a related development, the Libyan government announced an expansion of its maritime rescue zone as part of measures to deal with the crisis in August 2017. The measures included the Libyan government asserting its right by ordering foreign vessels to stay out of its search and rescue zone of 12 nautical miles. It is worthy to note here that the Libyan authorities do not have a MRCC from which to coordinate SAR operations. Also, NGO - SAR operations offshore Libya usually take place in international waters where no state jurisdiction applies, which should further magnify NGOs' ability to operate free of political interference. However, tensions have risen between these NGOs and the Libyan Coast Guard in recent months with clashes being reported between both parties during migrant rescue operations. The Sea Watch, Sea Eye, Save the Children, JugendRettet, SOS Mediterranean and MSF have all reported altercations with the Libyan

Coast Guard including forceful boarding, attempting to sink and firing shots upon these NGO ships despite being outside Libya's territorial waters (Mazen, 2009).

The intervention of Libyan coastguard units in the past year has repeatedly put the safety and lives of both NGOs' crews engaged and refugees and migrants in danger, both because they have resorted to firearms and violence and because of their operating at sea in plain disregard of basic security protocols and standards. These incidents raise the glaring concern that the Libyan coastguard is disregarding the following basic safeguards of operating at sea. Hence, it is glaring that the methods applied by the Libyan coastguard suggest that their priority is not ensuring the safety of lives, but rather returning people to Libya. As a fall out of the foregoing, many NGOs involved in migrant rescue operations in the Mediterranean announced a suspension of their activities due to widespread threats and intimidation both legal and physical from the major stakeholders in the region (Amnesty Report, 2017).

The unpredictability of Libyan security forces is yet another conundrum. On 17 August 2016, a Libyan coast guard patrol repeatedly fired at and then boarded MSF's Bourbon Argos. As a result of the attack, the majority of NGOs suspended their activities for almost two weeks, while resuming SAR only after devising tighter security protocols. At the beginning of September, however, two Sea-Eye personnel were arrested by the Libyan coast guard and subsequently released. In October 2017, a Libyan coast guard patrol aggressively prevented Sea-Watch from conducting a rescue mission, causing about 4 migrants to drown. (The Guardian, 2016) The assertiveness of the Libyan coast guard, wary of foreign interference in its territory and

increasingly pressed by EU authorities to conduct anti-smuggling and interdiction missions, has limited NGOs' access to the 'dead zone', prompting them to move further away from Libyan territorial waters or seek the protection of EU military assets deployed in the area. This may further reduce humanitarians' ability to conduct timely SAR missions and impact on their perceived independence. By and large, the conclusion here is that Europe is paying a heavy price for the upscale in migration patterns of movements from especially African countries to other parts of the world as a result of the conspitorial elimination of Mu'amar Ghadaffi in 2011.

Reports also showed that from January to July, 39,224, 24,359 and 43,401 migrants reached the shores of Europe in 2019, 2020 and 2021 respectively. Migrants declared dead or missing numbered 615 in 2019, 389 in 2020 and 896 in 2021. In 2019, Turkey intercepted 12, 955, Libya intercepted 3, 750, Tunisia intercepted 1,266 migrants. In 2020, Turkey intercepted 11,727, Libya intercepted 5,476, Tunisia intercepted 3,977 while Algeria intercepted 1,937 migrants. In 2021, Turkey intercepted 6,982, Libya intercepted 15,330, Tunisia intercepted 7,541 while Algeria intercepted 1,712 migrants (IOM Global Analysis Migration Centre, 2021).

Maritime Migration and the Sea as a Humanitarian Space

In the new wave of global migration, a substantial number of the migrants are showing extraordinary resilience and courage as they make dangerous and difficult journeys and adapt to new environments. In the last decades, faced with limited opportunities for safe and regular migration, migrants often relied on the services of smugglers and embark on dangerous sea and land voyages to make unauthorized border crossings (IFRC, 2015).

We must however, reiterate here that the two huge shipwrecks that occurred on the 3rd and 11th of October 2013 near the island of Lampedusa, causing the death of 636 people in total, restaged the channel of Sicily and Lampedusa and raised serious concerns about humanitarian intervention on the Mediterranean Sea (Tazzioli, 2016).

Eugenio (2017), opined that the notion of humanitarian space primarily refers to those crisis scenarios where humanitarian agencies provide relief assistance. The concept, however, is not merely used to delimit any physical area where large-scale suffering occurs, but also identifies a symbolic space separated from politics where aid workers can operate in compliance with humanitarian principles. As a country, Nigeria has had its fair share in the death of migrants on the Mediterranean. In November 2017 the bodies of 26 Nigerian women and girls some believed to be as young as 14, were recovered and brought to Italy. The bodies were recovered by Cantabria, which works as part of the EU's Sophia anti-trafficking operation, from two separate shipwrecks – 23 from one and three from the other. The women and children were suspected to have been abused and murdered while attempting to cross the Mediterranean.

Such a large number of deaths at sea have turned the Central Mediterranean into the theatre of a complex humanitarian emergency. Both international non–governmental organizations and smaller, ad hoc charities have attempted to mitigate the humanitarian crisis arising from the absence of large-scale state Search and Rescue (SAR) operations by conducting migrant rescuing missions offshore (Marin, 2011). The offshore of Western Libya has ominously been labelled the 'dead zone', a geographical space where a severe humanitarian emergency has taken place. Based on the foregoing, the

Mediterranean has emerged as a new epitome of humanitarian space, claiming the lives of inestimable number of persons. As a matter of fact, migrant fatalities on the Mediterranean has experience an upsurge between 2017 and 2021. Accordingly,

> In the half of 2021, at least 1,146 people lost their lives on maritime routes to Europe. This is a substantial increase compared to the fatalities recorded in the same period in 2020 (513) and 2019 (674). The Mediterranean Sea was the main site of these fatalities: 896 people are known to have died attempting to reach Europe across this water from January to June 2021, representing a 130 per cent increase compared to the same period in 2020. The most lives lost were recorded on the Central (741) and Western (149) Mediterranean routes, whereas six people died taking the Eastern Mediterranean routes from Turkey to Greece. In the same period, at least 250 died attempting to reach Spain's Canary Island on the Western African/Atlantic Route. The available data shows that out of the 1,146 people who lost their lives on maritime routes to Europe, 409 were men, 104 were women and 50 were children…. Most of them were nationals from Northern Africa (139) followed by Western Africa (120), and other regions (10). However, the nationality of 872 individuals remains unknown (IOM, 2021: 4).

In 2019, IOM report showed that 57,810 migrants reached their points of destination in Europe while 615 lost their lives. In 2020, the number of migrants reduced to 47,865 while 389 lost their lives. This reduction can be attributed to the COVID-19 Pandemic which to a large extent restricted the

movements of persons attempting to emigrate from their countries. The year 2021 experienced a significant increase in the number of migrants with 75,563 reaching Europe while 896 lost their lives (IOM, 2021).

Humanitarian principles on the Mediterranean

The duty to rescue, which represents the technical and specific way of saving migrant lives at sea, is currently the landmark of activist groups, human rights campaigns, and national authorities involved in maritime patrolling. Fassin (2011), opined that the humanitarian rationale in supporting migrant movement is termed as the 'humanitarian technology of government'. As far as the government of refugees at sea is concerned, in the face of massive migrant deaths the humanitarian logic grounded on the duty of rescuing lives in danger has also permeated activist groups while saturating the space of intellectual and policy discourses (Tazzioli, 2016).

According to IFRC, (2015) the overarching approach of civil society actors, aims at reducing the vulnerability of migrants through a coordinated and trans-regional support to migrants along the length of their migratory routes. States are called on within the framework of applicable international law, to ensure that their national procedures at international borders, especially those that might result in denial of access to international protection, deportation or interdiction of persons, include adequate safeguards to protect the dignity and ensure the safety of all migrants.

Relationship between the State and Search and Rescue Non-Governmental Organizations

Marin (2011), asserted that the recent events occurring in the Mediterranean as well as in the Balkan region demonstrates that Europe is, undoubtedly, a region of immigration and this has political implications. It is clear that the issue of external migration represents a political test for the EU and its values, a test to assess EU's practical adherence to its founding values of respect for "human dignity, freedom, democracy, equality, the rule of law and respect for human rights." (Article 2 of Treaty on European Union}

The complicated relations between the state and SAR NGOs involved with Mediterranean migrant fatalities have risen to the extent where most EU member states have closed their borders, both by land and by sea to vulnerable migrants hence making the SAR operations by NGOs a herculean task. In order to stem the tide of Mediterranean migration, the government of Italy came up with an EU backed code of conduct which outlined the guidelines to be followed by the NGOs conducting SAR in the Mediterranean and threatened to shut its ports to NGOs that did not sign the code of conduct. The 11-point plan included a categorical ban on NGOs entering Libyan waters, giving away their position by using maritime radar or using flares to pinpoint their position. Amnesty International and Human Rights Watch gauged that the code of conduct could have a disastrous impact on the NGO missions as attempts to restrict NGO SAR operations risk endangering thousands of lives by limiting rescue boats from accessing the perilous waters near Libya (Euro News, 2017).

The limitations that NGOs themselves confront and the conditions in which they are allowed to operate, are other aspects of concern in their

relations with European states.   The impact of NGOs on EU policies is generally difficult to measure. In migration policy, it is even more fragmented and controversial, given the dominant roles of the Member States and the strong influence of intergovernmental preferences. Hence, majority of NGOs have continued to work within traditional field of assistance, by developing a wide variety of approaches. Some of those that had initially worked on migration responded to the end of legal immigration and to the growing dominance of control and admission issues by shifting their focus to integration, anti-racism or multiculturalism. NGOs claim that people die because of the policies of the state. They consider that border controls are a form of military war against migrants. They stressed that even though European country militaries are not deliberately killing migrants, they do not make efforts to save them either.

From a practical point of view, NGOs' search and rescue operations already constitute a relevant tool that is mitigating the effects of the crisis. Cooperation between states and NGOs is not a new phenomenon; it already works in several other policy fields and is a sign of how the global system has changed deeply in recent years. However, in this case, the problem is that NGOs are the unintended vacuum fillers of specific tasks that the EU cannot fully accomplish on its own.

Conclusion

The Mediterranean is far from being an ideal locus of humanitarian action. Operating at sea reflects or even reinforces some of the thorniest dilemmas humanitarian actors encounter, forcing NGOs to accept uneasy compromises on the principles of independence, neutrality and impartiality in

order to conduct operations. Moreover, there have been growing concerns over the unintended consequences of non-governmental migrant rescuing, ranging from incentivizing an abdication of states' responsibility to the facilitation of smuggling strategies that are responsible for the growing number of casualties along the Central Mediterranean route.

Migration issues are dominating current debates at all levels. The perception of migrants as a threat quite often prevails over the human dimension and is associated to the immediate emergency management phase, particularly in respect of recent developments in the Mediterranean. The analysis of the roles of NGOs, a combination of traditional assistance to development and social integration and more active interventions in the place of Search and Rescue operation in the Mediterranean offers some interesting insights in their operations but their relationship with Member States have in a long way hampered their effectiveness on the Mediterranean. The need to guarantee the security of EU borders by Member States and to ensure legitimate cross-border mobility on the one hand, and the urgency to foster irregular migration and human trafficking on the other, has produced differing institutional experiments and political innovations. However, in the face of contemporary events, this ambitious balance has demonstrated the structural weaknesses of states. Thus, the security paradigm, which conceives migrants as a threat, seems to prevail over the legal obligations which impose protection of human beings, particularly with respect to recent developments in the Mediterranean.

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