# Rocking the Boat

## Maritime Humanitarianism and Responses to Displacement at Sea, 1978-2022

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## Abstract

This thesis examines the history of humanitarian aid at sea from the 1970s to the present day. It focuses on humanitarian projects that locate, support and transport people in distress at sea, most often refugees and migrants who are seeking safety and opportunity across borders. I argue that maritime humanitarianism is a rebellious form of assistance, which has frequently 'rocked the boat' within the relief industry by putting forward distinctive arguments about aid. The thesis identifies three main manifestations of this rebelliousness. First, maritime humanitarianism has resisted processes of professionalisation, opposing the bureaucratisation of relief efforts. Second, it has embraced political debates over immigration and border control, posing a challenge to the humanitarian principle of neutrality. Third, it has promoted advocacy as a central means of intervening in crisis, complicating classical understandings of impartiality. In these ways, maritime aid agencies have pushed against conventional approaches to relief. I argue that their 'rebellions' stem from the specific operational frictions that arise at sea, where care is provided on the move beyond territorial borders. In maritime settings, aid workers' obligations towards stranded migrants, and the duty to uphold the right to free movement and asylum, have a traction that frequently overrides classical humanitarian protocol.

The thesis makes this argument by looking at three maritime projects. The first was launched by two 'Boat for Vietnam' committees in the South China Sea in the 1970s; the second by a Cuban-American organisation named Hermanos al Rescate in the Florida Straits in the 1990s. The third project was kickstarted by the German aid agency Sea-Watch in the Central Mediterranean in 2015. Each of these ventures took humanitarians into unusual operational territory and together they highlight the problems and politics of providing aid 'without borders'. By looking at the details of maritime relief, the thesis raises themes relevant to humanitarian and refugee history, including the politics of migration and displacement, the recurring ethical dilemmas of aid, and the tension between humanitarian intervention and state sovereignty. At the same time, it prompts us to reflect on how humanitarianism looks different when it is carried out in the specific setting of the sea, instead of in landed contexts 'in the field'.

## Abbreviations

| | |
|---|---|
| CIA | Central Intelligence Agency |
| DRK | Deutsches Rotes Kreuz/German Red Cross |
| EU | European Union |
| FAA | Federal Aviation Agency |
| GDR | German Democratic Republic |
| ICRC | International Committee of the Red Cross |
| IFRC | International Federation of Red Cross and Red Crescent Societies |
| INS | Immigration and Naturalization Service |
| IOM | International Organization for Migration |
| IMO | International Maritime Organization |
| IMCO | Inter-Governmental Maritime Consultative Organization |
| IT | Information Technology |
| LCG | Libyan Coast Guard |
| MOAS | Migration Offshore Aid Station |
| MRCC | Maritime Rescue Coordination Centre |
| MRCS | Malaysian Red Crescent Society |
| MSF | Médecins Sans Frontières |
| NGO | Non-Governmental Organisation |
| RHIB | Rigid-Hull Inflatable Boat |
| SAR | Search and Rescue |
| SOLAS | International Convention for the Safety of Life at Sea |
| SOP | Standard Operating Procedure |
| UN | United Nations |
| UNICEF | United Nations Children’s Fund |
| UNCLOS | United Nations Convention on the Law of the Sea |
| UNHCR | United Nations High Commissioner for Refugees |
| UK | United Kingdom |
| US | United States (of America) |
| USCG | United States Coast Guard |

# Acknowledgements

Whenever I needed extra inspiration when writing this thesis, I used to look at the acknowledgements section of other theses, articles and books. This might have been a very nerdy form of procrastination, but I absolutely loved reading the thank-yous, anecdotes and in-jokes that these pages contained. Reading an acknowledgements page felt like peering behind the scenes of the writing process, uncovering the people, places and experiences that had inspired and powered it. Each time, I was reminded that writing a PhD, however solitary it might feel at times, is not something that you do on your own, and this would direct me to back to my writing with a smile. It feels wonderful to have come at last to my own acknowledgements section, and to be able to thank and recognise the many people who have helped build this piece of work.

Before I started my DPhil, I was told a lot of horror stories about how stressful they can be. In one instance, my mum's friend showed me her 'PhD streak', a strand of white hair which had appeared from the pressure of finishing up her project. Happily, I have emerged streak-free and stress-free from my studies, which I put down to the unwavering support of my supervisor, Tom Scott-Smith. I feel incredibly lucky to have had such a grounded, understanding and encouraging mentor over the past four years. The very first time I visited Oxford (as an awestruck 18-year-old on an open day), I sat in the Missing Bean cafe on Turl Street and thought how fantastic it would be to study there as a student, working towards an exciting research project with a coffee in hand. So it has been especially poignant to sit in the same space with Tom every two weeks, watching as this project eventually became a doctoral thesis with his guidance. Tom has made the DPhil a smooth (and crucially fun!) ride, filled not only with coffee and donuts but also advice and inspiration.

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# Chapter 1

# Introduction

2015 marked the deadliest year on record for refugees and migrants attempting to reach Europe across the Mediterranean Sea. Fleeing conflict in the Middle East (particularly in Libya, Syria and Iraq) as well as terrorist insurgencies in Nigeria and Pakistan and longstanding poverty and human rights violations in states like Eritrea, these migrants took to the sea in search of safety and opportunity. However, the crossing proved highly dangerous. By the end of the year, the International Organization for Migration (IOM) had recorded the deaths of 3,771 people in the Mediterranean.[1] It is highly likely that the death toll at sea was greater still since many other fatalities would have gone unregistered or unnoticed.

Responding to this situation, a number of aid agencies decided that a more concerted form of humanitarian action needed to be taken at sea. They argued that greater support ought to be provided to those whose flight from conflict, persecution and poverty led them to risk the perils of irregular maritime crossings. In 2013, the Italian government had begun to provide assistance of this kind through a state-run search and rescue operation named Mare Nostrum. This important project located stranded migrants in the Central Mediterranean and took them to safety onshore. However, it was cancelled in 2014, just before the steepest rise in attempted crossings. Filling the worrying gap of care which the decision to terminate Mare Nostrum created, humanitarian organisations began to launch their own rescue projects in the Mediterranean. Some of these organisations were existing international aid agencies (such as Médecins Sans Frontières and Save the Children) who branched into sea rescue alongside other land-based work. Others were new organisations with specific maritime mandates, focused entirely on rescue.

[1] IOM, "IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015," 2016, available at: https://www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015 [accessed April 20, 2023].

The first NGO to initiate operations in the Mediterranean was the Migrant Offshore Aid Station (MOAS). MOAS was founded in 2013 by two American entrepreneurs, Christopher and Regina Catrambone, who converted an old fishing boat into a rescue vessel named the *Pheonix*. Later, in June 2015, Klaus Vogel, a German former ship's captain, and Sophie Beau, a French aid worker, established a second rescue NGO named SOS Méditerranée. Building a European network of volunteers, with offices in Germany, France, Italy and Switzerland, SOS Méditerranée chartered a ship named the *Aquarius* which would patrol international waters between Italy and Libya. MOAS and SOS Méditerranée were soon joined in the Mediterranean by a growing list of humanitarian organisations, including Proactiva Open Arms, Salvamento Marítimo Humanitario, Sea-Watch, Sea-Eye and Jugend Rettet. In total, ten different aid agencies began conducting maritime rescue operations in the Mediterranean between 2014 and 2017, rescuing over 100,000 migrants and becoming the largest provider of humanitarian assistance in this space.[2]

**Humanitarians and Maritime Rescue**

Seeking to learn what had spurred humanitarian organisations so forcefully into action at this time, I held a memorable conversation with SOS Méditerranée's co-founder, Sophie Beau. Sitting in the NGO's head office in Marseille, Sophie explained to me why she had decided to set up the rescue organisation with Klaus Vogel. Sophie had been working in the humanitarian sector for over fifteen years before she had founded SOS Méditerranée, running projects for Médecins Sans Frontières and Médecins du Monde in Guinea, Lebanon, Georgia, the Maghreb and Palestine. Yet, after a while, she had made the decision to take her expertise out to sea, joining forces with Klaus who she had met through a school friend. Describing her motivation for making this move, Sophie of course spoke about the escalation of suffering in the Central Mediterranean and the imperative she had felt to reduce the loss of life there. However, she also described her decision as a means of making

[2] Eugenio Cusumano, "Humanitarians at Sea: Selective Emulation across Migrant Rescue NGOs in the Mediterranean Sea," *Contemporary Security Policy* 40, no. 2 (2019): 239.

a broader point within the humanitarian community. Sophie wanted to drive home one particular argument: that aid could and should be provided in maritime settings. She noted that, despite the rapid rise of fatalities in the Mediterranean, humanitarians were wary of venturing out to sea, seeing this as a risky and highly unusual move. They believed that relocating relief operations into such a space could easily become a media nightmare or that it would end up wasting precious resources. As Sophie described it, she and her fellow SOS Méditerranée colleagues were 'seen as crazy people' by other aid workers for deciding to work outside European borders on the open waves.[3] There seemed to be a perception within the humanitarian sector, she claimed, that maritime rescue had not been done before and that it therefore represented a hazardous leap into the unknown.

To illustrate this perception, Sophie told me about one particular meeting that she had attended when working for Médecins du Monde in 2005. The meeting had been called to discuss this NGO's migration related projects and, during the discussion, a colleague had asked what Médecins du Monde should be doing in response to the rising death rate in the Mediterranean. Sophie had watched as people debated the question. As she described it, 'the official institutional answer that came out of the conversation was "nothing". They said we could not do anything because we lacked the expertise in sea rescue'.[4] To Sophie, this answer seemed preposterous. Médecins du Monde, she pointed out to me, had actually been founded in 1980 in response to the suffering of refugees at sea, as thousands of Vietnamese 'boat people' began to flee that country's new communist regime. Médecins du Monde had been born out of a project known as the 'Boat for Vietnam', which involved sending a rescue ship to assist these refugees in the South China Sea. Hence, the very organisation that claimed to have no expertise in sea rescue in fact had its origins in this activity.

Just as important to note, Sophie continued, was the fact that this foundational venture of Médecins du Monde's had coincided with a transformative moment in humanitarian history. The

[3] Video interview, January 8, 2021.
[4] Video interview, January 8, 2021.

conventional narrative of modern humanitarianism explains how, from the 1970s onwards, the aid sector underwent change following the emergence of a 'new humanitarian' movement. This movement was known for its focus on providing assistance 'without borders', a slogan most famously coined by Médecins Sans Frontières when it was established in 1971. 'New humanitarians' had begun to argue in this decade that aid agencies had a right to ignore borders in the provision of relief and they also claimed that relief should become more mobile, ensuring that support could be provided to suffering populations anywhere in the world. As Sophie pointed out, this movement of *sans-frontiérisme* seemed to have a lot to do with Médecins du Monde's sea rescue project – which after all was a tangible example of 'no borders' assistance. Yet, as she asserted, humanitarians tended to tell the now almost mythical tale of 'new humanitarianism' without making any connection to sea rescue at all. It seemed ironic to Sophie that the story about a developing sense of borderlessness (a foundational one for the relief industry) was so seldom linked with the story of those aid workers who had actually begun to work outside state territories during this period. As Sophie put it, '[f]or all the *sans-frontiérisme*, this movement of 'without borders' that started back then, it's totally paradoxical because the mental framework [for aid workers today] remains borders, land and states […] It is as if the sea is not even reflected, thought of, assimilated as a humanitarian space by the humanitarians themselves'.[5]

Two things stood out to me from my conversation with Sophie. The first was the central contradiction which she was drawing attention to. On the one hand, humanitarians had, since the 1970s, become renowned rhetorically for their focus on providing relief 'without borders'. Yet, on the other hand, they appeared to draw a blank when it came to discussing the very setting that fitted this description so perfectly: the sea. In essence, Sophie was pointing out the large gap that existed between the institutional, intellectual history of *sans-frontières* humanitarianism and the history of what she termed 'real' borderless projects at sea. The second thing that stood out to me was the effect that this gap had begun to produce within the relief sector. As Sophie saw it, aid workers' lack of engagement with the history of maritime assistance was one of the reasons why they shied away from working at

[5] Video interview, January 8, 2021.

sea. Rescue, at best, was viewed as a risky plunge into unknown operational depths and, at worst, as having nothing to do with humanitarianism at all. Sophie had decided to establish SOS Méditerranée as a means of challenging this situation. In spite of the tragedy which she was responding to, Sophie was hopeful that she could demonstrate both the feasibility and value of rescue projects. Her work with the *Aquarius* was a response to her realisation that very few people seemed to recognise maritime humanitarianism as a distinctive form of assistance with a history of its own.

## Maritime Humanitarianism

In this thesis I wish to develop Sophie's claims. I will argue that maritime humanitarianism *does* have a history and that it *is* distinctive form of assistance. My aim is to delve into the history of maritime rescue projects, addressing in the process how aid stands out at sea. Accordingly, I will address three central questions. First, why did maritime humanitarianism emerge when it did and in the form it did? Second, what makes maritime humanitarianism distinctive? Third, how does maritime humanitarianism change the way we think about the humanitarian sector and its history?

Maritime humanitarianism is defined here as a form of assistance that locates, supports, and sometimes transports people in distress at sea, most often refugees and migrants who are seeking safety and opportunity across borders. This kind of assistance has historically been provided by a range of actors, from state coastguards to civic lifeguarding associations to merchant shipping groups to friends and families. However, my focus in the thesis is on the rescue work conducted by aid agencies. Over the past fifty years, humanitarian organisations have become some of the primary providers of maritime rescue, supporting people in distress in the South China Sea, the Atlantic Ocean, the Indian Ocean, the Mediterranean and the Aegean. Humanitarian ships have placed the assistance of maritime migrants firmly on the relief sector's radar. Institutionalised rescue projects, adapting to specific 'patient' needs and the particular contexts of maritime intervention, have quickly evolved into a highly specialised practice of care.

In the thesis, I will show how maritime humanitarianism first emerged in the 1970s as a response to the plight of 'boat people' during the Indochinese refugee crisis. I also describe how the appearance of maritime humanitarianism at this time gave it a particular form, as rescue operations were shaped by two contradicting forces. First, maritime aid was influenced by the 'new humanitarian' arguments that had come out of aid workers' intervention in the Nigerian-Biafran war several years earlier. These ideas involved working without borders, supporting human rights and 'speaking out' against injustice. They gave a maritime humanitarianism a forward-looking, activist flavour. At the same time, however, rescue projects at sea were held back by the idiosyncrasies of international maritime law which was being developed in this period. This legal framework made it very difficult for aid workers to meaningfully assist the people they rescued, especially when it came to transporting them to safety on land. Rescue projects were surprisingly restricted by the strict rules managing the movement of people at sea outside of territorial borders. Hence, maritime humanitarianism was defined from the beginning by a curious mixture of activism and constraint.

The potent mix of these features is ultimately what makes maritime humanitarianism stand out as a distinctive form of assistance. At sea, aid workers confront unique challenges and restrictions that stem from working outside of conventional landed borders. As I will show over the course of the thesis, these challenges stem not only from the complexities of maritime law but also from rescue's close connection to political debates over immigration. Maritime humanitarianism is a particularly fraught kind of aid, caught up in the question of who has the right to assist people outside of, but on their way towards, territorial borders. What really makes maritime humanitarianism distinctive, however, is the way it responds to these challenges and restrictions. Over the past fifty years, aid agencies have attempted to counter the difficulties inherent in maritime rescue by pushing for more recalcitrant models of assistance. The frictions that arise at sea between assistance, borders and migration politics have prompted maritime humanitarians to push against conventional or classical approaches to aid. Maritime relief therefore stands as a rebellious model of assistance. In the thesis, I

identify three main manifestations of this rebelliousness. First, maritime humanitarians have pushed against processes of professionalisation, resisting the bureaucratisation of relief. Second, they have embraced political debates, posing a profound challenge to the principle of humanitarian neutrality. Third, they have promoted advocacy as a central means of intervening in crisis, complicating classical understandings of impartiality. In each of these ways, maritime humanitarians have ended up 'rocking the boat', unsettling the status quo within the relief industry by challenging conventional patterns of assistance.

Some readers might already have exceptions in mind when they think of these characterisations. Certain land-based aid agencies, it is true, have embraced these three characteristics as well. Moreover, not all aid agencies at sea have 'rebelled' in each of the above senses and some have proved more 'rebellious' than others – there are certainly some humanitarian organisations who have adopted more cautious and non-confrontational attitudes at sea. Ultimately, the politics and parameters of NGOs' work at sea can vary according to their differing resources, capabilities, technical mandates and ideological positions. On the whole, however, maritime humanitarians have been far more likely to exhibit these three rebellious characteristics. They have tended to move beyond strict – and strictly humanitarian – approaches to care because of the operational environment that they work in. The sea is a space in which aid workers' obligations towards stranded migrants, and the duty to uphold the right to free movement and asylum, have a traction that frequently overrides conventional humanitarian protocol. As I will explain in the following chapters, the stances which many rescue organisations have taken at sea – regarding the treatment and rights owed to people on the move and the legitimacy of border controls – have often been irreconcilable with classical models of assistance centred around negotiation, discretion and apolitical positioning.

This changes the way we think about the humanitarian sector because it shows us how aid is shaped differently in different settings. We begin to see how 'humanitarianism' means something different at sea and this helps us to view aid as a more malleable, contextual practice. Certain elements

of humanitarian assistance become particularly acute or noticeable at sea and this prompts us to reflect on how such features push aid workers in particular directions. Moreover, we can challenge and counterbalance the many studies of humanitarian practice and history that focus predominantly on territorial examples of care. As I have argued elsewhere, a lot of our thinking about humanitarianism remains analytically rooted 'on the ground'.[6] We follow aid workers 'in the field' – focusing on spaces like refugee camps, aid compounds or medical clinics – whilst largely ignoring those who work 'on the waves'.[7] Under this model of thinking, as the geographer Philip Steinberg has pointed out, the sea becomes a *mare nullius*, a 'great void outside society […] insulated from social forces', and so maritime spaces and the actors present within them tend to go unnoticed.[8] The material landscapes, social relations, and cultural understandings which make up maritime care get 'lost at sea', slipping under the radar of our investigation and attention. The question of migrant rescue offers the potential to overcome this imbalance, foregrounding the experiences of those humanitarians who have navigated the complexities of working beyond territorial space. It allows us, in short, to put maritime assistance back on the humanitarian map and it prompts us to think more broadly about what humanitarianism means and involves in different places.

**A Growing Context of Care**

Beyond its implications for humanitarian theory, why should anyone care about a detailed study of maritime relief? The reason, to put it bluntly, is because these contexts have seen a staggering loss of life in recent years. We are currently witnessing a rapid rise in irregular, and highly perilous, maritime migration around the world. In Europe, states' attempts to limit migrants' movement at sea have done

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[6] Imogen Dobie, "'Ambulances of the Sea': The Terracization of Maritime Aid," *Humanity* 13, no. 2 (2022): 158–74.
[7] Classic examples of humanitarian scholarship focusing on these three spaces include Didier Fassin, "Compassion and Repression: The Moral Economy of Immigration Policies in France," *Cultural Anthropology* 20, no. 3 (2005): 362–87; Michel Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity, 2011); Mark Duffield, "Risk-Management and the Fortified Aid Compound: Everyday Life in Post-Interventionary Society," *Journal of Intervention and Statebuilding* 4, no. 4 (2010): 453–74; Miriam Iris Ticktin, *Casualties of Care: Immigration and the Politics of Humanitarianism in France* (Berkeley: University of California Press, 2011); Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors without Borders* (Berkeley: University of California Press, 2013).
[8] Philip E Steinberg, *The Social Construction of the Ocean,* (Cambridge: Cambridge University Press, 2001), 112.

very little to reduce the number of Mediterranean crossings. Efforts to resolve the political crisis sparked by the mass migrations of 2015 have in fact only exacerbated the humanitarian one, making sea journeys more dangerous by shutting down safe and legal migration routes. For instance, the number of deaths relative to the number of people attempting the Central Mediterranean crossing rose dramatically between 2017 and 2018, from one death for every 38 arrivals to one for every 14 arrivals.[9] In 2022, 2411 people were estimated to have died or gone missing in the Mediterranean Sea, an average of more than 6 people per day.[10] Given such sustained fatalities, NGO vessels have continued to operate in the Mediterranean and have in fact proliferated, with twenty of them conducting rescue operations last year. Yet scholarly research into maritime humanitarianism as a practice is still in its relative infancy.

Aside from the Mediterranean, migration has also notably increased across the English Channel in recent years. This has sparked a fierce debate in the UK over maritime border control and has fuelled the drafting of several restrictive immigration regulations, most notably the 2023 'Illegal Migration Bill'. This bill, known commonly as the 'Stop the Boats' bill, was designed specifically to prevent people claiming asylum in the UK if they arrive on small boats. The bill, which has now been passed by Parliament, allows the UK Home Secretary to detain all 'boat migrants' before deporting them to their home country or sending them to a third country (the most prominent candidate put forward by politicians has been Rwanda). In essence, the bill extinguishes access to asylum in the UK for anyone who arrives irregularly, including by sea, barring them from presenting refugee protection or other human rights claims, no matter how compelling the circumstances of their flight. Humanitarian organisations like Channel Rescue have begun to campaign against this legislation, arguing that it will only make maritime crossings riskier by forcing migrants onto longer and more dangerous routes. Yet whilst agencies like this one have assisted people stranded in the Channel wherever possible, fatalities have continued to occur. The IOM has reported the deaths of 224 migrants

[9] IOM, "Missing Migrations Recorded in the Mediterranean," 2020, available at: https://missingmigrants.iom.int/region/mediterranean [accessed April 20, 2023].
[10] IOM, "Missing Migrants Recorded in the Mediterranean".

in this stretch of water since 2014, with numbers spiking significantly in 2019 and 2021.[11] Again, this shows the continuing relevance of humanitarian rescue.

Further afield, Rohingya refugees continue their attempts to reach Southeast Asian states from camps in Bangladesh by crossing the Bay of Bengal and the Andaman Sea. Arrivals by sea in South Asia have steadily increased since 2018 following a previous peak between 2013 and 2015. By 2020, the United Nations refugee agency, UNHCR, was declaring the deadliest year on record for refugees travelling over sea from Bangladesh, with the death rate amounting to 8% of those undertaking the journey.[12] As the IOM's 'Missing Migrants' database shows, thousands more migrants drown each year on other maritime crossings, including the route from the Horn of Africa to Yemen across the Gulf of Aden; the route from Comoros, off the coast of Mozambique, to the French Department of Mayotte; and the route from the Venezuelan coast to Caribbean islands including Aruba, Curaçao, Trinidad and Tobago.[13] Maritime humanitarianism is therefore a topic with a truly global significance.

As more and more people attempt to flee conflict, civil disorder, and economic hardship by sea, it is likely that humanitarian operations will be required in an ever-greater range of local and international waters. Adding to these already significant push factors, the upheavals of climate change (particularly rising sea levels) are also predicted to escalate displacement dramatically in the coming decades, turning seas, oceans and local coastlines into standard locations of humanitarian activity.[14] In short, aid agencies are going to have to grapple with maritime contexts and their associated dilemmas for many years into the future, and this makes it imperative that we understand the dynamics and impact of humanitarian projects at sea.

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[11] IOM, "Missing Migrants Recorded in the English Channel" available at https://missingmigrants.iom.int/region/europe [accessed April 17, 2023]. Figures as of October 2023.
[12] UNHCR, "Left Adrift at Sea: Dangerous Crossings of Refugees across the Bay of Bengal and Andaman Sea," 2021, available at: https://reliefweb.int/report/myanmar/left-adrift-sea-dangerous-journeys-refugees-across-bay-bengal-and-andaman-sea-january [accessed April 20, 2023].
[13] IOM, "Missing Migrants Database", available at https://missingmigrants.iom.int/data [accessed August 31, 2023].
[14] UNHCR, "Climate Change Link to Displacement of Most Vulnerable Is Clear: UNHCR," 2021, available at: https://news.un.org/en/story/2021/04/1090432 [accessed April 20, 2023].

**Thesis Overview**

Over the course of the following chapters, I will explore maritime humanitarianism from its emergence in the South China Sea in the 1970s all the way up to its contemporary manifestations in the waters of the Central Mediterranean. On the way, I will ask what rescue projects at sea have involved, what challenges they have come across, and what humanitarian debates and discussions they have thrown up.

The first substantive chapter in the thesis looks at the historical background of maritime humanitarianism. I turn to the moment when sea rescue first appeared on the humanitarian stage in the 1970s in order to show how the emergence of maritime humanitarianism at this time set up certain opportunities and problems for aid workers. During this decade, sea rescue and organised relief came together in reaction to the unfolding 'boat people' crisis in the South China Sea. Spurred into action by this emergency, aid agencies began to take an interest in sea rescue as a form of humanitarian assistance. At the same time, maritime lawyers mobilised to draft a new international rescue convention that could save lives at sea and facilitate humanitarian support. In this way, the cogs of rescue and relief began to slot together. This development created certain openings for aid workers, most notably giving them a chance to put newly popular ideas about 'no borders' relief into practice. However, it also came with some big downsides since the new rescue convention, for all its humanitarian focus, limited aid workers' mobility at sea. Ultimately, maritime humanitarianism was defined from the offset by the mix of activism and constraint I described earlier and this was important because it would come to shape the rebellious nature of this form of care.

In Chapter 3, I briefly step back from the unfolding narrative of maritime humanitarianism to reflect on the methods which I used to go about my research. I discuss my use of archival sources (including operation reports, correspondence, meeting minutes and NGO press releases) which I drew

upon to build up a detailed picture of maritime rescue ventures and to show how these initiatives took forwards the discussions and ideas that had emerged in the South China Sea in the 1970s. Beyond archival research, I also explain why I decided to tell the story of maritime aid by examining a range of historical documents, including newspapers and memoirs, any by conducting in-depth interviews with humanitarian practitioners.

In Chapters 4, 5 and 6, I examine in concrete terms how maritime humanitarianism played out in different places and at different historical moments. I turn to a series of empirical case studies, describing three separate humanitarian rescue initiatives. These were launched in the South China Sea in the 1970s, the Florida Straits in the 1990s and the Central Mediterranean from 2015. The ventures were run respectively by a budding Médecins du Monde and an NGO named Cap Anamur, by a Cuban-American NGO named Hermanos al Rescate (Brothers to the Rescue), and by the Berlin-based NGO Sea-Watch. I selected these three case studies because they demonstrate different instances of maritime relief, while also illustrating the common thread of rebelliousness that flows throughout such humanitarian efforts. Not only were the rescue projects I describe carried out in diverse locations and time periods, they were also led by a striking range of actors (from veteran aid workers to journalists, political exiles, environmental activists and lawyers) and they took up diverse causes (from Cold War liberation struggles to campaigns for democratic revolution to no-borders activism). My case study choices therefore allow me to explore how different historical processes, geopolitical relations, physical topographies and ideological currents shaped, and were shaped by, the provision of maritime aid.

Whilst these case study chapters can be read together – particularly though the thematic lens of rebellion – it is not my intention to trace a smooth connection between each one, suggesting that they always speak to or build upon each other. As mentioned above, I chose these examples as much for their differences as their similarities. What these maritime initiatives really show us is the extraordinary diversity and creativity of rescue work – hence it would be a disservice to elide them together too much. In fact, taking each chapter on its own terms and recognising the variances between

rescue initiatives allows us to see the rebelliousness of maritime humanitarianism much more clearly. The fact that rescue proved unruly across all of these divergent contexts is what really makes maritime relief stand out as something distinctive. Ultimately, we should think of these cases as individual stories or nodes which collect around certain themes and points of interest – the physical space of the sea, the politicised nature of migration and the dilemmas (and opportunities) of providing humanitarian relief in such a context.

**Three Strands of Rebelliousness**

Over the course of the thesis' central chapters, I unpack three kinds of rebelliousness that have emerged as common threads of maritime humanitarianism. As suggested earlier, these are a move to resist professionalisation, a move to embrace political debates, and a move to promote advocacy as a central means of intervening in crisis. In Chapter 4, I turn to the first of these points. I examine two humanitarian initiatives that were launched in the South China Sea in 1978 and 1979. These were the 'Boat for Vietnam' projects, run by a budding Médecins du Monde and an organisation named Cap Anamur. The ventures were kickstarted by Bernard Kouchner, a longstanding aid worker and founding member of Médecins Sans Frontières, and Rupert Neudeck, a journalist with no previous experience of relief work. Despite their different backgrounds, Kouchner and Neudeck set up two closely connected projects, each aiming to assist 'boat refugees' fleeing Vietnam. The 'Boat for Vietnam' projects proved rebellious because they pushed against the currents of professionalisation, expansion and bureaucratisation that were transforming the aid sector at the time. The 'Boats for Vietnam' claimed to offer a pure and idealistic brand of relief that could bypass what they saw as the rise of red tape relief. The projects aimed to challenge more traditional aid agencies who were wary of venturing out to sea, instead claiming the sea as a space of humanitarian resistance. Many larger aid agencies viewed the 'Boats for Vietnam' as amateur exercises that brought down the reputation of the relief sector but, for the projects' proponents, this amateurism was precisely the attraction. As they saw things, the ventures' amateur nature allowed maritime humanitarians to offer a more authentic brand

of assistance within a bureaucratising industry that was losing its heart. In putting forward this argument, the 'Boats for Vietnam' caused considerable upset – they sparked clashes with more classical aid agencies like the German Red Cross and led to the infamous fracturing of Médecins Sans Frontières in 1979.

After examining these tensions, I move in Chapter 5 to explore how maritime humanitarians have engaged in highly political debates. This is best illustrated through the work of a Cuban-American NGO named Hermanos al Rescate (Brothers to the Rescue). This aid agency was established in 1991 and it aimed to assist Cuban rafters escaping Fidel Castro's regime across the Florida Straits to the United States. Instead of running rescue ships, Hermanos al Rescate used planes to locate and assist stranded refugees. Hermanos proved rebellious because it directly confronted the political undercurrents of maritime rescue. The NGO was providing support to Cuban refugees in a politically fraught context in the immediate aftermath of the Cold War. As communist escapees lost their ideological resonance, the United States reversed its longstanding policy of accepting Cuban migrants and instead established a system barring their access to American shores. Instead of adopting a more classical humanitarian approach and maintaining a neutral posture in the face of such changes, Hermanos dived straight into partisan debates over who did and didn't deserve to be supported at sea. Whilst it continued to provide practical rescue assistance to refugees, the NGO also launched new, activist projects aiming to tackle what it saw at the root causes of refugee deaths in the Straits: Castro's dictatorship and the United States' refusal to take such a regime down. Hermanos flew planes into Cuban territory to drop leaflets about human rights, lobbied the Clinton administration to intervene against Castro and took part in pro-democratic protests with militant Cuban exile organisations. The NGO deliberately strayed into the realm of immigration and foreign policymaking, upsetting governments on both sides of the Florida Straits and shaking the lines holding U.S.-Cuban relations in their precarious balance. Eventually, Castro took drastic action against Hermanos, shooting down two of its planes in 1996 and killing four pilots. Challenging the notion that humanitarians should be

neutral, even if just at the rhetorical level, Hermanos ended up taking maritime assistance into the realm of political activism.

Finally, in Chapter 6 I show how maritime humanitarians have promoted advocacy as a central part of the humanitarian toolkit. To illustrate this, I examine the work of the Mediterranean NGO Sea-Watch. This organisation was founded in 2015 by politically engaged activists of the German left and, from the beginning, it focused on protesting suffering in the Central Mediterranean. Sea-Watch spoke out at sea in order to campaign against the violence induced by new European Union (EU) border regulations. Describing itself as a 'swimming telephone', the NGO aimed to put an end to maritime deaths by publicly holding states to account over the violent consequences of their migration controls. Sea-Watch showed European audiences how fatalities at sea were directly linked to governments' strategies of interceptions and deterrence. In 2017, the NGO launched a series of reconnaissance planes that helped it to expand this project. Sea-Watch's pilots worked in close collaboration with the organisation's media team, speedily publishing instances where European states did not assist maritime migrants or where they pushed them back to North Africa. What stands out about Sea-Watch is its prioritisation of such interventions. Whilst other aid agencies tended to focus first and foremost on practical assistance, Sea-Watch put advocacy on at least an equal, and often higher, footing. The NGO argued that impartiality – the idea that humanitarian assistance should be provided in response to immediate need only – proved redundant at sea where intense political debates over immigration raised the separate issues of representation and whistleblowing. Sea-Watch claimed that humanitarians needed to look beyond direct medical impact to see how witnessing could promote policy change. As its name signals, the NGO wanted to 'watch' much more than it wanted to rescue because it felt that this was the only way to eliminate suffering in the long term. To this day, Sea-Watch remains one of the most vocal voices in the Mediterranean, positing publicity as a vital humanitarian act.

### The History of Humanitarianism

In today's world, 'humanitarianism' is widely known. We have become accustomed to images of aid workers dressed in bright, logo-stamped jackets as they hand out supplies in a refugee camp or treat the wounded in a makeshift hospital. We find NGO donation boxes at supermarket checkouts and watch charitable appeals in the advert breaks of our favourite television shows. Constantly reminded of the things that 'just a few pounds' can buy to ease others' suffering, we have come to normalise such systemic responses to crisis and emergency. Yet, sometimes, we might step back and ponder the origins of this response. We may ask just where this thing called 'humanitarianism' has come from.

In recent decades, and especially from around 2010, an exciting body of research has begun to devote attention to this question. Scholars have come to focus on humanitarianism, and its rise to prominence, as a global phenomenon that has played out over the course of several centuries. Michael Barnett's 2011 book *Empire of Humanity* was significant in its scope, tracing humanitarianism back in time over 300 years and offering a broad – perhaps too broad – overview of the industry.[15] Since then, a wealth of books and articles have followed suit. These studies turn to the past as a way of challenging simplistic assumptions about humanitarianism: that 'helping others' has only ever been driven by altruism, for example, or that it has always had positive consequences, or that it is always performed independently from state intervention.[16] Humanitarian historians argue that when we think of relief, we shouldn't only see bright jackets, charity donation boxes and television appeals. We should also

[15] Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011). Some scholars have criticised Barnett for biting off more than he can historically chew in this text and making overly sweeping claims as a result – see for instance David Rieff, "The Wrong Moral Revolution: On Michael Barnett," *The Nation*, October 5, 2011. Nonetheless, *Empire of Humanity* stands out for putting humanitarian history on the academic agenda and for beginning to dispel presentist assumptions about relief.

[16] Margot Abruzzo has shown how the 'moral language' of humanitarianism was used to justify enslavement as much as it was used to call for emancipation. Fiona Terry looks at the unintended negative consequences of humanitarian projects in Zaire, Pakistan, Honduras and Thailand. Terje Tvedt describes how NGOs can in fact be seen as 'development diplomats' that are much less independent from states' agendas than they might wish to be: Margaret Nicola Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011); Fiona Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action* (Ithaca: Cornell University Press, 2002); Terje Tvedt, *Angels of Mercy or Development Diplomats?: NGOs & Foreign Aid* (Oxford: James Currey and Africa World Press, 1998).

think, to cite just a few examples, of slave ships, Victorian soup kitchens, and African independence movements.[17] Using historical methods as tools of critique and reflection, these scholars encourage us to diversify and contextualise our understanding of care. Together they have built up a rich and lively sphere of enquiry – the field of humanitarian history.

As historians discussed at a recent *Past and Present* roundtable on 'history and humanitarianism', this field extends in many directions – of time, place and theme.[18] Spanning several 'ages of humanitarianism',[19] scholars trace aid back to the nineteenth century (when a newfound 'passion for compassion' began to drive international intervention) and even back to the sixteenth century (when the question of how to oppose tyranny and protect others' rights first reared its head).[20] Moving forwards from these moments, humanitarian historians have asked what aid has looked like during the First and Second World Wars, amidst the Cold War, and in the era of 'new wars' following the fall of the Iron Curtain.[21] They cover a sweeping range of geographical contexts, from the mountains of

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[17] Maeve Ryan, "The Price of Legitimacy in Humanitarian Intervention: Britain, the European Powers and the Abolition of the West African Slave Trade, 1807–1867," in *Humanitarian Intervention: A History*, ed. Brendan Simms and D J B Trim (Cambridge: Cambridge University Press, 2011), 231–56; Tom Scott-Smith, *On an Empty Stomach: Two Hundred Years of Hunger Relief* (Ithaca: Cornell University Press, 2020); Poppy Cullen, Steve McCorriston, and Andrew Thompson, "The 'Big Survey': Decolonisation, Development and the First Wave of NGO Expansion in Africa After 1945," *International History Review* 44, no. 4 (2022): 721–50.
[18] Matthew Hilton et al., "History and Humanitarianism: A Conversation," *Past & Present* 241, no. 1 (2018): 1–38. This conversation stands as an excellent overview of the field of humanitarian history and also comments on what scholars might yet do to diversify this field, by moving beyond Western conceptions of care, for example, and by engaging with other disciplines in the humanities and social sciences.
[19] In *Empire of Humanity,* Michael Barnett divides humanitarian history into different 'ages': Imperial Humanitarianism, Neo-Humanitarianism and Liberal Humanitarianism.
[20] Historians have shown the nineteenth century, most commonly known as the 'age of nationalism', to mark the birth of internationalism too, as humanitarian intervention became an established practice. See Abigail Green, "Humanitarianism in Nineteenth-Century Context: Religious, Gendered, National," *Historical Journal* 57, no. 4 (2014): 1157–75; Fabian Klose, *In the Cause of Humanity: A History of Humanitarian Intervention in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2022). The notion of this era as defined by a 'passion for compassion' comes from the work of Hannah Arendt: Hannah Arendt, *On Revolution* (New York: Penguin Books, 1994), 72. Brendan Simms and David Trim discuss the emergence of humanitarian sensibility in the sixteenth century: Brendan Simms and D J B Trim, *Humanitarian Intervention: A History* (Cambridge: Cambridge University Press, 2011).
[21] Bruno Cabanes, *The Great War and the Origins of Humanitarianism, 1918-1924* (Cambridge: Cambridge University Press, 2014); Silvia Salvatici, "'Fighters without Guns': Humanitarianism and Military Action in the Aftermath of the Second World War," *European Review of History* 25, no. 6 (2018): 957–76; Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, Mass.: Harvard University Press, 2011); Eleanor Davey, *Idealism beyond Borders: The French Revolutionary Left and the Rise of Humanitarianism, 1954-1988* (Cambridge, United Kingdom: Cambridge University Press, 2015); Abu Bakarr Bah, "The Contours of New Humanitarianism: War and Peacebuilding in Sierra Leone," *Africa Today* 60, no. 1 (2013): 3–26.

Transcaucasia to the plains of Zhili Province in Northeastern China to the hospitals of East Germany.[22] Finally, 'humanitarian histories' cover a vast range of subjects, from debates over slavery and abolition, to the politics of global governance and decolonisation movements, to the establishment of the international refugee regime.[23] Such writings feed into much broader historical literatures on empire, race, human rights, conflict, poverty and development - indeed, many scholars have come to the topic of relief from these areas of study.[24]

The scholarship on humanitarian history has been propelled by the launch of specialist journals like *Humanity* and the establishment of research centres like the Humanitarian and Conflict Response Institute.[25] Outside of academia too, the humanitarian sector has itself initiated several history-orientated projects. These include the launch of MSF's 'Speaking Out Case Studies' in 2013 and a 2011 Overseas Development Institute initiative seeking to promote the use of history amongst humanitarian practitioners.[26] Indeed, all of these ventures reflect a growing desire to encourage collaboration between historians and aid agencies, as recent publications by John Borton, Kevin O'Sullivan, Réiseal

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[22] Davide Rodogno, *Night on Earth: A History of International Humanitarianism in the Near East, 1918-1930* (Cambridge: Cambridge University Press, 2022); Pierre Fuller, "Decentring International and Institutional Famine Relief in Late Nineteenth-Century China: In Search of the Local," *European Review of History* 22, no. 6 (2015): 873–89; Young-Sun Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime* (Cambridge: Cambridge University Press, 2015).

[23] Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880-1940* (Oxford: Oxford University Press, 2015); Margot Tudor, *Blue Helmet Bureaucrats: United Nations peacekeeping and the reinvention of colonialism, 1945-1971* (Cambridge: Cambridge University Press, 2023); Anne Irfan runs the British Academy project 'Borders, Global Governance and the Refugee': https://www.thebritishacademy.ac.uk/projects/uk-international-challenges-19-borders-global-governance-refugee-1947-51/ [accessed May 2, 2023].

[24] Without turning this footnote into a bibliography of its own, some recent and exciting publications which connect such literatures to humanitarianism include Rob Skinner and Alan Lester, "Humanitarianism and Empire: New Research Agendas," *Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 729–47; Bronwen Everill, *Abolition and Empire in Sierra Leone and Liberia* (Basingstoke: Palgrave Macmillan, 2013); Stefan-Ludwig Hoffmann, *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010); Peter Gatrell, *The Making of the Modern Refugee* (Oxford: Oxford University Press, 2013); Nick Cullather, *The Hungry World: America's Cold War Battle against Poverty in Asia* (Cambridge, Mass.: Harvard University Press, 2010).

[25] *Humanity* was established in 2010, the HCRI in 2008.

[26] The 'speaking out' case studies explore a range of historical humanitarian crises, focusing on what drove MSF to protest suffering in each example. They can be accessed at https://www.msf.org/speakingout [accessed May 1, 2023]. Writings produced as part of the ODI's 'Global History of Modern Humanitarian Action' project are available at https://www.odi.org/projects/2547-global-history-modern-humanitarian-action-moving-forward-hpg [accessed May 1, 2023].

Ní Chéilleachair and Eleanor Davey (amongst others) prove testament to.[27] Whilst there are still obstacles limiting open communication between scholars and humanitarians, the will to open up a reflective dialogue between both groups gives real impetus to historical study.

This thesis takes the fundamental premise of humanitarian history – the desire to move beyond a 'perpetual present' of contemporary crisis – and applies it to a new subject: maritime relief.[28] The thesis works to counter the idea that maritime humanitarianism is a recent phenomenon, emerging largely as a response to the 2015 'migration crisis'. In contrast to this view, I aim to show that humanitarian rescue projects have a much deeper history. In essence, this thesis takes the argumentative formula of humanitarian history described above and applies it to rescue projects at sea: when we think of these ventures we shouldn't only think of today's Mediterranean ships and contemporary debates about 'Fortress Europe'; we should also think about Vietnamese fishing boats, Fidel Castro's Cuba and the development of the international law of the sea.

In making such connections, the thesis intervenes in one historical discussion in particular, concerning the modern origins of humanitarianism in the wake of the Nigerian-Biafran war. A prominent topic of enquiry for modern historians is the question of how humanitarianism has changed since the late 1960s, which is commonly seen as the moment when an internationalised and professionalised aid industry emerged.[29] Whilst there were of course international, professional aid

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[27] J N Borton, "Improving the Use of History by the International Humanitarian Sector," *European Review of History* 23, no. 1–2 (2016): 193–209; Kevin O'Sullivan and Réiseal Ní Chéilleachair, "Past Practice into Future Policy: A Model for Historical Reflection in the Humanitarian Sector," *Journal of Humanitarian Affairs* 1, no. 2 (2019): 51–55; John Borton and Eleanor Davey, "History and Practitioners: The Use of History by Humanitarians and Potential Benefits of History to the Humanitarian Sector'," in *The Impact of History? Histories at the Beginning of the Twenty-First Century*, ed. Pedro Ramos Pinto and Bertrand Taithe (London: Routledge, 2015), 153–69. Eleanor Davey also wrote a policy brief on the topic of collaboration as part of the ODI project described above: Eleanor Davey, "Humanitarian History in a Complex World", ODI Humanitarian Policy Group policy brief no. 59 (May 2014), available at http://www.odi.org/publications/8407-humanitarian-history-past-aid [Accessed May 1, 2023].

[28] The idea that the humanitarian sector is tied up in a 'perpetual present' comes from J N Borton, "Improving the Use of History by the International Humanitarian Sector": 193.

[29] Barnett, *Empire of Humanity*; Kevin O'Sullivan, *The NGO Moment: The Globalisation of Compassion from Biafra to Live Aid* (Cambridge: Cambridge University Press, 2021); Kevin O'Sullivan, "Humanitarian Encounters: Biafra, NGOs and Imaginings of the Third World in Britain and Ireland, 1967-70," *Journal of Genocide Research* 16, no. 2–3 (2014): 299–315; Imogen Dobie, "Rocking the Boat: Maritime Rescue and the Professionalization of Relief, 1978-82," *European Review of History* 29, no. 4 (2022): 614–35.

agencies prior to this point, this decade marked the point when NGOs really stepped into the spotlight, expanding around the world under huge waves of attention and funding. At the same time, the 1960s are seen to have drawn attention to the fundamental dilemmas of humanitarian assistance, forcing aid workers to confront the reality that aid may hinder rather than help. This period is therefore described, in Alex de Waal's famous epithet, as both a 'totem and taboo' moment for humanitarians, drawing attention to their work but also exposing their weaknesses.[30]

An extensive list of scholars has asked what direction humanitarianism went in from this point onwards. When aid workers responded to post-Biafran crises – to the outbreak of famine in Ethiopia between 1983 and 1985; the genocide of the Rwandan Tutsi in 1994, the escalation of ethnic violence in Kosovo from 1998 to 1999, and the eruption of conflict in Afghanistan and Iraq in the early 2000s to name a few examples – how did their work alter? Three main themes come out of this scholarship. The first centres around the questions of scale and status. As Kevin O'Sullivan has argued, the period between the 1960s and 1980s can be understood as an 'NGO moment' in which aid agencies expanded in number and size all over the world and began to embark upon a process of professionalisation. As O'Sullivan puts it, the period after Biafra marks a critical time in which NGOs 'transitioned from the rather patronising label of 'charities' or 'voluntary agencies' to being thought of as reliable, 'expert' providers of aid'.[31] Humanitarian relief, in short, hit the big time on the international stage, finding a new stardom that was captured in initiatives like Band Aid.

The second theme emerging from this discussion relates to the expanding ideological focus of humanitarianism. The experience of Biafra is seen to have kickstarted a revolution within the humanitarian sector, in which aid workers argued that needs-based assistance was not enough – humanitarians also needed to address questions of rights, solidarity and justice. Conditioned by the upheavals of the 1968 era and the unfolding human rights revolution in the 1970s, this period is seen

[30] Alex De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: Currey, 1997), 72-73.
[31] O'Sullivan, *The NGO Moment*, 3.

to mark the birth of 'new humanitarianism', under which the beneficiaries of aid became rights-holders and relief organisations some of their fiercest advocates.[32]

The final theme emerging from the scholarship on modern relief relates to the public face of humanitarianism and the question of whether aid workers should move beyond practical support into the realm of publicity and campaigning. Historians have argued that this moment marked the ascendance of advocacy as a humanitarian activity.[33] After Biafra, it is commonly understood, aid workers started to get heavily involved in media campaigning in order to raise awareness of suffering. The establishment of Médecins Sans Frontières in 1971, for example, is seen as a pivotal moment in which the relief sector began to focus on 'witnessing' and 'speaking out' as well as working practically to provide medical aid.[34] Whilst the narrative of modern humanitarianism certainly cannot be reduced to these three developments, they mark some of the key, brushstroke changes which transformed (and often unsettled) the aid industry from the 1960s onwards.

Instead of tracking these alterations in the landed contexts listed above, this thesis follows them across maritime ones. It asks whether changes relating to expansion, rights and advocacy also affected humanitarian interventions at sea and, if so, what impact they had on the provision of care. In essence, the thesis builds an alternative, maritime history of humanitarianism from the 1960s up to the present day. It begins to uncover how the humanitarian trends that commonly define this era played out differently in a disparate operational context. The story of maritime aid therefore provides a

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[32] Moyn, *The Last Utopia: Human Rights in History*; Samuel Moyn, "Human Rights and Humanitarianization," in *Humanitarianism and Human Rights: A World of Differences?*, ed. Michael Barnett, (Cambridge: Cambridge University Press, 2020), 33–48; David Chandler, "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda," *Human Rights Quarterly* 23, no. 3 (2001): 678–700; Paul Berman, *Power and the Idealists, or, The Passion of Joschka Fischer, and Its Aftermath* (New York: Norton, 2007).
[33] Michal Givoni, *The Care of the Witness: A Contemporary History of Testimony in Crises*, (New York: Cambridge University Press, 2016); Paul Harrison and Robin Palmer, *News out of Africa: Biafra to Band Aid* (London: Hilary Shipman, 1986); Jonathan Benthall, *Disasters, Relief and the Media* (London: I.B. Tauris, 1993).
[34] Fabrice Weissman, "Silence Heals…from the Cold War to the War on Terror, MSF Speaks Out: A Brief History," in *Humanitarian Negotiations Revealed: The MSF Experience*, ed. Claire Magone, Michaël Neuman, and Fabrice Weissman (London: Hurst, 2012), 177–97; Eleanor Davey, "Famine, Aid, and Ideology: The Political Activism of Médecins Sans Frontières in the 1980s," *French Historical Studies* 34, no.3 (2011): 529-558; Renée C Fox, *Doctors without Borders: Humanitarian Quests, Impossible Dreams of Médecins Sans Frontières* (Baltimore: Johns Hopkins University Press, 2014).

revisionist account of modern humanitarianism. It prompts us to look at the standard narrative of modern humanitarian history from a new angle, nuancing our understanding of the changing nature of relief.

## Humanitarian Principles

By tracing the history of maritime aid, this thesis also connects to another body of scholarship focused on the nature of humanitarian principles. This literature asks what it is that guides humanitarian action – what ideas and values shape the provision of assistance? It is especially interested in exploring how these ideas run into difficulty, or at least provoke discussions, when applied in real world contexts. For example, it is all very well for humanitarians to sit down at a meeting table and claim to be motivated by the principle of neutrality, but how do they actually put such ideals into practice in the middle of a conflict zone?[35] Might some of them decide that it is not possible, or even desirable, to uphold such commitments?

This literature is very closely linked to modern humanitarian history because at its heart is the notion that older, classical humanitarian ideals have become less viable or relevant in recent decades. Classical (Western) humanitarianism is commonly understood to be guided by a set of ideological pinpoints which date back the founding of the International Committee of the Red Cross (ICRC) in the middle of the nineteenth century, with even earlier roots in the European Enlightenment.[36] It is seen to revolve around certain fundamental principles, the most well-known of these being humanity, neutrality, impartiality, and independence. These principles establish that humanitarian actors have obligations to meet the fundamental needs of suffering individuals, that they should act without

[35] Hugo Slim, "Positioning Humanitarianism in War: Principles of Neutrality, Impartiality and Solidarity," in *Aspects of Peacekeeping*, ed. D S Gordon and F H Toase (London: Frank Cass, 2001), 125–41; Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (Cambridge: Cambridge University Press, 2014).
[36] John F Hutchinson, *Champions of Charity: War and the Rise of the Red Cross* (Boulder: Westview Press, 1996); David P Forsythe, *The Humanitarians: The International Committee of the Red Cross*, *International Committee of the Red Cross* (Cambridge: Cambridge University Press, 2005). On humanitarianism and the Enlightenment see Klose, *In the Cause of Humanity*, 39-46; Patricia Margaret Warthon, "The Humanitarian Movement in European History," *Il Politico* 48, no. 4 (1983): 693–726.

advancing the cause of one set of political actors over those over another, that they should establish financing structures that maintain their independence from states, and that they should follow procedures that assess eligibility for assistance in a way that treats all individuals equally.[37] Since the 1990s, however, a great deal of scholarship has presented this model of assistance as somehow in crisis and much of it points to the 1960s as the time when this fracturing process began.[38] The changes which impacted the aid sector from this decade onwards are seen not only to have altered the way that humanitarianism was delivered but also to have shaken up its grounding principles, creating moments of tension and uncertainty.[39] The key idea here is that, during the second half of the twentieth century, aid workers' understanding of what it meant to be humanitarian was challenged. Humanitarian agencies were working on a much larger scale and intervening in some highly politicised conflicts. Did classical humanitarian principles still work in such contexts? Or did this ideological framework for humanitarianism need updating to reflect new conditions of crisis?

This period didn't only mark the destabilisation of classical humanitarian ideas; it also brought many of the frictions underlying 'new humanitarianism' to a head. As the standard narrative arc suggests, aid agencies had begun to challenge the viability of ICRC-style aid, but now their own alternative interpretations of assistance were put to the test. As more politically engaged forms of care were put into practice, they came to be scrutinised, sparking moments of doubt, hesitation and disagreement.[40] Fiona Terry, for example, has pointed out the problems that came from aid workers'

[37] More detailed descriptions of the core humanitarian principles, their origins and the challenges they bring with them can be found in Jean Pictet, *The Fundamental Principles of the Red Cross Proclaimed by the Twentieth International Conference of the Red Cross, Vienna, 1965: Commentary* (Geneva: Henry Dunant Institute, 1979); Jérémie Labbé and Pascal Daudin, "Applying the Humanitarian Principles: Reflecting on the Experience of the International Committee of the Red Cross," *International Review of the Red Cross* 97, no. 897–898 (2015): 183–210; Marion Harroff-Tavel, "Neutrality and Impartiality—The Importance of These Principles for the International Red Cross and Red Crescent Movement and the Difficulties Involved in Applying Them," *International Review of the Red Cross* 29, no. 273 (1989): 536–52; Humanitarian Studies Unit, *Reflections on Humanitarian Action: Principles, Ethics and Contradictions* (London: Pluto Press, 2001).
[38] David Rieff, "Humanitarianism in Crisis," *Foreign Affairs*, November 1, 2002; Eve Porter, *World in Crisis: The Politics of Survival at the End of the Twentieth Century* (London: Routledge, 1997); Johannes Paulmann, *Dilemmas of Humanitarian Aid in the Twentieth Century* (Oxford: Oxford University Press, 2016); De Waal, *Famine Crimes*.
[39] Hugo Slim, "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergemcies and War," *Disasters* 21, no. 3 (1997): 244–57.
[40] Roberto Belloni, "The Trouble with Humanitarianism," *Review of International Studies* 33, no. 3 (2007): 451–74; Sarah Kenyon Lischer, "Collateral Damage: Humanitarian Assistance as a Cause of Conflict," *International Security* 28, no. 1 (2003): 79–109.

more political engagement in crisis during the Cambodian refugee crisis in the 1970s.[41] Responding to the displacement of millions of Cambodians fleeing the Khmer Rouge, aid agencies like Médecins Sans Frontières decided to openly pass judgement on warring parties. Leading a protest march along the Khmer-Thai border – the 'March for the Survival of Cambodia' – the NGO argued that it was pointless, and in fact damaging, to invoke humanitarian principles in such a politically charged context. However, this action was highly contentious because it cut off MSF's access to suffering individuals within Cambodia. It also led to accusations that the aid agency was being manipulated by the United States for propaganda purposes (the march was undertaken with the International Rescue Committee which many saw as a front for the CIA).[42]

The spreading of an internal crisis of confidence within the humanitarian sector, scholars argue, then accelerated during the 1990s. The likes of Terry, David Rieff, Howard Adelman and Peter Uvin, for instance, have explored how humanitarian insecurities about modern humanitarian intervention – and the ideas that came with it – grew during the Rwandan genocide.[43] Here, aid agencies' attempts to navigate the murky moral waters of the civil war led to outraged accusations that humanitarians were actually helping the *génocidaires*. Also during this period, the growing connection of humanitarian assistance to human rights campaigning and global governance drew relief efforts into problematic military interventions. After Biafra, humanitarians argued that they had both a duty and a right to engage in active, concerted intervention, at times disregarding sovereignty and borders in the provision of relief – this was the idea of *sans-frontiérisme* or 'borderlessness' which I discussed earlier.[44]

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[41] Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action*, 114-155; Rony Brauman, "Refugee Camps, Population Transfers, and NGOs," in *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, ed. Jonathan Moore (Lanham: Rowman & Littlefield, 1998), 177–95.
[42] For more writing on humanitarian intervention during the Cambodian crisis see Davey, "Famine, Aid, and Ideology"; O'Sullivan, *The NGO Moment,* 117-134.
[43] Terry, *Condemned to Repeat?: The Paradox of Humanitarian Action*, 155-216; David Rieff, *A Bed for the Night: Humanitarianism in Crisis* (London: Vintage, 2002); Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, Conn: Kumarian Press, 1998); Tony Vaux, *The Selfish Altruist: Relief Work in Famine and War* (London: Earthscan Publications, 2001); Howard Adelman, "The Use and Abuse of Refugees in Zaire," in *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, ed. Stephen John Stedman and Fred Tanner (Washington, D.C.: Brookings Institution, 2003), 95–135; Andy Storey, "Non-Neutral Humanitarianism: NGOs and the Rwanda Crisis," *Development in Practice* 7, no. 4 (1997): 384–94.
[44] Ultimately, this idea was more prominent in discourse than in practice, being rarely applied in reality.

Originally this had been a rather radical proposition aimed at facilitating the provision of immediate assistance but its value came to be questioned after it was used to sanction other forms of intervention in nations' internal affairs. The disregard for borders and the championing of others' rights was slowly taken out of humanitarian hands and placed into the velvet-gloved fists of governments.[45] In this way, as David Rieff has most prominently argued, humanitarian ideals gradually became a fig leaf for invasive actions that major powers took in their own national interest.[46] As Paul Berman has shown, the ideas of Bernard Kouchner and other 'new philosophers' were crucial here, taking arguments that had previously been isolated from statecraft into the realm of foreign policy.[47] Eventually by the 1990s and early 2000s, in places like Kosovo, southern Sudan, Iraq and Afghanistan, humanistic intervention was turned by governments into a strategic national interest that legitimated more militarised activities. As these challenges and unwanted developments piled up, very few aid workers knew which way to turn. If classical humanitarianism no longer seemed effective, but 'new humanitarianism' proved to be flawed too, then what was left of the humanitarian ideal?

This literature therefore explores the core operational and ethical debates underpinning aid. It reveals humanitarianism to be a movement that is perpetually plagued with doubts over its efficacy and complicity.[48] This raises the central issue of how aid workers should respond to the 'crisis of crisis relief'?[49] Should they reign humanitarianism back in and focus predominantly on meeting basic needs, simply providing 'a bed for the night'?[50] Should they become more technical and professional, oriented

[45] Michael Pugh, "Military Intervention and Humanitarian Action: Trends and Issues," *Disasters* 22, no. 4 (1998): 339–51.
[46] Rieff, *A Bed for the Night.*
[47] Paul Berman, *Power and the Idealists; Paul Berman, A Tale of Two Utopias: The Political Journey of the Generation of* 1968 (New York: W.W. Norton & Co., 1996).
[48] Jonathan Moore, *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham, Md.: Rowman & Littlefield, 1998); Paulmann, *Dilemmas of Humanitarian Aid during the Twentieth Century*; Daniel Bell and Jean-Marc Coicaud, *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations* (Cambridge: Cambridge University Press, 2007); Jennifer Rubenstein, *Between Samaritans and States: The Political Ethics of Humanitarian INGOs* (Oxford: Oxford University Press, 2015).
[49] Paulmann, *Dilemmas of Humanitarian Aid during the Twentieth Century*, 1.
[50] Rieff, *A Bed for the Night.*

around minimum standards, accountability schemes, and randomised control trials?[51] Or should they keep trying to free themselves (in practice if not always in rhetoric) from founding principles like neutrality and impartiality, keeping up a certain level of political engagement?[52] Often, scholars have gone much further than pointing out humanitarians' own responses to such quandaries, offering forceful arguments of their own (David Rieff stands out clearly here, as does David Chandler).[53] But what all of these studies bring out is the question of what a 'good', 'proper' or 'effective' humanitarian intervention should look like in the context of modern emergencies.

Working at sea has forced aid workers to viscerally confront this question – and to offer up some provocative answers. This is why an exploration of maritime humanitarianism can open up this body of scholarship, showing how new contexts for aid twist humanitarian debates in interesting ways. Operating in a distinctive and highly contentious setting outside state borders, relief workers at sea have had to renegotiate their priorities, values and identities. This has driven them to put forward some rebellious arguments about what humanitarianism should entail, and what ideas and principles it should be based on. The overarching aim of this thesis is to highlight these arguments, showing how they shape the rescue of refugees and migrants at sea into a distinctive, rebellious model of care. My intention is to leave the reader with a rich understanding of maritime humanitarianism, what it involves, and how it challenges us to rethink our definitions of emergency relief. First, however, it is important to understand when this form of aid first appeared and where it came from.

[51] Nicholas Stockton, "In Defence of Humanitarianism," *Disasters* 22, no. 4 (1998): 352–60; Lola Gostelow, "The Sphere Project: The Implications of Making Humanitarian Principles and Codes Work," *Disasters* 23, no. 4 (1999): 316–25.
[52] Tom Scott-Smith, "Humanitarian Dilemmas in a Mobile World," *Refugee Survey Quarterly* 35, no. 2 (2016): 1–21.
[53] Rieff, *A Bed for the Night*; Chandler, "The Road to Military Humanitarianism".

# Chapter 2

# Background and Context

*Have honour [to] refer to [the] problem of persons leaving [the] Indochinese Peninsula in small boats. Their perilous situation is well known. […] We therefore invite your government to consider favourably the possibility of instructing or reviewing instructions to masters of vessels flying the flags of your country to ensure that maritime traditions and the applicable provisions of international instruments regarding rescue at sea are duly honoured in order to save the lives of these unfortunate persons.*

*C. P. Srivastava*
*Secretary-General, Inter-Governmental Maritime Consultive Agency*

*Poul Hartling*
*United Nations High Commissioner for Refugees*

On 12th December 1978, reacting to the suffering of 'boat refugees' in the South China Sea, the United Nations High Commissioner for Refugees (UNHCR) and the Inter-Governmental Maritime Consultive Agency (IMCO) published a joint humanitarian appeal to governments through the International Chamber of Shipping.[1] Aware that refugees were dying at sea as displacement in Southeast Asia escalated, the appeal did two things. First, it portrayed the flight of 'boat people' as a humanitarian emergency requiring urgent action. It impressed upon governments the moral imperative to save lives at sea. Second, the appeal pushed forwards the maritime tradition of sea rescue as a means of responding to the unfolding crisis. In this way, it brought together two sectors which until now had seldom interacted: those of relief and seafaring. Before the escalation of displacement in the South China Sea, neither sector had taken much notice of the other, let alone worked together. But now an international shipping agency was making requests for care to governments and, in turn, an international relief organisation was expounding the mechanisms of rescue operations.

[1] "Joint IMCO/UNHCR appeal to IMCO member states", UNHCR Archives, Geneva, 10c/PRE-1978/54.

UNHCR and IMCO's joint appeal represents a significant crossing of paths and it marks the 1970s as the moment when maritime humanitarianism emerged significantly onto the world stage. It was in this decade, in response to the unfolding Indochinese refugee crisis, that humanitarianism and sea rescue overlapped in a substantial way. As maritime displacement rocketed in Southeast Asia, the humanitarian sector began to take a strong interest in the obligations and processes of sea rescue. In turn, representatives of the seafaring world (such as shipowners and crew, shipping companies, and officials from international maritime agencies like IMCO) began to turn to humanitarian organisations for impetus and inspiration when organising maritime assistance. As a result, the cogs of rescue and relief began to slot together.

Maritime humanitarianism as it emerged in the 1970s was defined by a curious mix of activism and constraint. This was due to the fact that, at their moment of convergence, the humanitarian and seafaring sectors were both experiencing significant reorganisation and upheaval. The aid industry was undergoing change following the emergence of a 'new humanitarian' movement which challenged more traditional approaches to relief. Putting forwards some alternative ideas, 'new humanitarians' focused on working 'without borders', supporting human rights and speaking out against injustice. This meant, on the one hand, that the overlapping of rescue and relief was a promising development, since it gave humanitarians an opportunity to put 'borderless' aid into practice at sea. On the other hand, however, this partnership had the potential to be divisive, due to a set of different events that were unfolding within the seafaring sector. This sector was going through an uncomfortable teething phase at the time as it began to structure sea rescue under a new legal instrument, the 1979 International Convention on Maritime Search and Rescue.[2] This convention threw up a lot of ambiguities and tensions regarding the rights and duties of different actors who were travelling by sea towards states' territorial borders. Ironically for an instrument aimed to facilitate maritime assistance, it put some

[2] Felicity G Attard, *The Duty of the Shipmaster to Render Assistance at Sea under International Law* (Boston: Brill, 2020), 6, 58.

significant constraints on humanitarian action and it generated disagreements over how much freedom ships should have outside state territory.

Over the course of this chapter, I look at each of these developments in greater detail. First, I outline, in practical terms, how the spheres of maritime rescue and humanitarian aid came together during the 1970s. I then describe the broader changes that were taking place within the humanitarian and seafaring sectors at this time, raising discussions related to borders, 'borderlessness', state sovereignty and humanitarian mobility. Finally, I show how these discussions came to shape maritime humanitarianism.

**Prehistories of Rescue and Relief**

Sea rescue is an unwritten maritime duty that goes back centuries, referencing the moral imperative to protect human life at sea. The practice of rescue allowed seafarers to show solidarity with each other as they risked the perils of ocean navigation. These risks were even more acute in the past. Without modern technologies such as satellite and radio, maritime voyages were highly dangerous, the dangers of storms, navigational errors, pirate attacks and shipwrecks making seafaring a hazardous profession. It was for this reason that sailors acknowledged the obligation to assist any of their fellow associates whom they found in distress. Since every seafarer knew their life was at risk on the waves, the moral duty to rescue functioned as a form of camaraderie and a reciprocal assurance of 'I'll help you if you'll help me'.[3]

In some ways, this seafaring obligation was distinctively humanitarian, given its foundational focus on the value of protecting human life at sea. However, it remained limited in scope to a small community of sailors and was not expanded as a broader form of care to other vulnerable groups or

[3] On the origins of this duty see Jeffrey Maltzman and Mona Ehrenreich, "The Seafarer's Ancient Duty to Rescue and Modern Attempts to Regulate and Criminalize the Good Samaritan," *Tulane Law Review* 89, no. 5–6 (2015): 1267–80.

populations. Rescue, in short, was motivated by compassion, but it was a compassion that did not extend beyond a specific set of professional beneficiaries. This confinement of assistance to the seafaring world was institutionalised under international law during the twentieth century. During this period, the 'duty to rescue' was codified for the first time in the 1910 Salvage Convention and was subsequently built on in legal instruments including the 1910 Collisions Convention, the 1958 High Seas Convention and the regularly updated Convention for the Safety of Life at Sea (SOLAS).[4] In each of these conventions, the focus of assistance was narrow and technical. Whilst rescue did feature in these instruments, it was largely mentioned in relation to technicalities including the process of salvage after storms and collisions or the specifics of ship design. Such matters were really only relevant within the seafaring world of trade, navigation and exploration. Rescue took on an ethical mantle but there was little impetus to expand it beyond professional confines and view it as a principle with its own humanitarian merit.

Beyond the legal world, rescue could be applied more broadly. However, its expansion towards individuals outside the seafaring community proved highly selective. For instance, the mass migration of Europeans to America and Africa during the eighteenth and nineteenth centuries sparked the creation of several sea rescue societies in Europe. These lifesaving organisations aimed to prevent the loss of emigrants' lives at sea.[5] They afforded support to ordinary citizens stranded on migratory journeys. However, this was a highly discriminatory practice, marked by racialised distinctions.[6] Most notably, the millions of slaves who we were being moved across the Atlantic during the same period were never offered support or assistance. Infamously in 1781, when a slave ship named the *Zong* ran

[4] The first version of SOLAS Treaty was passed in 1914 in response to the *Titanic* disaster but SOLAS was then updated in 1929, 1948, 1960 and 1974.

[5] The first and most famous of these lifesaving societies was the British Royal National Lifeboat Institution (RNLI), founded in 1824, but this period also saw the establishment of national lifesaving organisations in Germany (1865) Belgium (1838), Denmark (1851), Finland (1897), Italy (1871), Netherlands (1824) and Norway (1891). On this history see Clayton Evans, *Rescue at Sea: An International History of Lifesaving, Coastal Rescue Craft and Organisations* (London: Conway Maritime, 2003).

[6] For a commentary on the racial prejudices underlying historical lifesaving see Klaus Vogel, *Tous Sont Vivants* (Paris: Les Arènes, 2017), 62. The question of who is seen to be worthy of rescue (and who is not) is also explored in a more contemporary context in Ida Danewid, "White Innocence in the Black Mediterranean: Hospitality and the Erasure of History," *Third World Quarterly* 38, no. 7 (2017): 1674–89.

into distress off the coast of Jamaica, no attempt was made to assist the 442 enslaved Africans on board. Not only did the *Zong*'s British crew kill 142 of these slaves to save themselves, but the ship's owners later made a claim to their insurers for the loss of this 'cargo'.[7] Incidents such as this revealed rescue to be a highly hierarchised ethic. To put it crudely, rescue was for the benefit of white European seagoers. It never became an unbounded, impartial gesture of care.

Sea rescue remained distinctively 'unhumanitarian' in this sense. For its part, too, the relief sector took very little interest in the workings of maritime rescue. After humanitarianism became institutionalised in the nineteenth century, concern for mobile people concentrated almost exclusively on the figure of the refugee or war victim fleeing by foot. This was the case right through the period of humanitarian growth up to and after the Second World War. The major aid organisations founded during this period, such as Oxfam and CARE, were set up in response to landed suffering, reacting to famine and food shortages. Similarly, most international humanitarian agencies established after the war (like UNHCR) focused on the provision of shelter and support to those moving across borders. It was not that humanitarian assistance was never maritime. During the First and Second World Wars, for example, aid agencies like the International Committee of the Red Cross (ICRC) began to increase the use of hospital ships. The ICRC sent these iconic vessels, painted white and protected under international humanitarian law, to carry aid supplies to conflict zones and evacuate wounded persons. Governments and other, more activist organisations also used ships to transport displaced persons away from conflict and persecution. In 1958, the American Navy transported 8,944 refugees fleeing the Hungarian revolution to New York across the Atlantic and, perhaps most famously in the 1940s, Zionist organisations organised an underground network known as the Brichah which helped thousands of Jews to emigrate to Palestine by sea.[8] In none of these instances, however, was the sea

[7] Ian Baucom, *Specters of the Atlantic: Finance Capital, Slavery and the Philosophy of History* (Durham, NC: Duke University Press, 2005). For a reflection of how this case was used to highlight the racial dynamics of Mediterranean displacement see Yogita Goyal, "The Logic of Analogy: Slavery and the Contemporary Refugee," *Humanity* 8, no. 3 (2017): 543–46.

[8] See Adam B Seigel, 'A Sampling of U.S. Naval Humanitarian Operations', Naval History and Heritage Command Report, available at https://www.history.navy.mil/research/library/online-reading-room/title-list-

considered a primary site of humanitarian concern. Since the subjects of care were not suffering directly in maritime spaces, relief was provided at sea in a more incidental manner. Put simply, ships did not travel *to* the sea to provide assistance in these examples; they travelled *through* it. Humanitarian projects seldom entailed the support of individuals directly in peril on the waves and rescue was not needed as a tool of assistance.

However, as I argue in this chapter, all this changed in the 1970s. During this decade, aid workers began to pay direct attention to the sea as a site of suffering. Maritime rescue was also expanded in scope, becoming an activity that was potentially applicable to all persons on the move at sea, regardless of profession, race or background. Sea rescue soon came to be seen as a powerful response to humanitarian emergencies. In essence, the activities of humanitarian and seafaring organisations began to overlap in this period. The trigger for this was the mass displacement of Vietnamese refugees. As an unprecedented number of 'boat people' fled persecution and deprivation, the sea became a very visible locus of suffering, and this visibility was enhanced by the growing involvement of the media in crisis response. Maritime displacement was highly publicised for the first time, as news of refugees' escapes on small and unseaworthy boats streamed across the world. As the perils of crossing the South China Sea became known, humanitarianism and rescue collided.

**The Vietnamese Refugee Crisis – Displacement at Sea**

The upheavals that followed the victory of communist powers in Vietnam, Cambodia and Laos in 1975 triggered large-scale displacement in Southeast Asia. In Vietnam following the Fall of Saigon, more than a million perceived enemies of the revolution were rounded up and sent to 're-education' camps – an artful term used to describe an expanding network of forced labour camps. The new socialist

alphabetically/s/sampling-of-us-naval-humanitarian-operations.html [accessed January 8, 2024]. On the transportation of Jewish refugees to Palestine, see Tony Kushner, 'The Ship and the Battle over Migrant 'Illegality" in Journeys from the Abyss: The Holocaust and Forced Migration from the 1880s to the Present, ed. Tony Kushner (Liverpool: Liverpool University Press, 2017).

republic also embarked on a programme of forced resettlement, moving urban dwellers to the countryside to inhabit 'new economic zones'. Facing such limitations on their freedom and squeezed also by economic deterioration, tens of thousands of Vietnamese citizens attempted to flee the country, an illegal act under the new regime. Few of these refugees could cross landed borders to neighbouring countries and so, by the beginning of 1978, more than 500,000 refugees had left Vietnam by sea.[9] The maritime exodus increased even more sharply from this point onwards in response to the government's increased targeting of the country's ethnic Chinese population. By the end of 1978, the number of boat refugees seeking shelter in camps in South East Asia had reached 62,000.[10]

Most Vietnamese refugees used small fishing boats as their means of escape since these were easy for those with rural jobs to get hold of. However, whilst safe for coastal voyages, these vessels were not built for open water sailing. Coupled with the fact that they were often chronically overloaded, the journeys of Vietnamese escapees were extremely dangerous. Refugee boats often sank in storms or were blown off course. Those on board quickly ran out of food and water. The vessels, loaded with valuable possessions, also became easy targets for pirates.[11] Although it is impossible to accurately chart maritime fatalities and disappearances in this period, estimates from the time reported that at least one in ten (and up to half) of those who attempted to reach safety by boat were lost, their passengers drowned or perishing through starvation and dehydration.[12] Matters were made worse by the fact that, at the beginning of the refugee exodus, not a single country in the region had acceded to the 1951 Refugee Convention or its 1967 Protocol. None of the Southeast Asian countries receiving Vietnamese boat people gave them permission to stay permanently and some would not even permit temporary

[9] National Geographic Society, "Migration of the 'Boat People,'" 2012, available at https://media.nationalgeographic.org/assets/file/vietnamese_MIG.pdf [accessed June 9, 2023]. Vietnam is bordered only by Cambodia, China, and Laos. At the time of the 'boat people' crisis, Vietnam was at war with Cambodia – which was, in turn, supported by China. Laos was controlled by a communist government similar to, and supported by, the government of Vietnam. Hence, whilst some refugees trekked on foot through Laos into Thailand, the majority of Vietnamese escapees fled by sea, travelling on small boats to countries including Malaysia, Hong Kong, Thailand, Singapore and the Philippines.
[10] UNHCR, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action*, ed. Mark Cutts, (Geneva: New York: 2000), 82.
[11] Barry Wain, "The Indochina Refugee Crisis," *Foreign Affairs* 58, no. 1 (1979): 160–80.
[12] UNHCR, *The State of the World's Refugees*, 86.

refuge. Soon, 'pushback' operations became routine, with navies and coastguards forcing refugee vessels to turn away from their shores. Often, these agencies simply towed refugees' boats back out to sea where they abandoned them. For example, in 1979 51,422 people in 386 boats were reported to have been 'assisted out' of Malaysian waters.[13]

Stories of refugees' attempts to seek safety across the South China Sea, the dangers they met with and the hostility of neighbouring states towards them soon began to gain traction in the media. As narratives of maritime displacement circulated in newspapers and on television screens around the world, the concern of the international community centred for the first time on what the United Nations termed 'the spectre of men, women and children cast on the waters to drift and drown'.[14] The iconic image of displacement in this era was no longer that of the landed refugee, fleeing by foot. Instead, it was that of the flimsy vessel, crammed full of weakened refugees who had been cast away from the shores where they had imagined safety to be. The image of suffering at sea became so ubiquitous in the media that Vietnamese refugees were soon known simply as "the boat people". This term had previously been used to refer to communities of people living on fishing or canal boats, but it now came to be associated almost exclusively with the act of seeking asylum by sea. Its widespread recognition showed the extent to which maritime displacement had attained a striking and perverse global stardom.[15]

As the world began to focus its attention on the South China Sea, a shift took place within the humanitarian community. Newspapers reported that the aid sector was developing a 'new concern' for

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[13] W. C. Robinson, *Terms of Refuge: The Indochinese Exodus & the International Response* (London: Zed Books, 1998), 43.

[14] United Nations, "Meeting on Refugees and Displaced Persons in South-East Asia, convened by the Secretary-General of the United Nations at Geneva, on 20 and 21 July 1979, and subsequent developments: Report of the Secretary-General, 7 November 1979", available at: https://www.refworld.org/docid/3ae68f420.html [accessed November 9, 2022].

[15] Of course, this was not all about humanitarian concern. A major factor underlying (and often driving) the international response to Vietnamese refugees was the fact that these escapees were seen to hold an important political currency during the Cold War. In countries like the United States, accepting Vietnamese refugees was seen as a way of continuing to exert political pressure on communist powers. For further discussion of the connections between Vietnamese displacement and Cold War politics see Chapter 4, pp.104-109.

suffering that was unfolding outside of territorial borders.[16] Much was made of the distinct hardships experienced by boat refugees. As one German newspaper put it in 1979, mass flight by sea was seen as 'unique: neither the millions of displaced persons who wandered through destroyed Europe after the Second World War, nor the Indians who were driven out like herds after the British left […] neither the Palestinians in the Middle East nor the Asians in East Africa had to take to the water'.[17] Those refugees who were 'trusting their lives to the waves', as another British newspaper argued in 1978, were less able to rely on 'the humanity of others' in these spaces, cut off as they were from conventional channels of assistance.[18] Representatives of humanitarian organisations working in Southeast Asian camps – who were seeing first-hand the effects that refugees' maritime journeys had on their mental and physical health – reinforced this view. They frequently declared that the persecution of Vietnamese refugees, and the forcing of these migrants out to sea, was producing an unparalleled humanitarian crisis, one which should not be overlooked because it happened to be unfolding offshore.[19] Speaking at a meeting called to address the Indochinese crisis in 1978, UNHCR argued forcefully that refugee deaths at sea should not be ignored simply because they occurred outside of the 'limelight' of state boundaries.[20]

## Humanitarian Engagement in Sea Rescue

Aid agencies' growing interest in maritime displacement soon translated into action. This can be seen clearly in the decisions that came out of the International Conference on Indochinese Refugees, organised by the United Nations in July 1979. The conference aimed to address the worsening

[16] Andreas Freund, "Boat People Stir New Concern," *The New York Times*, December 24, 1978. See also Henry Kamm, "…And Vietnamese Refugees are Still Fleeing", *The New York Times,* January 22, 1978; Celia Dugger and Carlin Romano, "A Plea, Not a Protest", *The Washington Post*, July 20, 1979.
[17] "Die Juden Des Ostens - Ohne Ein Israel," *Der Spiegel*, June 24, 1979.
[18] Philip Jordan, "Welsh Haven for Vietnamese 'Boat People,'" *The Guardian*, September 30, 1978.
[19] "Die Juden Des Ostens - Ohne Ein Israel." See also Kathleen Teltsch, "Private Relief Agencies to Lobby for 'Boat People,'" *The New York Times*, June 25, 1979.
[20] UNHCR, "Opening Statement by Mr. Poul Hartling, United Nations High Commissioner for Refugees, at the Consultative Meeting with Interested Governments on Refugees and Displaced Persons in South-East Asia, Geneva, December 11, 1978," available at https://www.unhcr.org/en-us/admin/hcspeeches/3ae68fce4c/opening-statement-mr-poul-hartling-united-nations-high-commissioner-refugees.html [accessed November 9, 2022].

humanitarian crisis in Southeast Asia. It was sparked by a declaration made by the foreign ministers of Southeast Asian states in June 1979, asserting that these countries would no longer allow 'boat people' onto their shores. The United Nations High Commissioner for Refugees, Poul Hartling, noted that the unfolding hostility towards Indochinese refugees had 'clearly run ahead of the solutions' and he described the conference as an attempt to find new strategies to assist the displaced – especially the thousands of refugees stranded at sea.[21] During the 1979 Conference on Indochinese Refugees, a strong emphasis was placed on the development of maritime rescue, with this practice clearly emerging as an important humanitarian response to displacement. Discussions about rescue took up two large sections of the conference's agenda and this topic, as the meeting minutes later summarised, was given 'special attention' in order to 'mobiliz[e] international co-operative efforts' at sea.[22] Delegates called for the 'reiteration of the fundamental importance of the issue [of rescue] from the humanitarian standpoint', applying the imperative to save life to maritime as well as territorial space.[23] In practical terms, it was decided that UNHCR should collaborate with shipping organisations to ensure that all vessels travelling through the South China Sea understood their obligation to rescue refugees. It was in this way that UNHCR came to publish its joint appeal with IMCO. UNHCR also appealed to governments in Southeast Asia to expand the search and rescue operations which their national navies and coastguards already conducted.[24] To alleviate concerns regarding the financial impact of supporting those rescued at sea, UNHCR declared that it would meet all costs of rescuees' care and maintenance.

The topic of rescue met with so many proposals at the 1979 conference that a separate follow-up meeting was suggested to plan maritime operations in greater detail. This 'Meeting of Experts on Rescue Operations for Refugees and Displaced Persons in Distress in the South China Sea' took place in Geneva on 14th August 1979 and was directed by the Deputy High Commissioner for Refugees – again a mark of UNHCR's new interest in rescue. The meeting was attended by representatives of ten

[21] Quoted in UNHCR, *The State of the World's Refugees*, 84.
[22] United Nations, "Meeting on Refugees and Displaced Persons in South-East Asia".
[23] United Nations, "Meeting on Refugees and Displaced Persons in South-East Asia".
[24] UNHCR, "UN High Commissioner for Refugees asked to seek international Co-operation to protect asylum seekers in South China sea", UNHCR Archive, Geneva, 10c/PRE-1980/27.

governments as well as experts from IMCO and the Word Meteorological Organization. It took up some of the more technical concerns of rescue. Lengthy deliberations took place, for instance, over the question of how governments and aid agencies should act when the flag state of a ship that was rescuing refugees (the state under whose laws this rescuing vessel was registered or licensed) proved unwilling to provide resettlement guarantees for those taken on board. Usually, the flag state would offer to take in all people rescued by its ships but this was not always the case in the South China Sea. The reluctance of flag states to provide resettlement guarantees had grown after 1978 when the number of refugees fleeing by sea increased rapidly, placing a much bigger 'burden' on rescuing ships. It was ultimately decided that a reserve of resettlement opportunities should be placed at the disposal of UNHCR for such cases.[25]

Whilst these meetings produced as many questions as they did solutions – and whilst humanitarian organisations were not yet organising their own rescue ventures – such engagements in rescue marked an important shift within the relief sector. Humanitarian agencies had now begun to involve themselves in the practical development of rescue capabilities in a significant way. In fact, the aid sector was taking the lead in working with governments and international shipping organisations to coordinate maritime assistance. The bureaucratic cogs connecting humanitarian organisations like UNHCR to seafaring organisations like IMCO tightened as a result of these discussions. Relief agencies had begun to engage significantly with efforts to ensure that aid could be provided as efficiently at sea as it was onshore.

**Humanitarian Principles in International Rescue Law**

Partly in a response to such mobilisation, the shipping sector attempted to improve rescue operations in the 1970s by developing international maritime law. The crucial moment again came in 1979 when rescue was given an international legal structure for the first time in the International Convention on

[25] United Nations, "Meeting on Refugees and Displaced Persons in South-East Asia".

Maritime Search and Rescue (SAR Convention). This instrument was aimed at developing an international system of assistance to ensure that, no matter where an incident occurred, the rescue of persons in distress could be co-ordinated effectively. It once again deepened the connection between rescue and relief – this time from the other side of the relational coin.

Prior to the adoption of the 1979 SAR Convention, there had been no comprehensive international regime covering maritime rescue. The coordination of rescue activities had been organised by individual states in accordance with their domestic laws and was ultimately determined by their level of funding in this area. As a result, some states had very sophisticated rescue services whilst others had none. The disparity of national maritime capabilities, and the assistance gaps that emerged when people in distress moved through areas of scant assistance, had been thrown into stark focus by the Vietnamese displacement crisis. Many states into whose waters 'boat people' travelled had very basic domestic rescue measures – they lacked proper co-ordination centres, formal rescue procedures, training schemes or communication facilities. Vessels conducting rescues in the South China Sea subsequently ran into difficulty, finding themselves without the support of coastal states when coordinating rescues. The drafting of the SAR Convention was meant to resolve these issues by instituting a framework under which coastal states were obliged to develop rescue systems and work with vessels who were responding to urgent distress cases.

The SAR Convention had been in the pipeline prior to the Indochinese refugee crisis, but the escalation of displacement from 1978 onwards informed the way it was drafted and framed.[26] As the international community began to connect the 'boat people' to the current shortcomings of maritime law, the seafaring sector was jolted into recognising the connection between this humanitarian emergency and the currently inadequate legal mechanisms of rescue. Speaking to the *International Herald Tribune* in 1979, the Chairman of the International Association of Independent Tanker Owners, Y. K.

[26] "Provisional summary records of the first plenary meeting of the International Conference on Maritime Search and Rescue", IMO Archive, SAR/CONF/SR.1.

Pao, argued that the lack of legal clarity on sea rescue was one of the biggest reasons why many vessels in the South China Sea chose to ignore refugee boats, worried that to stop and rescue the refugees on board would involve them in financial and political difficulties. In this way, he argued, the basic seafaring impulse to save lives was being quashed as much by legal uncertainty as political hostility. What was rapidly needed to end such a predicament, in his view, was the creation of a rescue framework under which '[seafarers'] good intentions and human sympathy' could be expressed.[27]

Similar criticism, levelled with direct reference to the 'boat people' crisis, dominated news stories about international sea rescue efforts. An article published in the *Washington Star* asked despondently whether maritime lawmakers would ever find 'the will to cut through the baffling red tape that keeps these people penned up in fetid ships, starving and diseased, while the technicalities of maritime law are endlessly disputed?'[28] The *International Herald Tribune* spread similar views, claiming that the basic-needs aid given to 'boat people' on shore would always be an inadequate response if not followed by structural, legal change at sea: 'Why is there not a legal obligation in international law to rescue survivors at sea? Is the duty of a nation to save the dying less than that of a physician?'.[29] As another article in the *Economist* put it, seafarers wishing to meaningfully support maritime migrants faced the 'stormy seas' of legal uncertainty, with the organisation of rescue 'continu[ing] to elude the world's governments'.[30] Perhaps the strongest criticism, however, appeared in the British satirical magazine *Punch*. Here the journalist Miles Kington published a spoof list of laws of the sea, painting them as little more than illogical gimmicks which shifted according to states' whims and never actually moved towards practical support for boat refugees. The parody neatly captured the propensity of lawmakers to skirt around the issue of deaths at sea – as the cartoon saw it, Vietnamese refugees would only be taken seriously when their flight seemed likely to 'put oyster prices at risk or put family holidays up the spout'.[31]

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[27] "Cargo Ships More Willing to Aid Vietnam Refugees", *International Herald Tribune*, August 3, 1979.
[28] "No title", *The Washington Star*, January 2, 1979.
[29] "Saving Vietnamese Refugees", *International Herald Tribune*, July 20, 1979.
[30] "Still Stormy Seas", *The Economist*, March 24, 1979.
[31] Miles Kington, "The Laws of the Sea - A Complete List", *Punch*, August 1, 1979.

As legal representatives of IMCO gathered in the shipping city of Hamburg in April 1979 to begin the task of structuring sea rescue, such criticisms were clearly playing on their minds. In the discussions that opened the 1979 SAR Conference, speakers seemed particularly keen to highlight that they envisaged the task of organising rescue as an urgent, and distinctively humanitarian one. Indeed, IMCO (whose work had previously been articulated in very pragmatic terms) now presented itself as 'not merely a technical organisation, but also a humanitarian one, in the great tradition of seafaring'.[32] Rescue was held up to be 'one of the most important humanitarian tasks' and the draft convention on this subject was described as 'one of the essential links' that would support international relief work at sea.[33]

Not only did maritime lawmakers discuss their task of developing rescue in humanitarian language, the new formulation of rescue that they eventually adopted directly incorporated humanitarian principles. This was a significant development on previous articulations of the duty to rescue at sea. One of the key changes distinguishing the 1979 SAR Convention from previous legal rescue mechanisms was its incorporation of the principle of impartiality. One of the humanitarian sector's central ethical commitments, impartiality stipulates that all aid must be provided on the basis of need alone, giving priority to the most urgent cases of distress and never discriminating along the lines of other criteria such as gender, religion, ethnic background or political orientation. The principle has guided relief agencies since its incorporation into both the Geneva Conventions of 1949 and the resolutions of the International Conferences of the Red Cross and Red Crescent. During the 1970s, it also began to shape the duty to rescue at sea. The provision regulating the shipmaster's duty to render assistance at sea – found in Chapter 2 of the 1979 SAR Convention – reads as follows: 'Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the

[32] "Provisional summary records of the first plenary meeting of the International Conference on Maritime Search and Rescue".
[33] "Provisional summary records of the first plenary meeting of the International Conference on Maritime Search and Rescue".

nationality or status of such person or the circumstances in which that person is found'.[34] The provision stands as a classic expression of humanitarian impartiality, ensuring that the shipmaster's obligation to support people in distress was not limited only to specific groups.[35] In his opening address to conference members, the Secretary General of IMCO highlighted the importance of this principle, arguing that the SAR Convention should be seen as 'part of the tradition of selfless dedication to the purely humanitarian task of providing rescue and assistance to persons in distress at sea without regard to nationality or other extraneous factors'.[36]

This formulation echoed humanitarians' language during the 1979 Indochinese Conference, when delegates stressed that ships conducting rescue operations in the South China Sea should not selectively ignore distress calls from refugee boats (as many had been doing). As UNHCR had put it, seafarers – if acting in a truly humanitarian way – should never 'ask a drowning man how he came to be in those straits'.[37] In fact responding to the explicit request of UNHCR that this emphasis on impartiality be included in the convention, delegates drafting the SAR Convention decided to make impartiality a binding legal obligation.[38] In phrasing rescue in this way, the seafaring sector was tentatively expanding the scope of rescue, demanding for the first time that the duty to assist at sea remain unaffected by the type of distress case that rescuers came across. This made rescue potentially

[34] IMO, "*International Convention on Maritime Search and Rescue*, 27 April 1979", 1403 UNTS, available at: https://www.refworld.org/docid/469224c82.html [accessed 9 November 2022].
[35] There is, of course, one slight difference between this articulation of impartiality and conventional appeals to this principle in that most ideals of impartiality in humanitarian action make direct reference to need – that is they articulate the principle as responding to the severity 'of need alone' rather than basing a decision of assistance according to considerations such as race, religion or nationality. In the SAR Convention, there is less focus on the element of need, presumably for the simple reason that weighing this against other factors is less relevant at sea: if a stranded person needs to be rescued from the sea then this is a very direct need.
[36] "Provisional summary records of the first plenary meeting of the International Conference on Maritime Search and Rescue".
[37] UNHCR, "Opening Statement by Mr. Poul Hartling".
[38] On UNCHR's request for the incorporation of impartiality into the 1979 SAR Convention see "Note by the Office of the United Nations High Commissioner for Refugees", IMO archives, SAR/CONF/6/2. UNHCR delegates were present at the drafting meetings for the 1979 SAR Convention, and their presence had a strong impact on the convention. Beyond placing a strong emphasis on impartiality in the wording of the Convention, UNHCR encouraged states to view rescue as something that aid agencies could practically get involved in. In fact, the Swedish delegation put down an amendment asking that the Convention recognise that not only states but also other bodies (including humanitarian agencies) could provide assistance to persons in distress at sea. This amendment was adopted without disagreement. See "Note by the Delegation of Sweden", IMO Archives, SAR/CONF/WP.11.

applicable to all kinds of people at sea, including refugees and asylum seekers. Considering the way rescue that had been viewed before (as a much more limited and bounded practice), this was a significant step.

Overall, in the context of the Vietnamese refugee crisis, relief and rescue connected through several synchronous developments. The South China Sea became a highly visible site of humanitarian concern, drawing the attention of relief organisations towards maritime spaces as settings of care. Spurred into action, humanitarians spearheaded efforts to enforce rescue obligations, exerting pressure on both states and the shipping sector to improve maritime assistance. At the same time, maritime lawyers mobilised to draft a new international rescue convention, driven by humanitarian lobbying. In the 1979 SAR Convention, they recognised the universal right to assistance at sea. With the overlap of such events, maritime humanitarianism began to emerge. This form of relief focused on locating, rescuing and transporting people in distress at sea, particularly refugees and migrants who had taken to the waves to avoid persecution, conflict and economic deprivation.

Just where maritime humanitarianism would be taken, however, was yet to be seen. Affecting the make-up and trajectory of this practice were a set of separate debates over relief and maritime law that unfolded at the same time. Whilst humanitarian agencies were beginning to take an interest in maritime rescue, the broader aid industry was unsettled by a wave of 'new humanitarian' arguments that had come out of the Nigerian-Biafran war. And, following the drafting of the 1979 SAR Convention, the seafaring community began to confront the tricky question of how legal obligations to rescue fitted with states' rights to control entry to their territories. The questions that these debates drew out – over what it meant for non-state actors to engage with ideas of sovereignty – had an important impact on the development of maritime humanitarianism.

**Debates over Humanitarianism**

When humanitarian institutions were beginning to coordinate rescue efforts in the South China Sea, the wider aid sector was experiencing a period of upheaval. This stemmed from the expansion of a 'new humanitarian' movement that put forward some distinctive, and often challenging, arguments about relief.[39] In humanitarian historiography, 'new humanitarianism' is seen to have come out of aid workers' experiences of the Nigerian-Biafran conflict, a civil war between the Nigerian federal government and the secessionist Republic of Biafran that took place between 1967 and 1970. As the (now heavily mythologised) story goes, a group of young, idealistic French doctors working for the ICRC had returned from this conflict shocked at the brutal killings of Biafrans, which they viewed as a genocide. In particular, they had been stunned by the expectation that they would remain silent in the face of such violence. Instead of respecting the ICRC's insistence on discretion, these doctors broke away from the organisation and founded a new organisation of their own - Médecins Sans Frontières (MSF). MSF pushed for a different understanding of humanitarianism in which aid workers stood up publicly for suffering populations, regardless of the political or diplomatic boundaries which they may have to cross in the process. The push for a more outspoken model of relief extended beyond MSF too, launching other organisations including the Irish agency Concern. Influenced more broadly by the student activism of the '68 movement and the unfolding human rights revolution of the 1970s, aid workers began to address questions of justice, solidarity and advocacy.[40] These threads came together to mark the birth of 'new humanitarianism', a politically engaged movement under which relief organisations became vocal, politically engaged campaigners against human suffering.

This story is, of course, highly stylised and often oversimplified. It owes a lot to retrospective reconstruction and the propagation of foundational myths on the part of agencies like MSF. As humanitarian historians have since pointed out, it is not the case that classical relief was ploughed into

[39] Kevin O'Sullivan, *The NGO Moment: The Globalisation of Compassion from Biafra to Live Aid* (Cambridge: Cambridge University Press, 2021); Eleanor Davey, *Idealism beyond Borders: The French Revolutionary Left and the Rise of Humanitarianism, 1954-1988* (Cambridge: Cambridge University Press, 2015); Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011).
[40] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010); Samuel Moyn, "Human Rights and Humanitarianization," in *Humanitarianism and Human Rights: A World of Differences?*, ed. Michael Barnett, (Cambridge: Cambridge University Press, 2020), 33–48.

oblivion from this point onwards. ICRC-style humanitarianism was much more than a straw man ideology that could be burnt down in a few short years and it often was less opposed to change than might be assumed – in fact the French doctors' early 'witnessing' of the Biafran conflict was well received by the ICRC.[41] Likewise, 'new humanitarianism' was not as radical or as uniform as it may have painted itself to be – MSF, for instance, firmly incorporated classical humanitarian principles like neutrality into its foundational charter and, as we shall see in Chapter 4, soon found itself plagued by disagreements between aid workers over just what its values should be. Nonetheless, we can still say for certain that the 1970s marked a time of considerable change for the aid sector, as older interpretations of assistance were scrutinised and new, alternative approaches were put forward in their stead. For the purposes of learning about maritime humanitarianism, we should focus on two particular ideas which were beginning to crystalise during this period and which united under the banner of *sans-frontiérisme*. These were the concepts of *ingérance* and *témoignage*.

During the 1970s, aid workers began to assert a humanitarian *droit d'ingérence* or 'right to intervene'. This concept, emerging concretely out of eyewitness accounts of the Biafran conflict but later theorised by the jurist Mario Bettati and MSF's Bernard Kouchner, posited that humanitarians had both a duty and a right to disregard borders in the provision of aid. Certain crises were seen to justify the questioning of state sovereignty. Challenging the central tenet of the post-Westphalian international order through the provocative assertion that borders could and should be disregarded in the provision of aid, this argument placed a new emphasis on humanitarian mobility. In marked opposition to the classical humanitarian modus operandi – which orientated around the tactical acceptance of state sovereignty – 'new humanitarians' argued that relief should be taken wherever it was needed, regardless of the markings of authority that would be crossed in the process. In essence, *ingérance* was used to propel the idea of working 'beyond borders'. It grew out of the idea that no boundary or border should be able to block humanitarians' access to people in need.

[41] Davey, *Idealism beyond Borders*, 21; Marie-Luce Desgrandchamps, "Revenir sur le mythe fondateur de Médecins Sans frontières: les relations entre les médecins français et le cicr pendant la guerre du Biafra (1967-1970)," *Relations internationales* 146, no. 2 (2011): 95–108.

Aid workers also began to push against other kinds of boundaries. Most notably, they argued that humanitarians should disregard the classical humanitarian insistence on discretion and confidentiality. Instead, they claimed, aid workers should 'speak out' about the atrocities that they witnessed. They should make human suffering public in order to raise awareness and induce change. This stance was captured by the concept of *témoignage* or witnessing and it was most famously taken up by MSF. *Témoignage* was designed to avoid situations like Biafra (and, of course, the Holocaust) in which the relief sector became an unwilling accomplice to suffering.[42] Whilst these humanitarians still upheld the principle of neutrality, arguing, as Hugo Slim has put it, that it could facilitate being 'inside a conflict without being problematically invested in it', they believed that this principle should never result in the silencing of injustice.[43] For these aid workers, neutrality could remain an important operational posture but it had to function alongside a new and separate commitment to bearing witness. Refusing to be bound by diplomatic restraints, the 'new humanitarian' movement attempted to reconcile neutrality with the imperative to denounce the perpetrators of suffering and advocate on behalf of those harmed by such violence.

These ideas were not only pushed forwards in abstract terms. 'New humanitarians' had begun, by the late 1970s, to put them into practice, aided by the increasing availability of cheap transport and communications. By the end of this decade, it really *was* becoming possible for aid agencies to travel anywhere in the world to provide assistance, flying supplies and newly popular relief kits wherever they were needed. It was also possible for aid workers to broadcast their activities (and the suffering which they came across) all over the world in newspaper articles, on television programmes and through radio shows. Large campaigning units were soon opened by international NGOs and humanitarians threw

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[42] Some believe that the ICRC knew more and before others about the terrible violence inflicted on Jewish communities throughout Axis-occupied territory. This organisation's policy of confidentiality is commonly seen to have made it tacitly complicity in such genocidal policies.
[43] Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, (New York: Oxford University Press, 2015), 107.

themselves into a host of media collaborations.[44] In this way, relief workers moved all around the globe under huge waves of attention and funding.[45]

In essence, the 1970s stand out as an important decade in which the horizons of humanitarianism expanded, both geographically and conceptually. Aid was becoming an activity that was much more mobile and 'borderless'. At the same time, it was also moving beyond traditional practices of assistance, such as the provision of food, shelter and medical care, to encompass more political, rights-oriented activities and advocacy. The big question on everyone's mind was where aid might head next. What contexts and crises might 'new humanitarians' now begin to intervene in and how might they push for alternative models of care in these places? As we shall see further on in the chapter, this question became closely linked to the topic of maritime rescue.

**Debates over Sea Rescue**

Whilst the humanitarian world was responding to the rise of *sans-frontiérisme*, a different set of discussions was unfolding within the seafaring sector. Although they had established rescue as a binding legal duty through the 1979 SAR Convention, members of the shipping community ran into several problems as they began to work out the nuts of bolts of this framework. Most worryingly, they had no clear guidance on where ships should take people after a rescue had been carried out. The 1979 SAR Convention had defined a rescue as '[a]n operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety'.[46] The first two components of this formulation were relatively straightforward – involving the physical transportation of rescuees from unseaworthy vessels to safe ones and the provision of food, water and medical care. However, it was unclear what the third element entailed since the notion of a 'place of safety' was never defined.

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[44] For an excellent exploration of humanitarianism's tightening ties with the media see Johannes Paulmann (ed), *Humanitarianism and Media: 1900 to the Present*, (New York: Berghahn Books, 2018).
[45] O'Sullivan, *The NGO Moment*.
[46] "Final Act of the International Conference on Maritime Search and Rescue 1979, 25 April, 1979", IMO Archives, SAR/CONF/9, para 1.3.13.

People stranded at sea inevitably had to be cared for beyond the immediate, lifesaving phase of rescue: they needed to be taken somewhere after this moment where they could access further care and support. The question raised by the SAR Convention was just where this somewhere was. Did a 'place of safety' mean land and a permanent acceptance onshore, in which case a 'rescue' in its legal understanding would automatically involve disembarkation? Or would, for example, a state that had signed the 1979 SAR Convention have complied with its definition of rescue if it simply allowed a rescue vessel to seek refuge in a port temporarily, providing short-term assistance before asking that the vessel then leave its port with the rescuees still on board? Could a 'place of safety' not be a land-based place at all, and instead mean another ship or some extra-territorial location like an offshore processing facility? Finally, could a 'place of safety' be taken to mean *any* land, even perhaps the port of a state with a disreputable human rights record?[47] None of these important questions were actually resolved in the text of the convention, leading to the emergence of disagreements and discussions over how far rescuing ships should extend this work. Uncertainty grew quickly when these fine details of the 1979 SAR Convention were placed within the broader framework of the international law of the sea.[48] In order to resolve the 'place of safety' issue, interpreters of the 1979 Convention turned to legal understandings of the relationship between maritime and territorial space. However, they soon found more complications than answers. In particular, the way that land and sea were separated under international law exacerbated the debate over whether a 'rescue' involved disembarkation or not.

[47] "Provisional summary record of the sixth plenary meeting of the International Conference on Maritime Search and Rescue, 1979", IMO Archives, SAR/CONF/SR.6

[48] "Provisional summary record of the sixth plenary meeting of the International Conference on Maritime Search and Rescue, 1979". For example, delegates began to discuss the definition of 'territorial' space in wider maritime law, and how this specific interpretation of reaching land would apply to rescues at sea – exactly when in the rescue process would a ship be entering a state's territory? As discussed later in the chapter, this had a significant impact on deciding what counted as a 'place of safety' for rescuees in the 1979 SAR Convention.

Under the international law of the sea, there had always been a graded division between maritime and territorial space.[49] There was no stark binary between land and sea, rather there was a series of interconnected zones where states and vessels held different and shifting powers. Once again, this was a system that was undergoing change in the late 1970s. The structuring of maritime space had been organised under several international conventions that were ratified in 1958 but moves were being initiated to update this system, eventually culminating in a new United Nations Convention on the Law of the Sea (UNCLOS), ratified in 1982.[50] Hence, both rescue law and the wider laws of the sea were in a state of flux during the late 1970s, being ordered and re-ordered in a process which created certain frictions and pressure points.

In the new understanding that appeared with UNCLOS, states and seafarers held different freedoms and responsibilities as they passed through five different zones. First came the *internal waters* of states, including lakes, rivers, and tidewaters. Second came a state's *territorial waters*, which stretched up to 12 nautical miles from the shoreline. Third was the *contiguous zone,* which stretched from 12 to 24 nautical miles from the shoreline. Fourth came an *exclusive economic zone* extending up to 200 nautical miles from the shoreline and finally, beyond this point, the *high seas* were reached.[51]

The important thing to take from these detailed spatial demarcations was the existence of differing rights and responsibilities in each zone. The law of the sea constructed a carefully layered system of jurisdiction, in which state sovereignty ebbed from its strongest form in territorial waters to

[49] Under early international conventions, including the 1958 United Nations Convention on the Territorial Sea and the Contiguous Zone and the 1958 United Nations Convention on the High Seas, the line between land and sea was graded and divided into several separate spaces. This reflected older traditions of splitting up this boundary, for example a tradition dating from the eighteenth century of marking a distinct area of 'territorial water' near a state's shoreline. This water would be in the range of a cannon shot, hence it marked the portion of an ocean that a sovereign state could defend from shore and continue to claim as its own.

[50] United Nations General Assembly, "Convention on the Law of the Sea", 10 December 1982, available at: https://www.refworld.org/docid/3dd8fd1b4.html [accessed 9 June 2023]. The 1958 conventions relevant to the ordering of maritime space include the Convention on the Territorial Sea and the Contiguous Zone; the Convention on the High Seas; the Convention on Fishing and Conservation of the Living Resources of the High Seas; and the Convention on the Continental Shelf.

[51] Under the 1958 conventions this demarcation was very similar, with a division between internal waters, territorial waters (defined as the low-water line along the coast of a particular state), a contiguous zone (extending 12 nautical miles beyond territorial waters) and the high seas (waters stretching beyond this point).

more diluted forms further out to sea. States had full sovereignty in their internal and territorial waters and they therefore had the competence to prescribe, adjudicate and enforce all domestic laws in these spaces. State jurisdiction in the contiguous zone was limited to the exercise of control necessary to prevent and punish infringement of customs, fiscal, immigration or sanitary laws. A further progressive reduction of rights occurred in the exclusive economic zone where a state had sovereign rights only over the exploration, exploitation and management of natural resources. Finally, on the high seas no state was entitled to acquire sovereignty.

This framework significantly affected the issue of disembarkation and made the topic of rescue a sticky subject in the late 1970s. Any ship attempting to conduct a rescue and deliver those on board to a 'place of safety' – which it interpreted as the physical territory of a state – would sail through this complicated web of authority. It would have a considerable amount of freedom on the high seas and should also be able to move freely through the exclusive economic zone and contiguous zone. However, on meeting the line demarcating the territorial waters of a state, this vessel would have to stop and request permission in order to disembark rescuees on land. States, however, did not have to acquiesce to this request. The international law of the sea did not impose an unequivocal duty on states to allow rescued persons onto their territories. They could decide who could enter their territorial waters and who could not.

This created a central problem for rescuing ships. Whilst the international law of the sea drilled down on the imperative to rescue, it did not actually provide the mechanisms to support this process to completion (if completion was taken, as it most commonly was, to mean land). Rescuers would be obliged to deliver rescued people to a 'place of safety' swiftly, but they might not be able to do so because of states' refusal to grant them access to territorial waters and ports. Accordingly, a legal tug-of-war emerged between coastal states and maritime actors. In this struggle, the exercise of territorial sovereignty clashed with the duty to rescue. Importantly, the ultimate power at the end of the rescue process was given not to ships but to states. As we shall soon see, this had the potential to create

considerable problems in cases where states did not wish to welcome rescuees, particularly if these people were migrants and refugees who had been assisted at sea by humanitarian actors.

**Connecting Rescue and Relief**

So far, we have seen that the 1970s was a decade in which three significant events took place. First, the practices of sea rescue and humanitarian aid overlapped in response to the flight of Vietnamese refugees. Second, debates emerged in the aid sector over the question of where humanitarianism should be headed in the future, both in terms of ideas and physical place. Third, tensions began to appear between seafarers and states as they worked on interpreting sea rescue under international maritime law. Why, however, was it important that each of these events occurred at the same time? How did such concurrences shape maritime humanitarianism? What did it mean for rescue and relief to have connected amidst discussions over territoriality, sovereignty, 'speaking out', borders and 'borderlessness'?

On the one hand, the conjecture of such discussions seemed to be extremely promising. At a time when humanitarians were demanding that aid become more borderless, the sea appeared as a place where aid agencies might be able to realise this goal. Maritime spaces had become new contexts of concern which humanitarians, already expanding their operations around the world, could use to test out ideas and practices. The apparently borderless arrangements at sea seemed to offer humanitarians a certain freedom to act independently. In contrast to relief work on land, where aid workers always had to negotiate access to individuals and territory within a certain state, maritime aid would involve caring for people suffering outside of state boundaries. Aid workers normally worked under a system of international political organisation which placed all territories and their inhabitants under the thumbs of states, but rescue work (beyond territorial waters) noticeably dissolved demarcations of sovereignty – and with them the need for tactical mediation between NGOs and governments. At sea, relief could operate at the outer limits of asserted statehood. This might allow humanitarians to slip through some

of the knots of diplomacy, compromise and negotiation that had begun to rattle so many of them after Biafra. Projecting humanitarian prerogatives beyond territorial jurisdiction – most notably the duty to rescue individuals in distress regardless of where they were found or who they were – the law of the sea afforded maritime humanitarians an opening to take aid somewhere where states could not interfere.

The site of the sea therefore seemed to offer humanitarians a perfect space in which to test propositions like *ingérenence* and *témoignage* (since states would be less able to block aid agencies from 'witnessing' or exposing suffering beyond the confines of their borders). In this way, it appeared to provide a blank canvas on which aid workers might sketch out more activist understandings of care.[52] As I will show in Chapter 4, individuals like Bernard Kouchner and Rupert Neudeck soon began to argue that the sea could be an important site of resistance, where 'new humanitarianism' would be nourished and fortified. Maritime humanitarianism therefore represented a powerful brand of assistance at this time of transformation within the aid sector. As a fusion of seafaring ethics and 'new humanitarian' ideas, it seemed especially rebellious. This was because it could combine the physical and legal freedoms of sea rescue and its moral imperative to assist with the no-borders mentality, outspoken attitude and idealistic energy that characterised post-Biafran aid.

On the other hand, however, the maritime context was very restrictive. Whilst the law of the sea created possible freedoms for aid workers, it also generated an enormous potential for conflict in the absence of the clear delineation of responsibilities. Given that the legal regime governing maritime intervention was undefined in key areas, humanitarians arguably possessed less power than they might think. The complex jurisdictional web which humanitarians had to cross as they moved over the sea revealed a hard truth: that negotiating access to suffering people in the supposedly 'free sea' was just as

[52] For example, Médecins du Monde wrote in its mission statement that the sea could become an important site of humanitarian protection, somewhere where it would be possible to both 'draw public attention to tragedy' and provide necessary rights protections. If aid were organised efficiently, the NGO believed that maritime migration hotspots would soon be able to be patrolled at all times by the 'blue helmets of the sea', a reference suggesting much larger scale involvement from the United Nations. See Mission Statement of Médecins du Monde – Boat People Programme", Médecins du Monde archives, Paris, personal communication from Médecins du Monde archivist, May 10, 2021.

difficult as doing so on land, if not more so.[53] Whilst humanitarians would be able to work independently on the high seas, their autonomy would ebb as they crossed through subsequent maritime zones and they would ultimately hit the externalised boundary of the territorial waterline, beyond which their mobility would be entirely dependent on governments' sanction. Put simply, the reality of state control always lurked beneath the image of maritime freedom.[54] For all the promise of working beyond the state and defying borders, the sea proved to be a space full of boundaries and negotiations.

In particular, the overlapping of rescue and relief made the legal tensions over disembarkation especially fraught. As we saw above, 1979 SAR Convention, and its intersection with the provisions of UNCLOS, had ended up pitting ships against states as the former brought rescuees to the shores of the latter. Ordinarily, this clash would have been relatively minor. Whilst states in theory had the power to deny vessels access to their territorial waters and ports, they would seldom do this in most 'typical' rescue scenarios, which involved the assistance of a small number of people, perhaps seafarers, local inhabitants or tourists. In such cases, the numbers of rescuees which the state granted access to would be very small and the care of these persons would also involve very little effort – these persons would either be citizens of the receiving state or would quickly move back to the countries where they lived and worked. Humanitarian rescue operations, however, would be very different. First, states would not be asked to take in only the odd rescuee. In the context of mass displacement at sea, states would have to permit the entrance of considerable numbers of people. Second, the individuals they accepted ashore would, in most cases, be non-citizen refugees or asylum seekers who automatically required a much higher level of support and protection. Under international refugee law, which prohibits the forcible

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[53] The term 'free sea' or 'mare liberum' was first coined by the Dutch jurist Hugo Grotius. In his 1609 book, *The Freedom of the Seas*, Grotius argued that the sea was international territory and that all nations should be free to use it for trade. He wrote this work to argue against Portugal's 'closed sea' policy, which this nation used to monopolise East Indian trade.

[54] Historically, states have often harnessed laws to limit the freedom of the sea, inventing, for instance, new legal categories that allowed them to capture and kill pirates without impunity on the waves. To prevent pirates holding unfettered freedom on the high seas, nations used admiralty law to declare them *hostes humani generis* ("enemies of mankind"). This categorisation made the pirate a criminal subject to universal jurisdiction – pirates could be brought to justice, and killed, anywhere and by any nation.

return of persons to places where their life or freedoms are endangered, states would not have the option of sending rescuees back 'home' or back out to sea. They would be obliged to process the asylum claims of these individuals and either host them until a resettlement option was found or offer resettlement themselves. This stretched governments' resources – and tolerance. Finally, and perhaps most importantly, humanitarian rescue was not just an incidental activity. It involved the planned and routinised assistance of displaced persons at sea. Instead of stumbling upon stranded individuals in the usual course of business, humanitarians were actively looking for cases of distress.[55] By putting the 'search' in search and rescue, these projects would inevitably test governments' openness to outsiders.

All of these factors made it highly unlikely that states would be willing to grant humanitarian vessels access to their shorelines. Whilst governments had written the law of rescue in a way that incorporated the humanitarian principle of impartiality, there remained a notable gap between their discursive support for displaced persons and their willingness support these people in practice. Despite insisting on impartiality within the 1979 SAR Convention, states had also retained older formulations which dated back to early shipping conventions (the ones limiting assistance to small numbers of seafarers).[56] This was no accident. Keeping these more restricted understandings of rescue allowed states to limit their obligations to accept rescuees when they wanted to. Whilst governments may have been willing to support impartial humanitarian rescue in a rhetorical sense, or as a small-scale and infrequent activity, they did not wish for it to limit border management in cases of mass displacement at sea. For this very reason, there had been no specific mention of Vietnamese refugees in the discussions leading up to the ratification of the 1979 SAR Convention. Mention of real-world rescue cases by lawmakers at the drafting conference was limited to small-scale civilian accidents involving just

[55] This distinctive element of humanitarian rescue operations is also discussed in Itamar Mann and Julia Mourão Permoser, "Floating Sanctuaries: The Ethics of Search and Rescue at Sea," *Migration Studies* 10, no. 3 (2022): 442–63. See also Klaus Neumann, "Rights-Bearing Migrants and the Rightfulness of Their Rescue: The Emergence of a 'New Model of Humanitarian Engagement' at Europe's Borders," in *Amidst the Debris: Humanitarianism and the End of Liberal Order*, ed. Juliano Fiori et al. (London: Hurst & Company, 2021), 117.

[56] The formulation of rescue in the 1979 SAR Convention and UNCLOS remained substantially unchanged from its very earliest codification in 1910. See Felicity G Attard, *The Duty of the Shipmaster to Render Assistance at Sea under International Law* (Boston: Brill, 2020), 49.

one or two vessels.[57] Direct reference to the much weightier rescue obligations in the South China Sea was avoided. Presumably this was because mentioning the rescue of large numbers of 'boat people' would inevitably bring in the question of immigration – something that governments intended to avoid. In a tellingly evasive defence of lawmakers' omissions on this topic, the Secretary-General of IMCO argued that since the 1979 SAR Convention was 'essentially humanitarian' in character, it was best not to 'attempt to deal with issues of sovereignty'.[58] This wonky logic – that in order to be humanitarian rescue must be kept apart from the issue of borders – was the underlying problem plaguing rescue law.

Maritime humanitarianism, however, made it much harder for states to ensure the separation of these concerns. By helping vulnerable people to reach international borders, aid workers who engaged in sea rescue would inevitably impact states' ability to control the entrance and exit of noncitizens, instantly raising the spectre of immigration. Humanitarian rescue threatened states' boundaries in a way that 'ordinary' rescue did not. It was this that turned the usually dormant tension of disembarkation into a much more divisive issue. It also meant that aid workers would inevitably be working in a highly politicised context at sea. In the South China Sea, agencies like UNHCR had already noticed just how difficult it was to arrange the disembarkation of refugees. Humanitarians had seen ships with Vietnamese escapees being forced to wait at sea for weeks, or towed out to international waters and abandoned by navy, coastguard and border control representatives. It seemed inevitable, given this reluctance to welcome rescuees, that conflict would emerge between rescuer and state. This raised the issues of *ingérance* and *témoignage* that humanitarians had come so recently to grapple with. How should relief workers respond if they were denied access to states' territories after a rescue operation? Would it be best to accept state demands, quietly negotiating with governments to ask that

[57] This was the case at many of the drafting meetings for the 1979 SAR Convention, but especially those taking place on 9th April 1979, 17th April 1979, and 16th May 1980. See "Provisional summary record of the second plenary meeting of the International Conference on Maritime Search and Rescue, 1979", IMO Archives, SAR/CONF/SR.2; "Provisional summary record of the third plenary meeting of the International Conference on Maritime Search and Rescue, 1979", IMO Archives, SAR/CONF/SR.3; "Provisional summary record of the eighth plenary meeting of the International Conference on Maritime Search and Rescue, 1979", IMO Archives, SAR/CONF/SR.8.

[58] "Provisional summary records of the first plenary meeting of the International Conference on Maritime Search and Rescue".

they accept and care for refugees at sea, or should humanitarians assert their right to disregard such border closures? Should they work with discretion and keep quiet about the suffering that the blocking of states' ports induced, or should they advocate on behalf of boat refugees, publicly highlighting the consequences of shutting land off from sea? In short, what did it mean to work 'without borders' and to interact with states when responding to crises that had actually been created *by* borders and their enforcement?

**Activism and Constraint**

The frictions that emerged in the 1970s – between *sans-frontières* relief, the mechanisms of rescue law and the politicised nature of migration at sea – therefore shaped maritime humanitarianism in distinctive ways. As yet, humanitarian agencies had not themselves begun to conduct rescue operations and so the sea remained unchartered territory for relief workers in practical terms. However, the maritime rescue of migrants and refugees had nonetheless come to stand as a site of change and controversy. Influenced as it was by 'new humanitarian' arguments, maritime humanitarianism stood as a forwards-looking and rather activist practice. At the same time, it was moulded by the idiosyncrasies of international rescue law, which constricted aid workers' mobility and drew them into divisive arguments over what kinds of people should be granted access to state territories. Accordingly, maritime humanitarianism as it appeared in the 1970s was defined by a powerful mixture of activism and constraint. It was a practice riddled with binaries – land versus sea, border control versus borderlessness, 'old' versus 'new' humanitarianism – and, whilst it gave humanitarians the freedom to expose and comment on these divisions, it also released the pressures that had built them up in the first place.

In the thesis' case study chapters, I will show just how explosive the release of such pressures turned out to be, and how this pushed aid workers into rebellion at sea. I look at the emergence of disputes between aid agencies who wanted to take 'new humanitarianism' forwards in the South China Sea, and those whose desire to professionalise relief made them critical of sea rescue. I them show how,

in the 1990s, the United States decided to reinforce the legal boundary between land and sea, granting separate immigration rights to 'dry foot' and 'wet foot' migrants. This made it almost impossible for humanitarians to assist people displaced at sea, and so one NGO made the controversial decision to switch its focus from basic-needs assistance to human rights advocacy. Finally, I explore how a recent Mediterranean rescue agency began to prioritise humanitarian campaigning from 2015 onwards, as a way of exposing EU border policies that shut off migrants' access to land. In order to tell these stories, however, it is necessary to step back for a moment and lay out how I approached researching them. Briefly breaking off from the narrative of maritime humanitarianism, the next chapter explains the methods I used to uncover both these operational dynamics and the rebellious humanitarian traits they produced.

# Chapter 3

# Methods

When I began my research into maritime humanitarianism, I looked first at the events we have just covered, examining the convergence of international aid and the practice of rescue at sea in the 1970s. By looking into the legal history of maritime rescue, and by charting humanitarian engagements at sea in the archives of the United Nations and International Maritime Organization, I could address the first of the thesis' three central research questions, concerning why maritime aid emerged at this particular moment and why it took a particular form. Next, however, I wanted to delve deeper into my second research question, addressing what it is that makes maritime humanitarianism distinctive. This was the inquiry at the heart of my project, and that held the key to answering my final research question concerning what scholars can learn from aid operations at sea. Hence, as I turned to explore each of the thesis' case studies, my focus was directed towards those aspects of maritime aid that stood out in some way, or that diverged from norms and expectations.

From my research into the appearance of humanitarian rescue in the 1970s, and from my wider reading about modern humanitarian history and the principles of relief, I had already noticed three key areas where maritime aid seemed to attract attention. When I thought about the changes which had transformed the relief sector during the second half of the twentieth century – including the shifting professional status of humanitarianism, its growing intersection with questions of justice, and its heightened engagement in media campaigning, as discussed in the introduction – I observed that certain debates kept cropping up. These debates concerned the following questions. Does humanitarianism work best when it is spontaneous or organised? How much should supposedly neutral aid agencies engage with politics? And does engagement in publicity and advocacy tar humanitarians' claims to impartiality? It was clear to me that these concerns were crucial in the recent history of aid, and it struck me that they found a strong focal point in the form of maritime relief. Rescue operations at sea, as I briefly outline below, seemed to bring these debates into sharp focus and often seemed to make them

particularly contentious. This, I thought, might hold the key to uncovering the distinctive features of maritime aid.

**Sphere Standards or Seat-of-the-pants Relief?**

In *Empire of Humanity*, Michael Barnett writes that '[f]or most of its history humanitarians acted as if showing up was enough [. . .] [T]hose who ran [humanitarian] organizations enjoyed their seat-of-the-pants, jerry-built lifestyle because it reflected their idea of what a voluntary organization looks like'.[1] Barnett, and other scholars of relief, argue that these days are now history. They have traced a shifting of modern humanitarianism away from informality and volunteerism towards greater professionalism – a process which accelerated from the late 1960s onwards.[2] From this point onwards, the standard narrative goes, individual acts of charity morphed into organised projects coordinated by a formal aid industry. This industry was defined by specialist knowledge, bureaucratic procedures and standardised guidelines like the Sphere Core Standards.[3] It was a development that raised some thorny questions. Did the move to professionalisation entail a loss of flexibility and adaptability, making aid workers less mobile and therefore less able to act quickly in the face of disasters? Did it stifle the idealism and altruistic passion that was supposed to drive the provision of aid? The expansion and organisation of relief efforts of course meant that assistance could be provided to a far greater number of people around the world but, as the likes of Eric James and Tony Waters have pointed out, 'bureaucratizing the Good Samaritan' turned out to have some profoundly negative effects too, with the frequent reliance upon pre-established, one-size-fits-all procedures reducing humanitarians' capacity to navigate

[1] Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011), 234.
[2] Kevin O'Sullivan, *The NGO Moment: The Globalisation of Compassion from Biafra to Live Aid* (Cambridge: Cambridge University Press, 2021); Marc Lindenberg and Coralie Bryant, *Going Global: Transforming Relief and Development NGOs* (Bloomfield, CT: Kumarian Press, 2001); Leslie Shanks, "Why Humanitarian Aid Became Professional: The Experience of MSF," *The Journal of Humanitarian Assistance*, September 23, 2014.
[3] Gostelow, Lola Gostelow, "The Sphere Project: The Implications of Making Humanitarian Principles and Codes Work," *Disasters* 23, no. 4 (1999): 316–25; Charlotte Dufour et al., "Rights, Standards and Quality in a Complex Humanitarian Space: Is Sphere the Right Tool?," *Disasters* 28, no. 2 (2004): 124–41.

the dynamic conditions of different crises.[4] It also led to great splits in the humanitarian movement, such as the moment when Bernard Kouchner left MSF in 1979 (which I will explore in the following chapter). Finally, professionalised humanitarianism often came to reproduce problematic hierarchies between the givers and receivers of aid, thereby perpetuating inequalities.[5] In short, deciding how to structure (or not structure) care has been much more than a technical choice for humanitarians. This task had historically provoked a lot of normative discussions concerning humanitarian responsibility, respectability and accountability.[6]

Maritime humanitarianism, I saw early on in my research, touches frequently on these discussion points because of the temporary nature of the care it provides. Humanitarian assistance at sea tends to focus on transportation to safety rather than building long-standing support networks. Whilst aid agencies working on land largely aim to provide support in semi-permanent, geographically fixed communities of care, the main aim of maritime humanitarians is to keep migrants moving, disembarking them from rescue vessels as soon as possible so that these vessels can return to the sea and begin patrolling once more. This can make aid at sea appear rather hasty and imperfect. As I had noticed in the context of the Indochinese displacement crisis in the 1970s, ships were often not understood as spaces of care in themselves (in the way that refugee camps might be). Instead, their humanitarian role lay more in taking suffering individuals somewhere *else* where their needs could be met more fully. As I began discussing my research with contemporary aid workers, this idea also seemed to come up frequently. As one humanitarian described the nature of rescue operations to me, '[y]ou don't have a long-term community of care on board a rescue ship – or at least if it functions correctly you should not […] You don't have the same kind of societal rapport that you have as a

[4] Tony Waters, *Bureaucratizing the Good Samaritan: The Limitations to Humanitarian Relief Operation* (Boulder, Colo.: Westview Press, 2001); Eric James, "The Professional Humanitarian and the Downsides of Professionalisation," *Disasters* 40, no. 2 (2016): 185–206.
[5] Didier Fassin, "Another Politics of Life Is Possible," *Theory, Culture & Society* 26, no. 5 (2009): 44–60; Didier Fassin, "Inequality of Lives, Hierarchies of Humanity. Moral Commitments and Ethical Dilemmas of Humanitarianism," in *In the Name of Humanity: The Government of Threat and Care*, ed. Ilana Feldman and Miriam Iris Ticktin (Durham, NC: Duke University Press, 2010), 238–55; Liisa H Malkki, "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization," *Cultural Anthropology* 11, no. 3 (1996): 377–404.
[6] Dorothea Hilhorst, "Being Good at Doing Good? Quality and Accountability of Humanitarian NGOs," *Disasters* 26, no. 3 (2002): 193–212.

humanitarian on land in the communities you work with'.[7] As this aid worker informed me, maritime humanitarians tended to see the lack of 'rapport' as a positive thing, allowing for flexibility at sea and producing a high rescue turnover to help as many people as possible. However, they noted that, in the eyes of other relief agencies, this focus on replacement was seen to make rescue projects amateur and unreliable. It therefore seemed to me that the gap between two cadres of aid workers – those who advocated rapid intervention and flexibility and those who favoured logistics and longer-term care – was noticeably wide at sea. I wanted to interrogate this idea as I continued my research, seeing how such clashes appeared in my case studies.

**Politicising Aid**

The second debate that maritime humanitarianism seemed to interact with in a significant way concerned the overlap between aid and politics. This overlap has always existed but, as we saw in the previous chapter, it promoted particularly tense discussions following the appearance of 'new humanitarianism'. Although 'new humanitarians' did not abandon the classical humanitarian principle of neutrality, they created a persistent friction over its application. Neutrality demands that humanitarians stand apart from ideological disputes, yet after the Biafran war many NGOs seemed far more willing to engage in such clashes, sometimes actively taking sides and delving into the root causes of suffering. I noticed that clashes therefore seemed to emerge between two different 'camps' of humanitarians, each taking a different stand on the feasibility and desirability of engaging more explicitly with politics. The first camp argued that humanitarians can and should purify themselves from politics. It was best represented by the ICRC, which continued to insist that relief organisations engage with politics only by identifying how it affects the scenarios they respond to.[8] The second camp, on the other hand, argued that humanitarians can never completely purify themselves from politics.

[7] Telephone interview with rescue ship captain, June 29, 2020.
[8] Jérémie Labbé and Pascal Daudin, "Applying the Humanitarian Principles: Reflecting on the Experience of the International Committee of the Red Cross," *International Review of the Red Cross* 97, no. 897–898 (2015): 183–210.

Given that the causes of crisis are inescapably political, this view went, it was not possible to locate relief in a completely disconnected moral realm. Some in this camp argued that aid workers could still *present* themselves as neutral actors, but that becoming embroiled in politics was more or less inevitable. The question was how one handled it. Such an argument is best represented by aid agencies like MSF which, in Fiona Terry's terms, has historically adhered to 'a spirit of neutrality' despite recognising the futility of attempts to completely isolate itself from political decision making.[9]

The fundamental issue that cropped up here was whether the tension between neutrality and political engagement can be overcome and, if so, how. These questions appeared especially fraught at sea. As my research had already shown me, aid agencies had long been aware that working outside states' territories took them into a highly polarised environment. For example, the very reason that UNHCR had had to get involved in the South China Sea in the 1970s was that rescue operations had become so divisive as to disincentivise state and commercial ships from carrying them out. Humanitarians knew that they would likely meet with resistance and restriction at sea, as governments scrambled to tighten their borders and "stop the boats". Today, maritime humanitarianism is similarly propelled into the centre of the political stage, where it is splashed across newspaper headlines and exacerbates debates over immigration and border control. Such dynamics, as Tom Scott-Smith has recently pointed out, would appear to make it 'difficult, if not impossible' for humanitarians not to take a political stand when providing assistance on the fringes of state territory.[10] Whilst it might be feasible in other contexts to walk the tightrope of neutrality, the borderless nature of maritime aid and its connection to immigration politics seems to make this balancing act an unachievable task. For this reason, I felt it important to examine what stance maritime humanitarians had historically taken on the

[9] Fiona Terry, "The Principle of Neutrality: Is It Relevant to MSF?," *MSF Discussion Paper*, available at https://www.msf.fr/sites/default/files/2000-12-01-Terry.pdf [accessed April 20, 2023]. Scholars like Hugo Slim have also taken diplomatic stances on this question, arguing against the idea that neutral relief should be seen as the only legitimate form of aid whilst, at the same time, continuing to give it a role on the humanitarian stage. For the likes of Slim, neutrality remains an important and strategic operational posture that facilitates 'being inside a conflict without being problematically invested in it'. See Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, (New York: Oxford University Press, 2015), 107.

[10] Tom Scott-Smith, "Humanitarian Dilemmas in a Mobile World," *Refugee Survey Quarterly* 35, no. 2 (2016): 2.

question of neutrality. Had they believed that they could and should be neutral at sea? Had they believed that they could not be neutral but should try to appear so anyway? Alternatively, had they rejected both of these viewpoints, arguing instead for the total rejection of neutrality, even as a facilitatory pretence? As I turned to my case studies, therefore, I wanted to look more closely at the connection between rescue and politics. I particularly wanted to explore the suggestion that, far from neutralising political conflict, maritime humanitarianism might stand as a zone of contestation and power in its own right.

**Making Noise to Save Lives?**

The final debate which I believed resonated keenly in maritime contexts, and which I thought could help me pinpoint the distinctive features of maritime relief, concerned the question of humanitarian advocacy. Again, this topic linked back to the 'new humanitarians' and their arguments about assistance. As aid workers began to question the idea that they should always work with discretion and confidentiality, they put forward the acts of raising public awareness and advocating for humanitarian victims. Their central message – as MSF's James Orbinski would describe it in the 1990s – was that silence could kill and that humanitarians therefore needed to make as much noise as possible in order to save lives.[11] Aid workers had begun to devote more and more attention (and funding) to communication, engaging frequently with the media and making it a priority to inform the public about their activities. Especially after Bob Geldof took to the worldwide stage with Band Aid in the 1980s, relief began to attract huge media and public interest. However, this approach soon raised objections.[12] The humanitarian strategy envisaged by advocacy-orientated agencies (planning high profile

[11] James Orbinski was head of MSF when this NGO was awarded the Nobel Peace Prize in 1999. Delivering his acceptance speech in Oslo as Russian bombs fell on Chechnya, Orbinski argued that silence should never be seen as a necessary condition for humanitarian action. As he put it, 'We are not sure that words can always save lives, but we know that silence can certainly kill'. The full transcript of his speech is available at https://www.msf.org/nobel-peace-prize-speech [accessed June 8, 2023].
[12] Marie-Luce Desgrandchamps, "'Organising the Unpredictable': The Nigeria–Biafra War and Its Impact on the ICRC," *International Review of the Red Cross* 94, no. 888 (2012): 1409–32; Renée C Fox, "Medical Humanitarianism and Human Rights: Reflections on Doctors Without Borders and Doctors of the World," *Social Science and Medicine* 41, no. 12 (1995): 1607–16; Scott-Smith, "Humanitarian Dilemmas in a Mobile World."

interventions to raise money and awareness) was frequently dismissed by other organisations as a flashy form of intervention with no real substance.[13] Amidst broader conversations over the ethics of mediatising suffering, discussions emerged over how advocacy and media engagement fitted with the humanitarian principle of impartiality.[14] Did it make sense to pour so much funding into publicity given that this did little to alleviate suffering practically? One notable articulation of this debate is excellently captured by Peter Redfield who describes the backlash MSF faced after spending its 1999 Nobel Peace Prize money on a medical access campaign. As Redfield describes, this decision proved divisive because it was seen to move humanitarianism too far beyond clinical intervention and to waste the NGO's technical expertise.[15] Debates like this highlighted the issue of what activities can actually be counted as aid. In particular, they questioned the role which 'speaking out' should play in assisting others. As Michael Barnett has neatly summarised, the aid sector has been riddled for many decades with disagreements about whether humanitarians should make noise and save lives in the process, or save lives and occasionally make noise.[16]

Again, it was apparent that maritime humanitarianism ran into a lot of controversy on this issue. The principle of impartiality would seem to suggest prioritising situations where need is greatest and where resources can reach the maximum possible number of people. Maritime rescue, however, is extremely costly and reaches relatively few people compared to other kinds of assistance. This might

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[13] MSF's Rony Brauman, for example, was highly critical of Geldof's Band Aid initiative, arguing that it was in fact doing more harm than good in Ethiopia. The narrative put forward by Band Aid was that that the Ethiopian famine was a natural disaster. However, this disaster had been created by the country's dictator, Colonel Mengistu Haile Mariam. Under a strategy known as the "Red Terror", Mengistu herded Ethiopia's peasant farmers into giant Soviet-style collective farms without providing the resources to cultivate anything, thereby inducing the famine that Live Aid responded to. Mengistu then diverted most international aid to the Ethiopian army which carried out widespread ethnic cleansing. Hence, Brauman argued that Live Aid's misleading narrative was perpetuating harm. It was, he argued, 'saving a thousand lives to condemn a hundred thousand'. See "Oxfam report: Geldof's appeals haven't changed a thing as Ethiopians face starvation yet again", *The Herald*, October 25, 2009.

[14] Other debates about media engagement revolve around the issues of representation and depoliticisation. Does the understanding of disaster propagated through the media mask the underlying political causes of crisis? Does it dehumanise or objectify humanitarian victims? On these questions see Susan D Moeller, *Compassion Fatigue: How the Media Sell Disease, Famine, War, and Death* (New York: Routledge, 1999); Susan Sontag, *Regarding the Pain of Others* (London: Hamish Hamilton, 2003); Judith Butler, "Photography, War, Outrage," *Publications of the Modern Language Association* 120, no. 3 (2005): 822–27; Simon Cottle and David Nolan, "Global Humanitarianism and the Changing Aid-Media Field: 'Everyone Was Dying for Footage,'" *Journalism Studies* 8, no. 6 (2007): 862–78.

[15] Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors without Borders* (Berkeley: University of California Press, 2013).

[16] Barnett, *Empire of Humanity*, 151.

mean that it could be seen as an inappropriate use of NGOs' resources. Indeed, I vividly remembered Hernan del Valle, the former Head of Humanitarian Affairs, Advocacy & Communications at MSF, noting that the basic needs of people rescued in the Mediterranean during the 2015 'migration crisis' seemed limited in scope when compared to the 'thousands of cases of malnutrition, infectious diseases (Ebola, HIV, tuberculosis, measles), and violent trauma' that aid agencies were responding to elsewhere in the world.[17] As del Valle argued at the time, the scope of maritime operations (beyond the act of rescue itself) seemed rather narrow and straightforward, mostly involving the treatment of dehydration as well as petrol burns. Accordingly, I wondered how maritime relief workers had instead justified their rescue projects. Had they ever focused on testimonial value? Sea rescue certainly seemed a powerful form of assistance in this respect, allowing humanitarians to witness and document the struggles of people suffering in the less visible space of the sea. Yet this outspokenness would only draw them further into the deeply political world of media coverage, advocacy and speaking out. It also raised difficult ethical debates about mediatising crisis. In the South China Sea in the 1970s, for example, had the many newspaper reports and television broadcasts documenting the suffering of 'boat people' simply turned human suffering into an international spectacle? Thinking about such questions, I wanted to explore whether humanitarians had considered speaking out to be a worthwhile, necessary or even truly 'humanitarian' form of activity at sea.

**Humanitarian Debates at Sea**

Essentially, what really carried me forwards into my case studies were the connections which I saw between these overarching debates and the practice of maritime humanitarianism. I wanted to ask how the specific dynamics of actual rescue operations had influenced humanitarians' positioning in such discussions, which of course also took place far beyond maritime settings. Put simply, when conversations regarding professionalisation, politics and campaigning had unfolded on board rescue

[17] Hernan del Valle, "Search and Rescue in the Mediterranean Sea: Negotiating Political Differences," *Refugee Survey Quarterly* 35, no. 2 (2016), 26.

ships, as opposed to refugee camps or reception centres for example, had they played out differently? If so, then how was this the case – what was it about maritime relief that took such discussions in specific directions? Again, this was getting at my central interest in the distinctiveness of maritime relief.

With such questions in mind, I went to the archives to search for three main things. First, I wanted to find out how humanitarian rescue projects had worked in practice, as the techniques they used would clearly have a bearing on their attitude to professionalisation, politics and campaigning. My goal here was to drill down in detail into the practical elements of maritime humanitarianism, uncovering the everyday processes of rescue operations in a range of different settings. Second, I wanted to uncover the more strategic discussions that had arisen from these projects. It was clear that practical considerations would quickly lead to policy discussions which I could examine through meeting minutes and other internal documents that were likely to explicitly reference the politics of aid work. Finally, I wanted to see how these approaches drew from even wider beliefs about the meaning and make-up of humanitarianism. In other words, beyond the policy discussions documented in meeting minutes there were broader beliefs and values at play that might appear, for example, in more private writings or aid worker memoirs. I was therefore scaling up my focus one step at a time, moving from practice to strategy to values in order to see how the nitty gritty details of sea rescue eventually informed broader understandings of relief. In this way, I hoped to pinpoint the influence of maritime settings on the making of certain humanitarian arguments.

To find information related to these three levels of research, I used a mixture of methods, primarily involving the records of aid agencies that had previously been involved in, or commented on, maritime projects. I also looked at historical newspaper articles and memoirs which described rescue ventures and I conducted in-depth interviews with humanitarian practitioners working at sea. This combination meant that I could look at maritime humanitarian projects in a high level of

operational detail whilst also addressing the debates they raised about emergency relief and its attributes.

**Archives**

I collected material from the archives of aid agencies that had launched rescue projects at sea or that had been drawn into debates surrounding these projects. In aid agencies' archives, I was able to learn a great deal about the small-scale practicalities of rescue operations, whilst also accessing internal documents that referenced humanitarians' opinions about maritime assistance. To a certain extent, my ability to access archives in order to find this information shaped my selection of case studies. Beyond wanting to select a specific set of case studies for breadth and diversity, I selected examples because the related NGOs (including MSF and Médecins du Monde) had large repositories of documents that were relevant to my research materials. For example, although I had wanted to learn more about a Norwegian 'Boat for Vietnam' initiative run in the South China Sea in the 1970s, the difficulties of locating a central store of documents related to this project led me to discard this avenue of research and to focus primarily on the French and German initiatives (where my language skills also lay).[18] In addition, these French and German collections were very accessible to researchers, benefitting from open organisational cultures that actively encouraged the study of previous aid projects. In the case of my second case study, I was keen to look through the extensive and newly acquired Hermanos collection which had previously been inaccessible. Again, the archivists at the Cuban Heritage Collection were keen to encourage researchers to look through this new material, which greatly helped me. For my final case study, I found that certain Mediterranean NGOs (including MOAS and Save the Children) were less willing for me to access documents related to their rescue projects. Mainly, this was because they feared unwanted publicity at a time when maritime rescue was strongly under the political

[18] The Norwegian search and rescue initiative was run on board a ship called the *Lysekill* and was kickstarted by Eigil Nansen, the grandson of Fridtjof Nansen. Fridtjof Nansen had been appointed as the League of Nations' first High Commissioner for Refugees in 1921.

spotlight. This directed me towards NGOs like Sea-Watch which, although wary of bad press, was much more open to academic research in this field.

First, I looked through the archives of Médecins Sans Frontières, Médecins du Monde, and the German Bundestag to learn about the 'Boat for Vietnam' ventures. Médecins Sans Frontières had initially been involved in the French 'Boat for Vietnam' project but its growing scepticism of sea rescue meant that it had soon decided to withdraw, hence the organisation had kept some useful material related to its changing perception of maritime aid during the 1970s. This withdrawal had then resulted in an organisational fracture, as several Médecins Sans Frontières members (led by Bernard Kouchner) left the NGO to set up Médecins du Monde. It was this splinter agency that then ran the French 'Boat for Vietnam' venture, although Médecins du Monde was not formally registered as an NGO until after the project ended. The Médecins du Monde archive therefore held documents that continued the story of maritime humanitarianism, and it also recorded the opinions of a dissenting group of aid workers – those that had held a much more positive view of sea rescue. Finally, the German Bundestag's archive held records of the German parliamentary subcommittee on humanitarian aid. This was the setting where disagreements between two German NGOs – Cap Anamur, which had launched the second 'Boat for Vietnam', and the German Red Cross, which had opposed this venture – had unfolded. I was therefore able to learn how and why the topic of refugee rescue had become so divisive in both France and West Germany during this time period.

Next, I turned to the archive of a more obscure rescue NGO – Hermanos al Rescate. I was excited to look at Hermanos' collection because it had only recently been made public – I was one of the first researchers to delve into its contents. After Hermanos al Rescate stopped running rescue flights in 2003, its historical records were moved into a small warehouse and, later, were kept by the organisation's co-founder, José Basulto, in his home in Miami. However, in 2014, Basulto decided to donate these records to the University of Miami's Cuban Heritage Collection. I was able to access over sixty boxes of material including press clipping, logs of pilots' rescue missions, activist leaflets dropped

from the NGOs' rescue planes, and photographs and video recordings. I used these sources to explore what maritime humanitarianism looked like in a different geographical and historical context at the borders of the United States in the 1990s. I was also drawn to this collection because it documented the worsening relationship between humanitarian pilots and both the U.S. and Cuban governments at this time, as maritime rescue became an increasingly controversial activity.

Finally, I looked through the organisational records of Sea-Watch. Although there was no physical 'Sea-Watch archive' that I could explore, I found a lot of material relevant to Chapter 6 on this organisation's website. Here, Sea-Watch had uploaded an extensive collection of documents dating back to its establishment in 2015. In total, I found 68 webpages of rescue reports, press releases, interviews, status updates and donor reports describing Sea-Watch's activities and so I decided to treat this online collection as a digital archive of sorts. Although this repository lacked more subjective accounts of individual experiences at sea (prompting me to turn to interviews as I describe later in this chapter) I still found a lot of material related to the day-to-day running of rescue operations. I also found documents that commented on much broader political developments in immigration control, including the tightening of EU borders and the acceleration of external 'migration management' schemes in countries like Libya. Again, this allowed me to see how maritime humanitarians engaged with much broader debates surrounding the politics of aid.

Unfortunately, the data collection phase of my research coincided with the outbreak of the Covid-19 pandemic and this meant that I was unable to visit archives in person. Instead, I requested specific folders and files from archivists which were scanned and sent to me electronically. This was often a slow, stuttering process and I was frustrated not to be able to hunt through collections with more freedom – after all, the documents that we stumble upon by accident or on an inquisitive whim often turn out be some of the most illuminating ones. However, by receiving scanned documents I still ended up with a considerable amount of material that was relevant to my research questions. The only problem that confronted me was that of citation. Materials were scanned to me from the UNHCR,

IMO and German Bundestag archives with clear record numbers. However, materials from the archives of Médecins Sans Frontières and Médecins du Monde were often sent to me without such identifiers. Covid restrictions meant that formal 'request and scan' systems shut down in these smaller archives and so, most of the time, archivists simply scanned whatever they could when they were able to access collections. They then sent documents to me via email and this meant that the files were often not ordered or clearly marked. I encountered similar problems with the Hermanos al Rescate collection, although this stemmed more from the recent acquisition of these records than from pandemic restrictions. The Cuban Heritage Centre was still processing and ordering Hermanos' documents and so I was sent historical files alongside two contrasting inventories – the original inventory of Hermanos' founder José Basulto and the new inventory created by the Cuban Heritage Centre. This sometimes made locating sources a technical nightmare. In the thesis, I have attempted to cite all documents as clearly as possible despite such difficulties. In Chapter 4, I have flagged instances where files were sent to me less formally from the Médecins Sans Frontières and Médecins du Monde archives. In these cases, I have listed documents as personal communications and noted the date they were emailed by archivists. In Chapter 5, I have chosen to follow the Cuban Heritage Centre's inventory, listing the box numbers that correspond with this system. However, since each of these boxes contain a huge amount of material, I have also given specific folder names where possible to make locating files easier.

**Source Materials**

As I worked my way through each archive, I focused predominately on three groups of sources: operation reports, correspondence and meeting minutes, and press releases and public statements. Operation reports helped me to focus on my first 'level' of research, learning about the technical elements of maritime rescue. They comprised summaries of individual rescue missions, completed after a day's work on a rescue ship or after a reconnaissance plane had returned to its airbase. I used these reports to find out how rescue operations had played out in practice, looking into operational

details ranging from the logging of lifejacket numbers and petrol levels to the maintenance of medical equipment (the French 'Boat for Vietnam' team, for instance, had found it difficult to operate electrical medical machinery safely in the intense Southeast Asian heat). I learnt from these sources just how much organisation went into rescue ventures. I saw how aid workers figured out the very broad logistics of refitting cargo ships as rescue ships.[19] However, I saw the smaller scale logistics that humanitarians had to engage with. For instance, Hermanos' pilots had drawn up a detailed list of everything they had to take with them on rescue flights, including spare radio batteries, windshield wax and snacks to keep their energy up.

Most of the time, these reports documented what aid workers had found at sea, describing the vessels they spotted and how many people they assisted. However, at other times they would also reflect on what was and wasn't working well in operational terms. For instance, I discovered that Hermanos had intended to provide water to stranded refugees by dropping frozen bags of water down from rescue planes – these bags were nicknamed 'pavitos' or 'little turkeys' because they looked like these when bundled up in the freezer. However, Hermanos quickly discovered the flaws of this plan as pilots found that dropping heavy bags of icy water onto fragile rafts could destabilise and break them.

Operation reports were not only circulated internally to log practical issues. I was interested to discover that these documents were often made public to exert pressure on governments as part of NGOs' advocacy work. The medics on board Sea-Watch ships, for instance, wrote daily medical reports where they listed cases of dehydration, petrol burns and overcrowding. They sent these reports out to pressurise governments and to ensure that they could not claim to be ignorant of escalating suffering at sea. Sea-Watch also used flight reports to advocate against state border controls. In this way, practical expositions of rescue work were often linked with wider efforts to influence policy and

[19] Some excellent footage of the refitting of the French 'Boat for Vietnam', made available by the Institut National de l'Audiovisuel, can be found at https://www.youtube.com/watch?v=IL5Eh3sk9rk [accessed April 25, 2023].

speak out, pushing states to act at sea to save lives. Accordingly, I could clearly map out how maritime humanitarianism slotted into debates surrounding campaigning and publicity.

Correspondence and meeting minutes spoke to my second tier of research, showing me the operational dilemmas that arose at sea. Through these materials, I was able again to see how the practical components of rescue fed into more abstract concerns about humanitarian strategies and procedures. In their correspondence, aid workers were often extremely honest and open about the problems and disagreements that they encountered and this allowed for a vivid documentation of clashing personalities and opinions. In Chapter 4, for example, I used correspondence to describe the acceleration of disagreements between the 'Boat for Vietnam' committees and NGOs like the German Red Cross over the professional nature of sea rescue. I was particularly struck by a letter written by Rupert Neudeck (founder of the German 'Boat for Vietnam') to the president of the German Red Cross, criticising this agency for its 'red tape' approach to relief and denouncing its head of operations as a 'shabby squealer'.[20]

Meeting minutes provided similar expositions of humanitarian debates, although these tensions were often couched in more technical language. For instance, I tracked in MSF's meeting minutes the organisation's unfolding decision to withdraw from its involvement in the French 'Boat for Vietnam' project. I learnt that this decision very much stemmed from the view that rescue constituted an unprofessional use of resources. Take, for instance, this MSF meeting summary from 1979, wishing other humanitarians well at sea in the aftermath of the organisation's withdrawal:

> 'We hope that the [rescue project] proves its purpose and that the quality of the individuals involved ensures that it is effective and lives up to its promise'.[21]

The measured language of this statement fails (perhaps intentionally) to cover up MSF's scepticism about the professionality of maritime rescue. Whilst wishing aid workers well at sea, MSF was also

[20] "Public letter from Rupert Neudeck to Walter Bargatsky", June 24, 1981, German Red Cross Archives, 4715.
[21] "Report of the MSF France General Assembly, 1979", MSF Archives, Paris. Personal communication from MSF archivist September 3, 2020.

subversively noting the concerns it had about this kind of care – concerns directly connected to the 'purpose' and 'quality' of humanitarianism.

Finally, aid agencies' press releases and public statements allowed me to identify the values and philosophies that maritime rescue was seen to represent, connecting to my final level of research. These sources showed me how humanitarians talked about rescue outside of internal discussions and in the public sphere. They revealed how aid workers *wanted* maritime rescue to be viewed by the wider public in terms of its principles and ideological standpoints. In these sources I unearthed several contradictory visions of maritime relief. Public statements tended to either inflate or play down certain elements of rescue projects in order to present particular images. Commonly, I found that rescue NGOs played up the solidaristic nature of rescue, its engagement with the rights of migrants and its ability to bypass administrative restrictions. On the other side, state officials (and at times other aid agencies) highlighted maritime humanitarians' scant engagement with bureaucratic process and their antagonistic criticism of governments. For instance, I show in Chapter 4 how the pronouncements of the French 'Boat for Vietnam' team focused on the simplicity of rescue and the attraction of providing 'the basics': 'a boat, […] a buoy, a refuge'.[22] In contrast, MSF's Raymond Borel quipped in a public report (provocatively titled 'Chose a Truth') that 'Boat for Vietnam' members spent too much time 'using stylistic turns of phrase and making terse, apparently definitive, remarks that reflected only the heat of the moment'.[23] Similarly, in Chapter 5, I show how Hermanos al Rescate described rescue in public as a rebellious form of 'amateur activism' whilst the Cuban government denounced it as a form of piracy.[24] These pronouncements were carefully curated for the public eye and they pushed for specific interpretations of humanitarian rescue. I found them useful because they showed me how divergent perspectives on maritime aid emerged and how they were mediated at different moments in time.

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[22] "Un Appel Du Comité 'Un Bateau Pour Le Vietnam,'" *Le Monde*, November 22, 1978.
[23] Laurence Binet and Martin Saulnier, *Médecins Sans Frontières, Evolution of an International Movement: Associative History 1971-2014* (Médecins Sans Frontières, 2019), 33.
[24] "José Basulto, "Unidad de Propósito, Un Comentario," University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4; "Statement of the Ministry of Foreign Affairs of the Cuban Republic, January 15, 1996", University of Miami Libraries Cuban Heritage Collection, CHC5101, Basulto's pilot license revoked: court records, Box 35.

The immediacy of these materials had not diminished with the passing of time – on the contrary, I soon became aware of just how sensitive these sources still were. After reading another public criticism of the French 'Boat for Vietnam' project, published in 1978 by MSF's Xavier Emmanuelli, I contacted him to ask some questions about this opinion piece. I received a rather curt refusal, as Emmanuelli explained that his article still had an uncanny power to separate and divide humanitarians, more than thirty years after its publication. Rescue, he wrote (interestingly still in the present tense) concerned 'a way of seeing the world which separates us [aid workers] in our actions'.[25] Given this capacity to sow discord, and aware that MSF was currently operating in another tense environment in the Central Mediterranean, Emmanuelli said that he felt uncomfortable re-entering a discussion about maritime humanitarianism. Clearly, the sources I was looking at continued to resonate keenly, and often uneasily, with relief workers.

**Differences Between Archives**

Although I looked at similar materials in each NGO archive, the process of research felt distinct in each one. I noticed that documents were written and presented differently in each collection, their language and tone shaped by humanitarians' backgrounds and allegiances. Beyond the level of style and content, I also found that aid agencies had opposing approaches to organisation, making different decisions about what sources to keep and how they should be ordered. I found that I could use both variances to my advantage, examining what they revealed about humanitarians' priorities and values. As Ann Laura Stoler has described in her book *Along the Archival Grain,* historians will always benefit from delving into the 'ethnographic space' of an archive, examining its form as much as its contents.[26] The way that knowledge is presented, stored, catalogued and laid out in a particular collection tells us a lot about the priorities of its protagonists. In my case, I was able to garner important insights into

[25] Email correspondence, September 4, 2020.
[26] Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

how aid agencies understood maritime humanitarianism – and how this mapped onto their approach to relief more generally.

For example, the language and tone of each archive helped me learn about NGOs' political and ideological leanings. The way that aid agencies and other institutions chose to refer to the people they supported at sea told me a lot about their views on politics and advocacy. Maritime migrants were referred to in UNHCR and IMO documents using legal and technical labels like 'refugees' or 'persons of concern'. However, some very different terms dominated other NGOs' collections. For instance, in a series of diary entries made public by a Médecins du Monde doctor in 1979, Vietnamese refugees were referred to as the victims of genocide. This doctor turned the subjects of rescue assistance into politicised victims in a haunting echo of 'the gas chambers of the Third Reich'.[27] Interestingly, when these entries were published in the French newspaper *Libération*, a note was added at the end of the article clarifying that this doctor no longer worked for MSF but was now part of Médecins du Monde. Clearly MSF did not want to be associated with such politicised terminology – a rather ironic position given that this organisation had first coined the idea of 'speaking out' when it referred to the Biafran conflict as a genocide.

Similarly, Hermanos al Rescate seldom referred to Cuban rafters as refugees in its documents – instead it described maritime migrants as 'brothers' and 'compatriots'. Hermanos directly explained this semantic choice in one of its press releases. As the NGO noted, from 1994 onwards the U.S. government had stopped referring to Cuban rafters as 'refugees' in its official statements. Instead, the government was beginning to use terms like 'migrant' or 'immigrant' – a rhetorical choice which stripped rafters of certain protections and facilitated the hardening of immigration restrictions. This was seen by Hermanos as a cowardly political move, 'creat[ing] the necessary conditions within public opinion for [Cubans'] future rejection'.[28] Hermanos chose to refer to rafters as their 'brothers' to fight

[27] "Journal de Bord d'un Médecin de l'Ile de Lumière," *Libération*, July 10, 1979.
[28] José Basulto, "¿Violencia de balseros o teatro de Fidel?", c.2000, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

against this dilution of deservingness and to emphasise the political nature of Cubans' plight. Hermanos used such language as a deliberate way of signalling its more solidaristic, rebellious approach to humanitarianism.

In Sea-Watch's documents, migrants were presented differently again. Sea-Watch described the people on board its ships as 'guests' in order to ensure that they were treated equally and with respect. As one Medical Coordinator explained to me in an interview, this policy was established to ensure that the NGO spoke *with* migrants and not *about* them: 'we call them guests, we don't call them refugees. Which in my opinion also has something to do with dignity, because it doesn't make them into victims straight away'.[29] Like Hermanos, Sea-Watch also refrained from using terms like migrant or refugee because of the way that states had come to use these terms (drawing distinctions between worthy 'refugees' and less worthy 'economic migrants' for example). Sea-Watch, for its part, chose to skirt around these rhetorical battles by using the language of hospitality, and by referring to all rescuees simply as 'people on the move'.

These different discourses helped me to develop my argument about the 'rebellious' strands of maritime humanitarianism. The language used by maritime aid agencies was variable, but it was always focused on protest, solidarity, dignity and equality. This highlighted for me the distinctive manner in which these agencies approached relief, foregrounding advocacy and political engagement. Acting in opposition to states' categorisations – and even at times to the terms used by larger humanitarian agencies like UNHCR – maritime NGOs refused to be co-opted rhetorically into processes that either depoliticised maritime displacement or that cast it as illegitimate movement.

The sources I looked at not only differed in tone but also in the way they were put together by NGOs and archivists. To a large extent, I found that the way in which different agencies filed away the

[29] Quoted in Vicki Squire, *Europe's Migration Crisis: Border Deaths and Human Dignity* (Cambridge: Cambridge University Press, 2020), 147.

past mapped onto their broader vision of what it meant to be a 'good' humanitarian. Again, this helped me to pinpoint the cultures that maritime humanitarianism rebelled against. For instance, as we shall see in Chapter 4, MSF began to place a high value on organisational professionalism from the late 1970s and these priorities were reflected in its archival decision making. For all of its culture of reflection and openness, MSF kept only the more formal documents dealing with the French 'Boat for Vietnam' venture, such as the minutes of general assemblies and committee meetings or public press releases. These documents proved useful, but it seemed that more pointed, personal documents had been deliberately excluded from official collections. When I talked to Rony Brauman, who had been a prominent MSF member during this period, he noted that the disputes which had unfolded over this project had been tense and at times highly targeted, but that not all of these 'internal affairs' had made it into formal records.[30]

I soon discovered this for myself when I read Bernard Kouchner's memoir (which I discuss further later on). In this memoir, Kouchner writes about an MSF meeting where his intervention at sea was mocked as a flashy celebrity stunt. He paraphrases the comments fired at him by MSF members: 'Do you just want to be part of the Jet Set? To have your name in the papers, to find yourself among fashionable people, that's your goal. Are you also going to save the whales and seals on this silly boat of yours?'[31] Of course, Kouchner was rhetorically flowering up such criticism in his book but, nonetheless, I could not find reference to any such discussion in the MSF archives. This begged the question: did Kouchner make up the discussion or did MSF leave it out? Although I came to be suspicious of Kouchner's stylised quotations, I was inclined to believe that this conversation must at least have taken place. Therefore, its exclusion from MSF's formal meeting minutes was most probably a choice made to deliberately gloss over such 'unprofessional' antagonisms. There was a clash here over the issue of what aid workers should do with their disagreements – should they make them public to push forward their viewpoints (as Kouchner did), or should they keep them private to maintain

[30] Video interview, September 2, 2020.
[31] Bernard Kouchner, *L'île de Lumière* (Paris: Ramsay, 1980), 35.

respectability (as MSF did)? This archival mystery cut straight to the questions I was asking in Chapter 4 about professionalism and publicity.

Hermanos al Rescate also stood out for its approach to record keeping. As I looked through the Hermanos collection, I found that the NGO seemed to have kept absolutely every document that had ever entered its office. Hermanos had kept the hefty maintenance manuals of its aircraft, as well as all its petrol logs and a bunch of scribbled sticky notes. José Basulto had even kept a small collection of love letters from admirers, with one including the memorable line 'I do not want to trivialise your humanitarian work but you are a 10/10'.[32] Here, the boundary between the personal and the professional seemed to completely melt away. Most interesting, however, was the fact that Hermanos kept all the documents that revealed the organisation's activist side. The NGO had no qualms about filing away an annual 'Message to Members' which referred to government officials as 'the scoundrels of the Clinton administration'.[33] It even kept summaries of rescue missions that showed pilots violating official flight protocols. One of these reports simply read "Went stealth during mission. FAA [Federal Aviation Administration] pissed!'[34] For Hermanos, it was clear that relief always had been and always would be deeply political and that its links to broader struggles for justice and revolution should not be papered over. Hence, to remove more pointed opinions or forthright summaries of the past was to dull collective humanitarian memory. This, I realised, was another manifestation of the 'embracing politics' rebellion, only this time shown through Hermanos' process of storing away the past.

**Newspapers**

[32] "Untitled letter", University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[33] José Basulto, "Mensaje a Neustra Membresía", 2005, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[34] "Rescue Log December 1, 1991", University of Miami Libraries Cuban Heritage Collection, CHC5101, Airplanes Logbooks, Box 1.

In addition to archival documents, I used newspaper articles to contextualise each of the humanitarian projects I was examining. I found some newspaper clippings related to maritime rescue in NGOs' archives but also I wanted to look beyond these collections to examine a broader range of publications. To do this, I went through the historical databases of newspapers including *Le Monde*, *Libération*, *Der Spiegel, Die Zeit*, *The Miami Herald*, *The Key West Citizen*, *El Nuevo Herald*, *The Washington Post, The International Herald Tribune, Punch, The Guardian, The Independent* and *The Times.*

These sources helped me in two ways. First, they helped me to piece together some of the specific details of humanitarian projects which I could not find in archival sources. For instance, whilst I had found rescue reports to be useful providers of information about the practicalities of the rescue, they often focused on the very niche details that aid workers wanted to know (such as how much fuel rescue planes had left after a mission or how many life jackets were needed to meet certain safety regulations on ships). These reports seldom mentioned broader background details which would have been useful to the less directly engaged observer (such as how rescue ventures were financed). I relied on newspapers to learn these kinds of particulars. Second, newspapers were useful because they unearthed the wider societal conversations that rescue fed into. For example, reports about the French 'Boat for Vietnam' often commented on this venture's tense connection to anti-communist activism, linking rescue to the ideological battles of the Cold War. Similarly, news articles mentioning Hermanos al Rescate almost always included opinionated commentaries on the intersection of rescue with America's shifting immigration policies in the 1990s. This told me a lot about the ways in which rescue was closely tied up in the public mind with changing political responses to refugee movement both before and after the fall of the Iron Curtain.

My obvious concerns with this source material centred around issues of sensationalism and selectivity. Newspaper articles were often driven by the need for fast, catchy stories of overcrowded boats, heroic rescue missions and humanitarian controversies. Bernard Kouchner in fact derided many of these accounts, which he complained were written by 'showered, clean-shaven [reporters] dressed

in tropical costumes' who were searching for a winning headline.[35] Most commentaries on maritime rescue either focused heavily on the diplomatic difficulties that these ventures created or unswervingly praised the courage of humanitarians. In this way, as Eugenio Cusumano has recently described, maritime aid workers became either 'angels' or 'vice smugglers', making it hard to accurately trace the impact of rescue projects.[36] However, I actually found it useful to analyse the high level of political polarisation surrounding maritime rescue, since this was a crucial component of the story I was telling. Newspaper articles showed me very clearly how it was almost always impossible for aid workers to disconnect maritime humanitarianism from public debates over immigration, border control and political allegiance. I therefore felt that these sources could be harnessed – if taken with a pinch of salt and used alongside other materials – to describe the ways in which maritime projects were inseparable from the thorny issue of humanitarian neutrality.

**Memoirs**

One final set of documentary sources also brought problems associated with objectivity, but proved useful when capturing the debates raised by rescue operations. These were aid workers' memoirs. I drew upon several highly personal accounts of maritime rescue in this research, from Bernard Kouchner's account of the French 'Boat for Vietnam' project, to William Schuss' account of Hermanos' flights over the Florida Straits, to Klaus Vogel's story of working in the Central Mediterranean.[37] Following the trail of these books was a fascinating journey. The accounts I read were full of colourful anecdotes, idealistic policy prescriptions and, at times, angry rants all related to maritime rescue.

[35] Kouchner, *L'île de Lumière*, 216.
[36] Eugenio Cusumano and Matteo Villa, "From 'Angels' to 'Vice Smugglers': The Criminalization of Sea Rescue NGOs in Italy," *European Journal on Criminal Policy and Research* 27, no. 1 (2021): 23-40.
[37] Kouchner, *L'île de Lumière*; William Schuss, *Día Tras Día Con Hermanos Al Rescate* (Miami: D'Fana Editions, 2007); Klaus Vogel, *Tous Sont Vivants* (Paris: Les Arènes, 2017).

Sometimes these texts made for uncomfortable reading, particularly in the case of older memoirs where many of the more problematic elements of humanitarian intervention wormed their way into the text. Bernard Kouchner's book, for instance, raised the topic of the unhealthy power dynamic between rescuer and rescuee – Kouchner recalls naming the first baby born on board his rescue vessel after the ship with what he blithely describes as the 'slightly constrained agreement of her mother', who had another preferred name.[38] In terms of engaging critically with the politics of representation, therefore, these memoirs fell markedly short. Nonetheless, since I wanted first and foremost to learn about the internal dynamics of humanitarianism, these sources still proved useful. They helped me understand in a very direct and unfiltered way what aid workers thought, and most crucially *felt*, about maritime relief. Whilst the archival materials and newspapers I looked through had described sea rescue in terms of practical activities and abstract ideas, memoirs brought it to life as a deeply personal activity, connected to emotions, personal agendas and individual experiences.

It was fascinating to compare these personal accounts of rescue to those I had found in archives. For instance, after reading through the archived meeting minutes of MSF's 1979 General Assembly (describing Bernard Kouchner's famous exit from MSF) I turned to Kouchner's memoir and found that he, too, had read these same minutes. Kouchner had not been impressed by what he had found there. The minutes, he argued in the memoir, featured 'not a word on the debate going on in the background, the resignation of the old members, on internal conflicts, nor about the Boat for Vietnam'.[39] As I touched on above, Kouchner saw such formal minutes as a hush-up of the discussion points that his rescue projects had unearthed. As a document, it proved to him only that 'the administrative apparatus [was] working' in its attempt to silence the voices of certain humanitarians.[40] Such clashes showed me just how often memoirs themselves were used as interventions in contemporary discussions over rescue. Clearly, these accounts were still very much part of the debates and controversies which they claimed to reflect objectively on. Humanitarian memoirs were used to

[38] Kouchner, *L'île de Lumière*, 182.
[39] Kouchner, *L'île de Lumière*, 229.
[40] Kouchner, 229.

put forward certain ideas regarding what 'humanitarianism' should and shouldn't represent. This of course made it impossible to treat them as accurate renditions of maritime projects but it did allow me to see very vividly the kind of arguments aid workers used to attack or defend these initiatives. Much like NGOs' press releases and public statements, memoirs unearthed what humanitarians wanted others to think about rescue.

**Refugee Voices**

Before I move on from these textual sources, it is important to raise the question of how refugees appeared in them. Where were the perspectives of 'boat people' themselves in each of the archives I looked through? Were the voices and experiences of these migrants foregrounded in newspapers and memoirs? In most of the sources I used, it became clear to me that refugees were noticeably silent (or silenced). Instead, the voices that dominated were those of aid workers, state officials and law and policy makers. I had expected that these perspectives would undoubtedly be privileged given that the sources were produced by such actors, but I had definitely expected to come across refugees' own reflections too and was surprised how seldom this happened. Refugees tended to appear only as statistics in NGOs' recordings of rescue figures (or worse, deaths at sea). If their experiences were described, they were ventriloquised in accounts which, as is often typical for the humanitarian sector, put the focus on vulnerability. For instance, in a series of diary entries published by a Médecins du Monde doctor in the French newspaper *Libération*, reader's attention was directed to 'a little infant, one and a half months old. He was born at sea and only weighs 2kg. He doesn't even have the strength to cry anymore'.[41] In such documents, the 'typical' boat person was weak and helpless; mainly they were women and children. Refugees' agency in searching for new homes and livelihoods was seldom foregrounded.

[41] "Journal de Bord d'un Médecin de l'Ile de Lumière."

To a large extent, refugees' personal experiences of fleeing by sea were not the focal point of my research; my central concern was what it meant for aid agencies to assist these migrants. Nonetheless, I was concerned about refugees' inscribed silence in the documents I looked through for two main reasons. First, even within the narrower confines of my project, I wanted to know what refugees themselves had made of maritime humanitarianism. I would have liked to learn not just how aid workers saw their projects but also what the 'beneficiaries' of sea rescue thought about this type of relief. What did refugees make of the humanitarians who took them on board their rescue ships or who spotted them from the skies in reconnaissance planes? The second reason for my concern relates more broadly to the question of power dynamics within my field of study. As Joan Schwartz and Terry Cook have succinctly argued, historical documents, as records, 'wield power over the shape and direction of historical scholarship, collective memory, and national identity, over how we know ourselves as individuals, groups, and societies.'[42] In the context of humanitarian history, a field concerned directly with the experiences of vulnerable populations, it seemed important to me that refugees' perspectives should be heard in a genuine form, and I often felt that this was not the case.[43]

In a few rare instances, refugees' experiences did worm their way through into archival documents. For instance, in Hermanos al Rescate's archives I learnt about Pablo Morales, a Hermanos volunteer who himself had been rescued by the NGO. Morales had been caught in the middle of a storm in August 1992 as he attempted to reach the United States from Cuba across the Florida Straits. He had been spotted and assisted by a Hermanos plane. After his rescue, Morales settled in Miami and was working in a supermarket when he saw Maggie Schuss, the wife of Hermanos' founder William Schuss. Morales explained to Maggie how the aid agency had saved his life and she suggested that he contact the organisation. He began volunteering for Hermanos at weekends, first cleaning the aircraft hangar and later boarding planes during missions as an 'observer'. He was one of the four Hermanos

[42] Joan M Schwartz and Terry Cook, "Archives, Records, and Power: The Making of Modern Memory," *Archival Science* 2, no.1-2 (2002), 2.

[43] Philip Marfleet has written extensively on the dangers of refugees being silenced from the historical record, warning against the self-perpetuating exclusion of such voices. See Philip Marfleet, "Refugees And History: Why We Must Address The Past," *Refugee Survey Quarterly* 26, no. 3 (2007): 136–48.

members killed when Fidel Castro ordered the shootdown of the NGO's planes in 1996. Morales' signature and comments often appeared on operation reports and his story was sometimes told at Hermanos' publicity events (this is where I came across this narrative, in the script for such a presentation). Even here, however, it did not seem that Morales wrote or told this story himself.

**Interviews**

As I had quickly discovered through my archival research and documentary analysis, the stories that aid workers told about rescue were of central importance to the history of maritime aid. Humanitarians' narratives about rescue uncovered what they thought about this type of relief, how they related it to events and changes taking place around them, and what values they felt it represented. To provide deeper engagement with this kind of source material, interviews offered some powerful insights.

I conducted a few interviews with humanitarians who had worked in the South China Sea and Florida Straits but for the most part it was difficult to find people to discuss these older projects with. Some aid workers, as in the case of Xavier Emmanuelli discussed earlier, did not want to talk about the controversies that their engagement (or non-engagement) in rescue had thrown up – although such reluctance was in itself very thought-provoking. Several of the thesis' protagonists, including both founders of Hermanos al Rescate as well as Rupert Neudeck (founder of the German 'Boat for Vietnam') had recently passed away. Others had simply returned to their everyday lives after volunteering as rescuers, losing contact with the humanitarian organisations whose networks I was using to find research participants. I was, however, able to find many humanitarians who had worked in the Mediterranean from 2015 onwards and hence I draw most heavily upon interview data in Chapter 6. This also helped me because Sea-Watch's website and online documents offered fewer answers to my questions about the opinions and values that Mediterranean relief workers held.

To speak to as many aid workers as possible, I contacted several rescue NGOs to find a small group of initial informants. I then expanded this group through 'snowballing' since many of my interlocutors directed me to other individuals whom they felt were well placed to speak to my research. I spoke to a wide range of people including the founders of rescue projects, RHIB drivers,[44] medics, fundraisers, media advisors and NGO lawyers. Most of the people I interviewed worked for Sea-Watch but, since it is common for aid workers to 'jump ship' between organisations, many had also worked for other NGOs including MSF, SOS Méditerranée and Proactiva Open Arms. I found conversations with these aid workers particularly illuminating since they could reflect on how Sea-Watch approached rescue differently to other organisations, as I discuss in Chapter 6.

Typically, each interview lasted about an hour and was very loosely structured. I began simply by asking my interlocutor to offer an account of their involvement in maritime rescue. I found that, as each interviewee discussed how they had come to this work, they began to move beyond more factual details to touch on what maritime humanitarianism meant to them. At this point in the conversation, I would explore the specific motivations that each individual highlighted, prompting them to reflect on how these drivers related to humanitarian ideas and values. Often, I was surprised at how quickly my informants cut to the heart of more normative questions surrounding maritime rescue. I had initially assumed that aid workers might be unwilling to offer such reflections, preferring to focus on the more straightforward side of their work and skirt around controversial topics. A few of my interviewees did offer more cautious replies to questions of motivations and beliefs, but the majority of my informants actively wanted to bring up deeper debates over humanitarian values. As one informant saw it, aid workers would not get far at sea if they remained a 'small bubble' that did not discuss such issues with outsiders, including researchers.[45] As they argued, this 'bubble' had to be popped and the more abstract elements of maritime aid discussed openly if humanitarians wished to induce change on a larger scale.

[44] RHIBs (Rigid-Hulled Inflatable Boats) are the smaller boats that leave the main rescue ship to make first contact with migrant vessels.
[45] In person interview with Proactiva Open Arms volunteer, February 1, 2020.

When conducting interviews, I saw my task not merely as extracting information but also as opening up a narrative space for the interlocutor. I wanted to encourage interviewees to volunteer stories on their own, before reflecting upon the subjectivities that came with them, or pressing for greater detail. Such an approach inevitably generated issues of factual interpretation since my interviewees were offering narratives whose gaps and emphases needed to be interrogated. Humanitarians' tendencies to twist their responses for a specific purpose often led me away from an 'accurate' reconstruction of events in the Mediterranean. However, I learnt a lot in this process. In two separate interviews, for example, I asked different members of Sea-Watch to describe what they usually saw when flying planes over the Mediterranean. One responded by describing the number of refugee boats they spotted, focusing on the humanitarian situation they saw on board these craft. The other responded by describing how many ships from the Libyan coastguard they saw, focusing on the human rights abuses that came with the EU's funding of this agency. These different answers, one highlighting immediate suffering at sea and the other highlighting the political alliances that aggravated such suffering, highlighted the clash between technical care and politically engaged advocacy that crops up repeatedly through the thesis. In short, I found that there was no fixed, singular or clear-cut way to describe maritime rescue – different humanitarians were always bound to reconstruct their projects in different ways. However, I felt that this plurality could be used as a resource rather than singled out as a problem.

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In conclusion, the processes of archival research, documentary analysis and interviewing allowed me to do two things. First and fundamentally, I was able to tell the story of three different rescue projects, giving a sense of what it had actually been like to provide assistance at sea. Second, I was able connect these stories to the overarching debates about humanitarianism that I had noticed at the beginning of my research. Eventually through this approach, I built up the central argument of the thesis. I came to understand that, when working in the 'borderless' setting of the sea, maritime humanitarians had

intervened in distinctive ways in discussions surrounding professionalisation, politics and advocacy. The process of conducting rescues, and the concerns which this created within aid agencies about their strategies and values, led humanitarians to put forward some rebellious arguments about relief. I now turn to look at these arguments and case studies in more detail, beginning with the 'Boat for Vietnam' projects in the South China Sea.

# Chapter 4

## Boats for Vietnam: Resisting Professionalisation, 1978-1982

On 5th May 1979, Médecins Sans Frontières (MSF) held its seventh General Assembly at the Intercontinental Hotel in Paris. The Assembly was meant to review the organisation's projects and celebrate its achievements but it was soon interrupted by Bernard Kouchner, one of MSF's co-founders. Kouchner gave an impassioned speech marking his disillusionment with the organisation before renouncing his membership and walking out of the hotel. He left behind, as MSF's meeting minutes later put it, 'the bitter image of friends, brothers and sisters losing sight of what united them and focusing instead on what divided them'.[1]

What had divided MSF, in part, was Kouchner's involvement in a maritime rescue venture named the 'Boat for Vietnam'. The 'Boat for Vietnam' project, run by a French humanitarian committee of the same name, aimed to assist the thousands of 'boat people' who were stranded in the South China Sea. The committee decided to charter a vessel emblematically named the *Île de Lumière* (Island of Light), sending this ship out to sea between 1978 and 1979 to provide rescue assistance off the coast of Malaysia. However, this venture soon became divisive within the humanitarian community. This was because it rebelled against one of the major trends transforming the aid industry at the time: the bureaucratisation and professionalisation of relief. During this period, humanitarian agencies like MSF were attempting to organise aid in order to make its delivery more efficient, but the 'Boat for Vietnam' eschewed this emphasis on logistics and coordination. Instead, the project highlighted the value of more 'amateur' forms of assistance orientated around flexibility and volunteerism. In this way, as Kouchner described it, the venture became a 'battleground' on which several internal humanitarian tensions suddenly exploded.[2]

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[1] "Report of the MSF France General Assembly, 1979", MSF Archives, Paris, personal communication from MSF archivist September 3, 2020.
[2] Bernard Kouchner, *L'île de Lumière* (Paris: Ramsay, 1980), 58.

The question of maritime relief also proved divisive outside of the French context. Inspired by the work of the French rescue committee, a German journalist named Rupert Neudeck launched his own 'Boat for Vietnam' project (running from 1979 to 1982), which similarly generated confrontations between relief workers. Neudeck's German 'Boat for Vietnam' severely aggravated members of the German Red Cross – again because it pushed against the current of professionalisation. The German Red Cross saw the late 1970s as a pivotal moment for the relief sector, in which humanitarianism could cease to be understood as a small-scale, ad hoc arrangement and could instead garner international recognition as a reliable and professional endeavour. The agency hoped to make the most of such opportunities by building closer ties with the West German state. The problem with Neudeck's project was that it bucked this trend. In fact, it explicitly criticised it. The German 'Boat for Vietnam' argued that professionalising, especially in a way which ran off state funding, would stifle the idealistic heart of humanitarianism and would make it much harder to respond to emergencies quickly. Neudeck and his supporters championed a more recalcitrant model of aid that challenged governments rather than currying favour with them.

In short, the 'Boats for Vietnam' were small, experimental ventures which represented a rebellious ethos of assistance. They were kick-started by humanitarians who were unafraid to use the sea as a space in which to challenge the status quo and resist professionalisation. The founders of both projects saw maritime rescue as an idealistic, authentic brand of relief that could bypass 'red tape' aid efforts, impose humanitarian duties upon the state and claim the sea as a space of humanitarian resistance. In particular, these humanitarians used rescue to resist the recent trend towards professionalisation, rejecting the growth and regulation which (in their view) had begun to draw aid agencies away from the exciting principles of 'new humanitarianism'. In this way, both of the 'Boat for Vietnam' projects laid bare the tensions which we touched on in Chapter 2: Should aid agencies seize the opportunity to venture out into new, borderless contexts at sea, or would this create too many problems for them? Was maritime rescue a troublesome process that compromised the

professionalisation of care, or was this disruption a positive force, ensuring that aid remained independent and principled?

This chapter describes each of the 'Boat for Vietnam' projects in turn and examines the controversies that they generated. I focus first on Bernard Kouchner's work with the *Île de Lumière*, examining the arguments that this rescue project sparked within MSF. I then show how the venture's interpretation of maritime rescue upset other aid agencies (including UNHCR and national Red Cross and Red Crescent societies) once it arrived in the South China Sea. I then move on to examine Rupert Neudeck's German 'Boat for Vietnam' project. I describe the negative reaction which this venture provoked from the German Red Cross before explaining how its approach to rescue also aggravated the West German government. Ultimately, I show how both projects capture the first 'rebellious' strand of maritime humanitarianism: resisting professionalisation. At a time of rapid development within the aid industry, maritime aid workers used sea rescue to oppose the organisation of relief. They championed maritime rescue as a form of humanitarianism that remained small-scale, adaptable and free-spirited.

**'Un Bateau pour le Vietnam'**

Amongst the footage broadcast around the world of the Vietnamese displacement crisis were scenes of the *Hai Hong*. The *Hai Hong* was a cargo vessel that had been used to transport 2,564 Vietnamese refugees away from the communist regime.[3] In October 1978, the ship had requested permission to land in Malaysia so that its passengers could disembark and claim asylum. However, it was refused entry into Malaysian ports on the grounds that those on board had paid for their passage from Vietnam and hence were not bona fide refugees. With its engine disabled, the *Hai Hong* anchored off the coast of Port Klang, where it remained in a standoff with Malaysian officials. Although a representative of

[3] Karin Kammann, "Die Vietnamesischen "Boat People" – Völkerrechtliche Aspekte," *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 13, no.2, (1980), 134.

UNHCR in Kuala Lumpur was taken out to the ship by police launch to speak to passengers, he was not allowed onto the vessel and no relief was provided to the refugees on board by state authorities. The *Hai Hong* was left to drift at sea for three weeks and the situation on board quickly worsened due to the lack of food, water, medical supplies and adequate shelter. The story of the *Hai Hong*'s limbo attracted a huge amount of media attention. Newspaper articles and television reports recounting the plight of those on the vessel sparked impassioned declarations that the humanitarian crisis in the South China Sea was spiralling out of control. As a United Nations representative in Malaysia put it to the *New York Times*, action had to be taken in order to ensure that refugees did not lose their 'life and liberty' at sea and that they did not have to wait for acceptance on land.[4]

Expanding this argument, a nascent French humanitarian committee named 'Un Bateau pour le Vietnam' ('A Boat for Vietnam') published an appeal in *Le Monde* in November 1978, demanding that greater assistance be provided to refugees at sea:

> '[T]he *Hai Hong* is not the only [stranded] boat. Every day, improvised skiffs brave the storms of the China Sea [...] Half of them drown, and all are attacked and robbed by pirates. Let us find countries that will welcome them in Europe, America, Asia, and Australia. Let us do more: let us rescue these fugitives. A boat must be available at all times in the China Sea, to find and rescue those Vietnamese who risked fleeing their country'.[5]

The appeal marked a notable juncture in the development of maritime humanitarianism. Previously, as we saw in Chapter 2, humanitarian bodies like UNHCR had encouraged merchant and state ships to rescue stranded refugees in the South China Sea. Yet they had held off from running rescue vessels themselves. The French committee, however, was pushing for humanitarians to 'do more' than ask others to take up rescue duties at sea – it was highlighting the need for aid workers themselves to get involved in such work. The committee members were disappointed that humanitarians' increasing

[4] Henry Kamm, "Malaysians Bar Huge Boatload Of Ill Refugees," *The New York Times*, November 12, 1978. See also Leonard Downie Jr, "Vietnam Refugee Plight Causes Concern in U.S.," *The Washington Post*, November 16, 1978; Henry Kamm, "200 Vietnamese Die Off Malaysian Coast," *The New York Times*, November 23, 1978.
[5] "Un Appel Du Comité "Un Bateau Pour Le Vietnam," *Le Monde*, November 22, 1978.

focus on maritime displacement had not translated into tangible, independent action at sea. As they put it, for all the talk of encouraging rescue, there was 'no United Nations boat, no 'blue helmet for the sea' to enforce international rescue laws'.[6] It seemed clear that 'neither the UN nor UNHCR [could] ensure [boat people's] protection in the China Sea' with their current activities – other aid agencies would have to step in.[7]

Accordingly, the 'Boat for Vietnam' committee began to organise its own rescue venture. With the support of a star-studded celebrity campaign (bringing together the likes of Brigette Badot, Simone de Beauvoir, Michel Foucault and even intellectual archenemies Jean-Paul Satre and Raymond Aron), the committee drew in 1.5 million francs in public donations and was soon able to charter a 25-metre-long cargo ship from New Caledonia.[8] The aim was to use this ship (the *Île de Lumière*) to locate and rescue stranded refugees, provide them with medical assistance and transport them to safety. The project was viewed by its founders as a tangible example of the old humanitarian adage that small acts can make a difference. It was also seen as proof that it was possible to push relief efforts forwards quickly, without hitting the bureaucratic speedbumps of the humanitarian machine. Speed and flexibility were of the essence – as Bernard Kouchner put it in a television interview in November 1978, '[f]or once, we know that people are fleeing a country, it's not a case of finding out after the fact, and for this reason we have to act now'.[9] However, it was this ideal of spontaneity that made the project such a divisive one within the humanitarian community. The 'Boat for Vietnam' venture soon ran into opposition within MSF, a humanitarian organisation that had begun to embark upon an opposing process of bureaucratisation and professionalisation.

[6] Bernard Kouchner quoted in Jean-Claude Buhrer, "Des personnalités européennes et vietnamiennes forment un comité contre la piraterie", *Le Monde*, May 4, 1981.
[7] "Mission Statement of Médecins du Monde – Boat People Programme", Médecins du Monde archives, Paris, personal communication from Médecins du Monde archivist, May 10, 2021.
[8] "Le 'bateau pour le Vietnam' quittera la Nouvelle-Calédonie en mars", *Le Monde*, February 16, 1979.
[9] Quoted in Laurence Binet and Martin Saulnier, *Médecins Sans Frontières, Evolution of an International Movement: Associative History 1971-2014* (Médecins Sans Frontières, 2019), 30.

**Tensions within MSF**

The organiser and figurehead of the 'Boat for Vietnam' project was Bernard Kouchner, a founding member of MSF and a man who had been a key figure in the development of 'new humanitarian' ideas. Envisioning the 'Boat for Vietnam' as a project that would perfectly take forwards MSF's focus on crossing borders and speaking out, Kouchner did not imagine that it would engender any backlash amongst his colleagues. Kouchner very much took up the view discussed in Chapter 2: that maritime rescue had the exciting potential to combine practical assistance and *témoignage* in a new and unrestricted context 'without borders'. He therefore offered the MSF's services to the 'Boat for Vietnam' committee at once. He assumed, as he later recounted it, that MSF volunteers 'would even scramble to be involved' in the rescue project.[10] However, many MSF members – to Kouchner's surprise – did not feel this way.

In contrast to Kouchner's convictions, a lot of MSF-ers were wary of tying their organisation to an impulsively established project, particularly one that focused on the unconventional provision of assistance at sea. Early stirrings of discontent punctured the organisation's management meeting held in November 1978, just two days after the publication of the rescue committee's appeal in *Le Monde*. MSF members voiced concerns that Kouchner had dragged MSF into a relief programme that it had neither formally debated nor committed to. After a brief but fraught discussion, the NGO agreed to provide medical assistance on board the boat but demanded that it be made clear to the public that MSF was not itself a 'Boat for Vietnam' committee member.[11] The goal was for MSF to 'distanc[e] itself from this operation' in public and the meeting minutes note that the majority of the NGO's members present 'were relieved, rather than troubled, by this news'.[12] The arrangement reached at this meeting initially pacified both sides, yet as the publicity surrounding the maritime rescue project mushroomed, so did MSF's sense of discomfort regarding even such low-key involvement.

[10] Anne Vallaeys, *Médecins Sans Frontières: la biographie* (Paris: Fayard, 2004), 285.
[11] "MSF France Collegial Management Committee Meeting, 1 March 1979", MSF Archives, Paris, personal communication from MSF archivist September 3, 2020.
[12] "MSF France Collegial Management Committee Meeting, 1 March 1979".

As the boat project began to gather momentum, MSF came to regard maritime rescue as a risky form of humanitarian assistance, one which overstepped the boundaries of professionalism. Rather than representing a well-organised project adhering to established humanitarian guidelines and principles, MSF viewed the rescue ship as an impulsive and highly personal venture – the reckless dreamchild of Kouchner. MSF members disliked how the scheme of one individual had been publicly (and without consultation) labelled as MSF's.[13] Confusion between personal undertakings and institutionalised projects, they argued, weakened the professional reputation of MSF and erroneously gave the impression that humanitarian relief could be provided by individuals going it alone.[14] As Claude Malhuret, MSF's outgoing president at the time, later reflected, what angered members was the fact that Kouchner 'created the impression that MSF and [the boat project] were one and the same thing. This story was bad for our autonomy, our unique identity'.[15] MSF felt that humanitarian assistance should involve the collective negotiation of plans and they therefore, as Malhuret put it, 'didn't think that one man should seek all the glory'.[16]

MSF members also argued that running a search and rescue mission at sea would be a waste of their organisation's professional expertise. Doctors, they argued, drew on detailed training that could not be put to efficient use in the cramped quarters of a boat: MSF, after all, stood for 'Doctors without Borders' not 'Sailors without Borders'. Rony Brauman – an MSF doctor who had just returned from Thai refugee camps and who had spent time as a ship's doctor along the West African coast – sent enquiries to several marine officers he had met on these missions, asking them about the feasibility of providing medical care in the South China Sea. He met with pessimistic replies, eventually concluding that it would be technically impossible to meaningfully help 'boat people'.[17] Doctors would not be able, he argued, to locate wounded or sick refugees accurately in such a vast space and their capacity to treat individuals would be limited even if they did manage to reach them. Kouchner's rescue boat was

[13] "MSF France Collegial Management Committee meeting, 24 November 1978".
[14] Vallaeys, *Médecins Sans Frontières: la biographie*, 137-138.
[15] Quoted in Binet and Saulnier, *Médecins Sans Frontières, Evolution of an International Movement*, 31.
[16] Vallaeys, *Médecins Sans Frontières: la biographie*, 137.
[17] Video interview with Rony Brauman, September 2, 2020.

therefore viewed by Brauman and others as a technically ineffective venture which, given that it was projected to cost 20,000 francs each day, also appeared a waste of valuable resources.[18]

For all of these factors, the 'Boat for Vietnam' project came to be understood by MSF as an 'amateur' aid venture. The NGO began to backtrack on its support for the rescue scheme, refusing to confirm its commitment to sending medical personnel on board the ship. As many MSF members acknowledged at the time, and continue to highlight, it was not that MSF was opposed to the principle of assisting Vietnamese refugees.[19] In fact, from an ideological standpoint, Kouchner's scheme had all the makings of a valuable project. MSF was keen to assist, and to advocate for, the victims of the Indochinese displacement crisis as a way of expressing its anti-communist leanings. As Eleanor Davey has pointed out, the main leaders of MSF during this period (Malhuret, Brauman and Xavier Emmanuelli) later admitted their desire 'to turn MSF into a machine [of] something like an anti-communist war'.[20] MSF would later lead a highly publicised 'March for Cambodia' to speak out against the revolutionary crimes of the Khmer Rouge.[21] Neither did the organisation's dislike of the venture stem from a disapproval of its focus on witnessing suffering at sea. MSF rather admired the way that the project would, in Brauman's terms 'break open up the passageway symbolically' for the voices of the displaced to reach the West, placing *témoignage* at the centre of its activities.[22] What MSF was opposed to was the fact that this witnessing might be used for personal publicity by the likes of Kouchner and that it would be organised from the then-unusual setting of a rescue ship. Setting out on board a boat, when aid workers had no previous rescue or even general nautical experience, was seen as unprofessional in the extreme, wrongly confusing the radical power of witnessing with the trigger-happy impulse to act without planning.

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[18] This generated a monthly cost of 600,000 francs, which translates to about £79,000 today.
[19] "MSF France Collegial Management Committee Meeting, 1 March 1979".
[20] Rony Brauman quoted in Eleanor Davey, *Idealism beyond Borders: The French Revolutionary Left and the Rise of Humanitarianism, 1954-1988* (Cambridge: Cambridge University Press, 2015), 203.
[21] Vallaeys, *Médecins Sans Frontières: la biographie*, 236; Eleanor Davey, "Famine, Aid, and Ideology: The Political Activism of Médecins Sans Frontières in the 1980s," *French Historical Studies* 34, no.3 (2011): 529-55.
[22] Video interview with Rony Brauman, September 2, 2020.

The 'Boat for Vietnam' proposal had landed on MSF's desk during a pivotal moment for the organisation. As Rony Brauman put it to me during an interview, the NGO was growing from a small aid agency with 'only one switchboard operator and a secretary' into a major player on the global humanitarian stage.[23] The reason why the 'Boat for Vietnam' project sat so badly within MSF was that it rattled a key group of members who were trying to hasten the organisation along this path, moving away from volunteerism and ad hoc programmes. Claude Malhuret and his supporters had begun the previous year to push for a process of expansion and professionalisation, structuring MSF to make it more efficient in the field.[24] Malhuret believed that if MSF continued to operate only through improvised projects like Kouchner's then the organisation would perish. As he remembers putting it to his colleagues during a secretariat meeting in 1977, '[E]ither we get organised and grow, or we don't and we disappear'.[25] This represented a common view at the time, when aid agencies were developing standards and systems to cope with the scaling up of relief.[26] From such a vantage point, launching into maritime rescue was seen to pull MSF back into a state of disorder and inefficiency, steering the organisation away from its bright future as a professional player on the global humanitarian stage. Maritime rescue was viewed as impulsive, flashy and audacious: everything that aid should not be. Slowly appearing here was a gap between two cadres of aid workers: those who advocated for rapid interventions and flexibility and those who favoured logistics and organisation.

**'A Boat for Saint German des Prés'?**

Exacerbating this ever-deepening fault line, MSF's incoming president Xavier Emmanuelli launched a particularly vitriolic attack against the 'Boat for Vietnam' in December 1978. In a provocative article

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[23] Video interview with Rony Brauman, September 2, 2020.
[24] "Report of the MSF France General Assembly, 29 and 30 April 1978", MSF Archives, Paris, personal communication from MSF archivist September 3, 2020.
[25] Quoted in Binet and Saulnier, *Médecins Sans Frontières, Evolution of an International Movement*, 29.
[26] Older NGOs like Oxfam and CARE were also professionalising in this period. See Heike Wieters, "Reinventing the Firm: From Post-War Relief to International Humanitarian Agency," *European Review of History: Revue Européenne d'histoire* 23, no. 1–2 (2016): 116–35; Matthew Hilton, "Oxfam and the Problem of NGO Aid Appraisal in the 1960s," *Humanity* 9, no. 1 (2018): 1–18.

published in *Le Quotidien du Médecin*, Emmanuelli accused the ship's committee of simply staging a glitzy rescue mission. He argued that 'Boat for Vietnam' members were using the media spotlight for their own gain instead of meaningfully assisting 'boat people', titling his piece 'A Boat for Saint German des Prés' in reference to the wealthy quarter in the sixth arrondissement of Paris where most of the rescue committee lived and worked. Emmanuelli accused the 'Boat for Vietnam' of ignoring the plight of other refugees around the world whose suffering was less spectacular, less politicised and therefore less amenable to self-interested publicisation. He also questioned aid workers' sudden move out to sea. Why, he asked, should so much money be spent on complex projects to assist Vietnamese refugees on the waves when millions of other refugees continued to suffer, albeit less visibly, on land: 'What about the Angolan refugees in Zaire? And the Zairean refugees in Angola? Who is speaking up for the Eritrean and Somali refugees? […] Where are your boats, oh, great men of conscience?'[27] This raised the thorny issue of impartiality. The boat project, Emmanuelli concluded, had been kickstarted only by media-hungry humanitarians who wished to dramatically sail upon 'the oceans of our guilty consciences' and who seemed more interested in filling boats under the watchful eyes of television cameras than in emptying them.[28]

Unsurprisingly, such mockery served only to stoke up the flames of disagreement within MSF, creating a deep rupture between those members who supported Bernard Kouchner's boat venture and those who wished to see the back of maritime relief. Unable to tolerate what he saw as the abandonment of humanitarian idealism in favour of paper-pushing bureaucracy, Kouchner finally stormed out of the organisation's general assembly in May 1979.[29] He decided to continue the 'Boat for Vietnam' with a new team of aid workers who saw rescue work as a vital humanitarian activity and who did not see the label of 'amateur' as a derogatory one. In fact, many of Kouchner's fellow dissidents were attracted to the rebellious branding of this term. Éric Cheysson, a junior surgeon in

[27] Xavier Emmanuelli, "Un Bateau Pour St Germain Des Prés," *Le Quotidien Du Médecin*, December 4, 1978.
[28] Emmanuelli, "Un Bateau Pour St Germain Des Prés".
[29] "Report of the MSF France General Assembly, 1979".

training at the time of the rupture, recalls following Kouchner and his supporters out of the assembly room of the Intercontinental Hotel and onto the streets of Paris: 'We found ourselves in a miserable bistro, sitting around Kouchner who declared solemnly and determinedly, smacking the palm of his hand on the table, "We are going to make it work, this boat!"'[30] Recalling his enrolment into Kouchner's new rescue organisation, which would eventually become Médecins du Monde,[31] Cheysson recounted a particularly illuminating conversation with Kouchner: 'Suddenly, looking me straight in the eyes, [Kouchner] asked me, "What is it that you do?". Intimidated, I stuttered: "Well, I'm a surgeon…" In actual fact, I had never operated in my life. "Voila", exclaimed Kouchner, "We have a surgeon!"'.[32] This was a good illustration of the project's overall approach, orientated around volunteerism and enthusiasm. The aim, as Kouchner put it, was to 'pull together a solidarity [of] the amateurs of Human Rights', another reference to the 'new humanitarian' values he had come to espouse.[33]

When recounting the 'Boat for Vietnam' schism, Kouchner and his supporters put forward a different narrative to the one offered by MSF. As they saw things, MSF had turned its back on its foundational commitment to advocacy, drifting towards institutional indolence on the unstoppable tide of bureaucratisation. MSF's ideological commitment to alleviating suffering and its support for the victims of global injustice, Kouchner raged, had been 'brought down in full flight by the charity's bureaucrats and the technocrats of aid'.[34] Kouchner believed that the organisation he had helped to create after Biafra was losing touch with its ideological grounding point in favour of expansion and officialdom. MSF, he cried, was 'making another *charity* [when] we wanted to propose a *brotherhood*'.[35] Interestingly, therefore, whilst MSF's critique of rescue centred around the argument that it would prevent the NGO from ever living up to its humanitarian promise (due to its disorganised nature),

[30] Éric Cheyyson and Michel Fauré, *Au Coeur de l'Espoir* (Paris: Groupe Robert Laffont, 2012), v.
[31] On their return from the South China Sea, the team that had run the *Île de Lumière* set up Médecins du Monde. This NGO was formally established in Paris on 31st January 1980.
[32] Cheyyson and Fauré, *Au Coeur de l'Espoir*, v.
[33] Kouchner, *L'île de Lumière*, 403.
[34] Binet and Saulnier, *Médecins Sans Frontières, Evolution of an International Movement*, 33.
[35] Kouchner, *L'île de Lumière*, 233 (emphasis added).

Kouchner and his rescue committee presented their rescue project as the only hope for the survival of the NGO's founding principles. The 'Boat for Vietnam', in their eyes, was a return to the motivated idealism of the post-Biafran days. Rescue was seen to offer a way back to MSF's original, radical conception of relief and as such it stood as a last bastion of idealism resisting Malhuret's drive for professionalisation.

Effectively, the 'Boat for Vietnam' project ignited heated internal discussions within MSF regarding its future and the forms of relief it wished to provide. The simmering pressures unearthed by the project – centred around the balance between volunteerism and efficiency – had previously hidden beneath the surface of the organisation. Now, however, they had been dragged into the open by the question of sea rescue. Crucially, these discussions pushed a small group of humanitarians into rebellion. Whilst MSF turned down rescue in order to assert professional legitimacy and ensure its ability to stay afloat within an expanding aid sector, Kouchner and his committee refused to buy into the logic that bigger and bureaucratised was always better. These maritime aid workers used the 'Boat for Vietnam' to delegitimise large scale aid and claim the true spirit of relief for themselves.

**Unsettling Humanitarians in the South China Sea**

The discussions that unfolded within MSF highlight how rebellious the 'Boat for Vietnam' project was in terms of its ideas and interpretation of assistance. The tensions discussed above relate not necessarily to the practical act of sea rescue but to what this was seen to represent in the context of a transforming humanitarian sector. MSF members, after all, disagreed about maritime humanitarianism long before the 'Boat for Vietnam' set sail and even before an actual boat was found. However, as it sailed out to the South China Sea in February 1979, the *Île de Lumière* took rebellion into more concrete and highly politicised territory. Ultimately, this ship was setting sail to rescue the fugitives of communist regimes, physically picking them up and taking them (in many cases) to Western states for resettlement. This activity very much stood out from other aid agencies' projects in Southeast Asia. Large humanitarian

organisations like UNHCR, as well as local branches of the International Federation of Red Cross and Red Crescent (IFRC), were attempting to skirt around the obvious political symbolism of Vietnamese displacement and so they often avoided intervening at sea. Instead, they waited for refugees to arrive ashore in neighbouring countries where they provided food, shelter and medical treatment before arranging resettlement from refugee camps. However, the 'Boat for Vietnam' strained the highly sensitive nerves of the humanitarian system because it refused to wait to refugees to reach land (or, as was often the case, to die trying). The project focused on finding refugees at sea before their situation became critical.[36] However this raised a lot of tense questions surrounding the ethics of directly transporting the escapees of communist regimes.

The Vietnamese refugee crisis was inextricably caught up in the politics of the Cold War. The flight of the 'boat people' was the direct product of Cold War struggles, coming after a decade of American military intervention in Vietnam and signalling the beginning of a particularly violent period of communist assertion. The failure to find regional solutions to the humanitarian crisis at sea was also the result of geopolitical tension. Many neighbouring states in Southeast Asia were themselves fending off communist takeovers and they viewed Vietnamese refugees as a stealthy invasion force – a potential fifth column for communist insurgency. It was this perception of refugees as an explosive political liability that prompted many to turn 'boat people' away from their shores.[37] Finally, the international response to the 'boat people' was heavily shaped by Cold War agendas and loyalties.[38] Many of the Western nations who rallied most quickly to assist the displaced – including the United States, France and Canada – had a strong interest in securing safe haven for these refugees. For the United States in particular, the refugee population included many who had supported American military efforts in South

[36] "Mission Statement of Médecins du Monde in the South China Sea", Médecins du Monde archives, Paris, personal communication from Médecins du Monde archivist, May 10, 2021.
[37] Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001), 204-10.
[38] See Yen Le Espiritu, *Body Counts: The Vietnam War and Militarized Refugees*, (Oakland, California: University of California Press, 2014); Becky Taylor et al., *When Boat People Were Resettled, 1975-1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis* (Basingstoke: Palgrave Macmillan, 2021); Michael Casasola, "The Indochinese Refugee Movement and the Subsequent Evolution of UNHCR and Canadian Resettlement Selection Policies and Practices," *Refuge* 32, no. 2 (2016): 41–53.

Vietnam and Laos. After suffering a humiliating defeat to the North Vietnamese army, providing generous assistance for 'boat people' remained a weapon that could still be deployed to discredit the new rulers in Indochina. In countries like France, the displacement crisis provided an occasion to challenge rather than reinforce bipolar loyalties. To this end, France symbolically welcomed both Chilean refugees fleeing Augusto Pinochet's right-wing dictatorship and Vietnamese refugees. However, in all cases the assistance given to 'boat people' remained a highly strategic act and it was used to further geopolitical agendas in a climate of superpower conflict.

In such a context, with the spectre of the Cold War lurking in every refugee vessel, the French committee's plan to rescue the 'fugitives' of communism and transport them to safety in the West proved highly contentious.[39] The politicised nature of refugees' flight made many aspects of arranging rescue operations incredibly difficult. It had prompted, for instance, the French communist trade union (the Confédération Générale du Travail, which managed the majority of vessels at port in France) to block the rescue committee's efforts to arrange a charter of a French-flagged vessel. Blocking the committee's access to French ships, the union argued that in no circumstances could its ships be used to rescue the escapees of communism.[40] The 'Boat for Vietnam' committee, however, was not deterred by such hurdles. It simply looked elsewhere for a vessel without the French flag, eventually finding the *Île de Lumière* in New Caledonia. Much like we shall see in the next chapter, where I discuss Hermanos al Rescate's direct engagement with politics, the French rescue committee did not shy away from the Cold War context underpinning its work. Often, it even stirred up these political waters. To cite one example of provocation, the 'Boat for Vietnam' slogan was actually a word-for-word copy of the name given to a former project of the French communist party. This older project had involved the shipment of supplies *to* Vietnam in support of the communist liberation struggle (using a Soviet vessel). Kouchner and his team knew how much it would goad the communists to re-use this label for a project

[39] "Un Appel Du Comité "Un Bateau Pour Le Vietnam".
[40] Vo Ai, "Isle of Light: A Look Back at the 'boat people' and the European Left," *World Affairs* 176, no. 6 (2014), 44.

ferrying fugitives *from* communist Vietnam, but they stuck with this branding.[41] The choice was a good indicator of their distaste for defusal tactics (and perhaps their appetite for antagonism).

The controversies surrounding the 'Boat for Vietnam' project only grew as its publicity skyrocketed, connecting the venture ever more closely to the growing anti-communism of former New Leftists such as Kouchner.[42] The rescue committee received dozens of complaints in newspapers and on television that the *Île de Lumière* would end up providing humanitarian assistance to individuals who did not need it, potentially bringing rich and corrupt bureaucrats to Europe rather than supporting the bona fide victims of persecution.[43] Vo Van Ai, one of the committee's members, remembered a particularly thorny television interview where such criticisms were raised:

> 'A TV crew came […] to interview me. The journalist was a socialist and […] had been a strong supporter of the peace movement during the Vietnam War. When I described our rescue campaign he asked suddenly: "But why are you saving these South Vietnamese? They supported a corrupt military regime, they are pimps, they deserve what they got. Why should you – why should we – help them?"'[44]

Such questions show just how hard it was for humanitarians to skirt around the question of political allegiance, particularly if they planned to directly rescue and transport refugees. The 'Boat for Vietnam' team were constantly fending off questions about their motives – in one particularly vitriolic attack, they were accused of supporting only those 'awful bourgeois Sino-Vietnamese who each had sixty-four golden teeth per jaw and their savings sewn onto their testicles'.[45]

As the 'Boat for Vietnam' got caught up in such debates, its work began to rattle other aid agencies. These agencies were beginning to develop concerns that the ship's direct rescue operations

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[41] Kouchner, *L'île de Lumière*, 34.
[42] On the intellectual, ideological and political trajectories Kouchner and other members of '68 generation see Paul Berman, *Power and the Idealists, or, The Passion of Joschka Fischer, and Its Aftermath* (New York: Norton, 2007).
[43] See for instance Claude Sarraute, "Un Bateau pour le Vietnam", *Le Monde*, May 16, 1979.
[44] Vo Ai, "Isle of Light: A Look Back at the 'boat people' and the European Left," 44.
[45] Vallaeys, *Médecins Sans Frontières: la biographie*, 285.

would undermine their own carefully curated relationships with Southeast Asian states. Most of the aid agencies assisting Indochinese refugees had delicately negotiated access with governments by tacitly agreeing not to transport refugees directly from sea to land. The overwhelming majority of relief was provided by IFRC societies or by UNHCR in refugee camps only. Unsurprisingly, these organisations were concerned by the appearance on the scene of a far less cautious humanitarian player that aimed to intervene offshore. These frictions appeared most starkly in the case of UNHCR. As we saw in Chapter 2, UNHCR had been the first international humanitarian agency to call for others to intervene at sea but it remained concerned at the prospect of NGOs getting involved themselves in rescue operations. This was because (unlike the provision of aid in landed settings such as refugee camps and reception centres) sea rescue was seen to drag humanitarians out of their neutral operating zone. In an initial meeting between the 'Boat for Vietnam' committee and UNHCR, Poul Hartling, the then High Commissioner for Refugees, told Bernard Kouchner that a rescue ship would become a highly complicating presence in the region, scooping drowning individuals out of the waves like a 'relay baton' without considering where they could safely be disembarked or what message this action might convey to neighbouring states.[46]

As Hartling explained, UNHCR had so far managed to steer clear of political disputes with Southeast Asian states by adopting a very specific (and rather dubious) interpretation of displacement.[47] To compromise with states reluctant to accept 'boat people', UNHCR had agreed to an unwritten policy in which individuals at sea – even those obviously fleeing persecution in Vietnam – could not legally be classified as refugees. Responsibility for displaced persons began only on the shoreline where access had been cautiously negotiated and resettlement was arranged with Western countries. As Kouchner angrily paraphrased this discussion in his memoir, Hartling informed the rescue committee that, for UNHCR, '[t]hose Vietnamese who flee their country and who have not found a host country have no juridical existence'.[48] This rather questionable position, which UNHCR saw as a tactical

[46] Kouchner, *L'île de Lumière*, 72.
[47] Kouchner, 62.
[48] Kouchner, 62.

compromise made to retain a working relationship with governments, would of course be upset by a rescue ship scheme. Humanitarian rescue would raise the highly politicised question of the rights held by individuals still on the move at sea. Here we can clearly see how rescue, for the first time in practice, was bringing out the tension of disembarkation and the question of how legal regimes operated differently on and offshore.

Kouchner and his team made an initial effort to diffuse such worries. At the suggestion of Mario Bettati, an Italian legal theorist, Kouchner stopped describing the *Île de Lumière* as a rescue boat and started instead to present it as an 'ambulance of the sea'.[49] This strategy drew UNHCR's focus away from the political quarrels that complicated the disembarkation of rescued refugees, focusing instead on the broader moral imperative of assisting the sick. As Kouchner put it, '[p]atients were there: suffering from burns, dehydration, dysentery, malaria, wounds inflicted by pirates. Doctors went to them. They could not refuse firemen in the case of an accident'.[50] This strategy, however, met only with a small level of success. Poul Hartling was very much persuaded by the idea of a 'floating hospital' as an idea that was, as Kouchner put it, 'finally stripped of political asperities'.[51] However, he agreed to the proposal only in its literal sense and not as the faciliatory metaphor that Kouchner had intended it to be. Hartling was happy for the *Île de Lumière* to begin working in the area, but only as a static hospital ship. Accordingly, the vessel was forced to remain anchored off the small Malaysian island of Bidong. It was unable, as it had originally desired, to be more mobile at sea. Instead of providing rescue on the move, the boat's crew had to switch their focus to local medical assistance, treating some of the 40,000 refugees on Bidong.[52]

**Rebelling at Bidong**

[49] "Le 'bateau pour le Vietnam' quittera la Nouvelle-Calédonie en mars", *Le Monde*, February 16, 1979.
[50] Kouchner, 72.
[51] Kouchner, 75.
[52] "Mission Statement of Médecins du Monde – Boat People Programme".

The 'Boat for Vietnam' team of course viewed this work as important. Over the three months it was moored at Bidong, the *Île de Lumière* took almost 2000 refugees on board to be treated for disease and exhaustion, performed 155 surgical operations and delivered 19 babies.[53] However, those on board remained highly frustrated that their original intention to rescue full-time had been thwarted and, as time passed, this frustration began to show.[54] Soon, the crew began to rebel against the restrictions imposed upon their movement. Whilst they could not venture out onto the high seas to conduct rescues, they tried to do what they could in Malaysia's territorial waters, assisting refugee boats towards the shore of Bidong. After meeting with the leaders of the Malaysian Task Force VII, a group specifically set up in 1978 to limit the number of refugee arrivals, Kouchner confirmed that his team were allowed to support boat people in distress to the shore of Bidong, but only if they found them in the course of ordinary sailing. The *Île de Lumière* crew used this permission to their advantage, attempting to come across as many refugees as possible on their 'ordinary' trips around the island. Sometimes, they would take refugees on board the *Île de Lumière* before transporting them ashore; at other times they would simply guide refugee boats to a safe area where they could land.[55]

These expeditions were often improvised and they directly challenged Malaysian border patrols. In July 1979, *Libération* published two instalments of diary entries by of one of the doctors on board the *Île de Lumière*, Patrick Laburthe, in which we can read an account of one such effort to facilitate boat arrivals:

> '25th April. An extraordinary night. At night, just before the evening meal, we were approached by a tiny boat, the V.T 367 with 8 adults and 10 children on board, who had spent six days at sea […] Eric [Cheysson] and I jumped onto the little boat. Head for

[53] Alain Guillemoles, *Bernard Kouchner: La Biographie* (Paris: Bayard, 2002), 143.
[54] Doctors on board the *Île de Lumière* wrote on 5th May 1979 that 'Everything [was] getting worse on the island' due to the increase in controls and paperwork by the Malaysian authorities. They complained that their ships was now subject to inspection every time it entered and left the Bidong jetty. See "Journal de Bord d'un Médecin de l'Ile de Lumière," *Libération*, July 10, 1979.
[55] Kouchner, 197-8.

> Bidong! […] In view of the jetty, the police forced us back. I stood on the prow […] while Eric took the tiller and drove us forward to run aground on the beach. […] [T]he boat washed ashore under the gunfire and intimidation of the Malaysians. Alongside "our" refugees, we went to hide ourselves amongst the masses and then discretely return to the edge of the seawall from where the launch from the *Île de Lumière* should take us back. Out of luck, it had not followed us and we were arrested and taken unceremoniously to the police station […] The chief of police was not happy at all!'.[56]

This is a very tangible example of maritime humanitarians' rebellious nature, and it demonstrates very clearly why other agencies viewed the 'Boat for Vietnam' as unprofessional. Such stories, which were then openly published by the French crew as a means of boasting their activities, only confirmed other agencies' interpretation of these rescuers as confrontational and irresponsible, their gung-ho forays destroying any attempt to build up trust and leverage with reception states.[57] The 'Boat for Vietnam's relationships with governments were deteriorating fast in the face of rescue activities – soon, for instance, the Malaysian Navy posted a boat of soldiers disguised as fisherman out to the waters around the *Île de Lumière* to spy on it and thwart its rescue attempts.[58]

When the 'Boat for Vietnam' team weren't rescuing refugees themselves, they were going public about the unjust restraints placed on this activity. This annoyed other NGOs, especially local branches of the Red Cross and Red Crescent, because it was seen to detract from practical assistance and to wrongfully prioritise media work. For example, Kouchner and his team had been given the task of working with the Malaysian Red Crescent Society (MRCS) to organise the construction of a permanent hospital on Bidong. However, Kouchner gave this project little time, preferring instead to

[56] "Journal de Bord d'un Médecin de l'Ile de Lumière".
[57] Interestingly, beneath this diary entry lay a short note of correction: 'We should specify that Patrick Laburthe is no longer a member of the organisation 'Médecins Sans Frontières'. Like Bernard Kouchner […] he has recently left this organization, exactly because of its hostility towards the initiative'. It was clear that MSF too was taking the line of the ICRC and UNHCR on the question of its former members' activities in the South China Sea.
[58] Kouchner, 225.

highlight the inadequacy of legal arrangements related to disembarkation.[59] He spent a lot of time constructing a campaign under the slogan 'a visa is a life', showing how the peculiarities of the 1979 SAR Convention – which we saw in Chapter 2 – restricted rescue operations.[60] The aim of this campaign was to criticise states' hostility towards disembarkation. Yet the MRCS complained that the 'Boat for Vietnam' team spent too much time on such politicking when it was meant to be working on the more practical field hospital project.[61] From their side, Kouchner and his team argued that the MRCS should be capable of organising a hospital by themselves and should stop berating the team's advocacy efforts. Kouchner called the MRCS an 'army of clowns'.[62] He argued that its relegation of *témoignage* was both stifling rescue operations and losing the 'necessary indignation and the awareness of what was unacceptable' at sea.[63] We can clearly see here how the different 'rebellious' strands of maritime humanitarianism fitted closely together – Kouchner's prioritisation of 'speaking out' was linked in both his and other humanitarians' minds to the question of how professional, or 'amateur' the 'Boat for Vietnam' was and what strengths and weaknesses came from this.

What was emerging here once again was a dispute between two understandings of what it meant to be a respectable humanitarian. On one side, UNHCR and IFRC branches clearly believed that the 'Boat for Vietnam' – as originally conceived but also even in its toned-down hospital ship role – was crossing the line of humanitarian professionalism.[64] The provision of aid given to such symbolic refugees, these agencies felt, needed to be unobtrusive in order to push clearly reluctant neighbouring states to mobilise and assist the Vietnamese. This meant focusing predominantly on refugees who had

[59] To make these arguments public, the 'Boat for Vietnam' signed exclusive coverage rights for their boat's mission to the French television channel Antenne 2, employed two permanent photographers and filmmakers on board the *Île de Lumière* and hosted extra journalists whenever possible.
[60] "Mission Statement of Médecins du Monde – Boat People Programme".
[61] Kouchner, 137.
[62] Kouchner, 137.
[63] Kouchner, 137.
[64] See for example UNHCR, "Report of the United Nations High Commissioner for Refugees", A/34/12, October 11, 1979, available at https://www.unhcr.org/uk/publications/report-united-nations-high-commissioner-refugees-9 [accessed January 9, 2024].

made it to land. It also meant limiting public statements to basic appeals for cooperation. On the other side, the 'Boat for Vietnam' team members saw the maintenance of such 'respectability' as little more than meek pandering to state interests. They argued that it was vital to assist all Vietnamese refugees, especially those still at sea, and they felt that the international community should be made aware of the hostile reception awaiting them from governments. Essentially, the language of 'professionalism' was used by both sides to reference much more than the practical process of organising and structuring. It was used to reference much deeper facets of humanitarians' identity: their understanding of the humanitarian spirit, their levels of adaptability and flexibility, their approach to speaking out and their responses to government restrictions to name just a few things. Therefore, by rebelling against professionalisation in the South China Sea, the 'Boat for Vietnam' was really rejecting a whole host of deeper processes.

In 1979, after a year at sea, the 'Boat for Vietnam' committee decided to move the hospital equipment on board the *Île de Lumière* to a refugee camp in Thailand and end the ship's mission. Frustrated by their inability to rescue with complete freedom, these humanitarians decided to regroup before launching a series of new maritime projects. In the coming years, they would formally establish Médecins du Monde under whose guise four more rescue ships would be sent to assist boat people.[65] However, Médecins du Monde would always speak of the original 'Boat for Vietnam' as the project which really cemented the rebellious status of maritime humanitarianism. The *Île de Lumière*'s voyage was seen by its protagonists to highlight the 'sense of solidarity' that could be put forward through small-scale, non-conformist ventures.[66] As an article in *Le Monde* neatly described it, the 'Boat for Vietnam' marked the emergence of a new group of 'mavericks who [did] not belong to conventional humanitarian structures'.[67]

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[65] These boats were the *Akouna*, the *Balny,* the *Geolo* and the *Rose Schiffano*. Médecins du Monde worked with a range of other actors on this projects, including Rupert Neudeck's NGO Cap Anamur and the French Navy. On these rescue ventures see Laurent Suteau, "La Coopération Marine-Médecins Du Monde et l'assistance Aux Boat People Du Golfe de Siam (1982-1988)," *Matériaux Pour l'histoire de Notre Temps* 95, no. 3 (2009): 46–52.
[66] Sarraute, "Un Bateau pour le Vietna".
[67] "Sous La Pression de Phnom-Penh L'équipage de L'Île de Lumière Renonce à Sa Mission Médicale." *Le Monde*, November 6, 1979.

**'Ein Schiff für Vietnam'**

The maverick label was not only applied to the French 'Boat for Vietnam'. In Germany too, the provision of assistance in the South China Sea came to be regarded as a disruptive activity. Again, this perception stemmed from the way that sea rescue challenged professionalisation. As I will show below, the work of the *Cap Anamur*, a rescue vessel run by another 'Boat for Vietnam' committee, was criticised by the German Red Cross for being hazardous and inexpert. Moreover, the increasing pressure that this boat placed on the West German government to receive refugees led to fraught confrontations between aid workers and the state. However, for the project's proponents, this stirring of unrest was precisely the attraction since it allowed German aid workers to challenge what they saw as 'red tape' models of relief.

In February 1979, Rupert Neudeck, a correspondent for the German broadcaster Deutschlandfunk, travelled to Paris where he met with André Glucksman, a prominent member of the French 'Boat for Vietnam' committee. Glucksman told Neudeck of the *Île de Lumière*'s voyage and left the journalist struck by the potential that maritime rescue offered as a response to displacement. To send a boat out to the South China Sea was, Neudeck felt, a 'more practical, more spontaneous and less complicated' way of assisting Vietnamese refugees than arranging resettlement from camps.[68] In Neudeck's eyes, maritime rescue had the potential to offer a release from the powerful sense of inertia which he felt was beginning to plague the humanitarian community in his country. Although Germans were aware of the plight of 'boat people' fleeing Vietnam – watching amongst other footage the scenes broadcast of the *Hai Hong* – Neudeck felt that their compassion largely amounted to a feeling of

[68] Neudeck, *Die Letzte Fahrt Der Cap Anamur 1. Rettungsaktionen 1979 Bis 1982* (Freiburg im Breisgau: Verlag Herder, 1983), 23.

'television misery'.[69] German citizens and even motivated aid workers, he argued, 'could wallow in pity in the television armchair but still sip beer and enjoy [their] pretzel sticks'.[70]

Realising that maritime rescue seemed to be off the agendas of established German NGOs, Neudeck felt that action had to be taken from the periphery of the aid industry instead. This action ended up being Neudeck's own project. Neudeck began his rescue venture having never before worked in the humanitarian sector. However, he ardently believed (like Kouchner) that a lack of direct experience in emergency response could easily be made up for with determination and hard work. For Neudeck, humanitarian relief was something that could easily be driven by citizen volunteers and was in fact better this way. As he put it in a memoir of his first foray into aid work: 'Who should send this ship into the China Sea, if no world organisation or government wants to do so? Those citizens, of course, who share the conviction that one cannot simply allow these Vietnamese to drown there'.[71] Neudeck also brought with him from his journalistic career a strong commitment to advocacy and media activism. He believed that practical support for Vietnamese refugees had to be combined with attempts to amplify their voices and struggles. Publicity was seen as vital for inducing change since it captured the attention of observers who, Neudeck hoped, would 'no longer [be able to] reject these images, this knowledge of the drowning'.[72]

Initially, Neudeck intended simply to support the French rescue venture, raising money to fund the continuation of the *Île de Lumière*'s voyage. However, after flying out to Southeast Asia to see the French ship in operation, Neudeck saw how restricted it was at Bidong. He wanted to do more than the *Île de Lumière* was currently permitted to do and he knew that he would have the best chance of succeeding by organising a separate ship. Here, with the benefit of hindsight, he could avoid some

[69] Neudeck, *Die Letzte Fahrt Der Cap Anamur,* 37.
[70] Neudeck, 37.
[71] Neudeck, 23.
[72] Neudeck, 48.

of the issues that Kouchner and his colleagues had run into. Accordingly, Neudeck got in touch with Hans Voss, a German ship owner who had a large vessel named the *Cap Anamur* at anchor in Kobe, Japan. Voss offered the vessel to Neudeck for a charter of 235,000 deutschemark a month, a proposal which he speedily accepted.[73] To run the ship, he set up a new humanitarian organisation which was named after it: Cap Anamur.[74]

Whilst the name of Neudeck's project – 'Ein Schiff für Vietnam' – was an obvious homage to the French venture, Neudeck very much conceived of it as a separate, nationally-orientated mission: 'a German action with […] a German flag, with German doctors and nurses [and] German rescue equipment'.[75] His venture had distinct roots too. Unlike many of the French rescuers, Neudeck did not come at humanitarian aid from the transnational movement of '68 and he had never been active in the anti-Vietnam-War drive. He was a student of philosophy, literature and Catholic theology who connected rescue much more closely to national religion, Germany's recent history of displacement and his own experience of forced migration.[76] Neudeck had been born in Danzig and in 1945, at the age of six, had fled the city on foot with his family. They had received tickets to escape the advancing Red Army on board a ship named the *Wilhelm Gustloff* but had missed the sailing – a stroke of fortune since the ship was sunk by a Soviet submarine.[77] Drawing on his background of displacement, and the similar personal histories of many Germans, Neudeck hoped to construct a rescue project grounded in citizens' own experiences of war and persecution. As he later described it, Vietnamese 'boat people' were 'fleeing a regime of injustice and terror, just as our brothers and sisters in the GDR (German Democratic Republic) fled and would flee if no wall had been built around them'.[78]

[73] Neudeck, 46.
[74] To avoid confusion, references to the ship (*Cap Anamur*) are italicised in the text, whilst references to the NGO (Cap Anamur) are kept in plain text.
[75] Neudeck, *Die Letzte Fahrt Der Cap Anamur 1. Rettungsaktionen 1979 Bis 1982*, 44.
[76] Frank Bösch, "Refugees Welcome? The West German Reception of Vietnamese 'Boat People,'" *Studies in Contemporary History* 14, no. 1 (2017), 17.
[77] Over 9000 passengers perished in the sinking, marking, to this day, the greatest death toll in maritime history. The incident would therefore have made a significant impression on Neudeck. See Cathryn Prince, *Death in the Baltic*, (Basingstoke: Palgrave Macmillan, 2013), cover.
[78] Neudeck, 93.

Partly due to this framing, the 'Boat for Vietnam' enjoyed considerable support from the West German public. After Neudeck presented his project on national television in July 1979, his organisation received donations totalling 1.2 million deutschemark in just three days.[79] German Bundesliga clubs signed footballs in support of the *Cap Anamur*, TV channels supported concert broadcasts to raise money for its voyage and a one-off music record was released with two deutschemark from every sale going to the rescue project.[80] These were all signs of the project's widespread national appeal, marking its status as an initiative that was, as the historian Frank Bösch notes, 'embedded [...] in consumer society at large' rather than the 'smoky back rooms of the "Third World" groups'.[81] However, the 'Boat for Vietnam' did not meet with enthusiasm from all quarters. In the German aid sector, things sat rather differently. Here Neudeck's initiative met with much more criticism, and this again stemmed from the perception that maritime rescue was an 'amateur' form of relief.

**Tensions with the German Red Cross**

Neudeck and the wider team working for Cap Anamur found themselves increasingly drawn into conflict with the German Red Cross (Deutsches Rotes Kreuz/DRK) over the topic of rescue. The DRK was also providing humanitarian aid to Vietnamese refugees but its members wanted to steer clear of sea rescue, arguing that this activity would mar the professional reputation of German relief in the eyes of the West German government.[82] The DRK had held close ties to the national government for decades and had worked with them on several projects in Southeast Asia in the 1960s and early 1970s, jointly sending a hospital ship named the *Helgoland* to Saigon and Da Nang to treat casualties of

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[79] Neudeck, *Die Letzte Fahrt Der Cap Anamur 1*, 45.
[80] Bösch, "Refugees Welcome? The West German Reception of Vietnamese 'Boat People.'"
[81] Neudeck, 93.
[82] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid, February 13, 1980", Archive of the German Bundestag, PA-DBT 3104, 8/3-Prot UA 31-42.

the Vietnam War.[83] Building on this collaboration, the DRK had recently chartered a vessel named the *Flora* to carry medical and welfare supplies between Southeast Asian islands. However, since the DRK was attempting to expand and professionalise with the public support (and often funding) of the state, it was unwilling to do anything that would antagonise government officials. For this reason, rescue was left out of its mandate. Learning of the problems plaguing the *Île de Lumière*, West German ministers had asked that the *Flora* did nothing that would antagonise local authorities in the South China Sea.[84] This ultimately meant that rescue was never integrated into the DRK's objectives, since most Southeast Asian states would only grant the *Flora* access to their territorial waters if it agreed not to conduct rescues.[85] Given that Neudeck and his team intended to reject such compromises and conduct rescues regardless, the DRK viewed the boat initiative as headstrong and impetuous, alienating governments both at home and abroad whose backing was seen as necessary for the delivery of efficient aid.

Hans-Jürgen Schilling, the head of the DRK at the time of the Vietnamese displacement crisis, was so outraged at the implementation of rescue projects like Neudeck's that in February 1980 (six months into the *Cap Anamur*'s voyage) he presented a damning report on the activities of 'private organisations' to the West German parliamentary subcommittee on humanitarian aid. This report is worth quoting at length because it reveals the DRK's fierce dislike of both sea rescue and the general ethos of flexible, small-scale aid. In the report, Schilling outlined what he saw as a fundamental disjuncture between the DRK (a longstanding, reputable organisation that employed professional staff, had established strong relationships with other Red Cross branches in the Southeast Asia and which enjoyed the formal legal protection of the Geneva Conventions) and those spontaneously founded

[83] Michael Vössing, "Competition over Aid? The German Red Cross, the Committee Cap Anamur, and the Rescue of 'boat people' in Southeast Asia, 1979-1982," in *Dilemmas of Humanitarian Aid in the Twentieth Century*, ed. Johannes Paulmann (Oxford: Oxford University Press, 2016), 347.
[84] "Opinion of the German Minister for Foreign Affairs on the 'rescue activity of the *Cap Anamur*'", March 13, 1981, attached to the minutes of the 8th meeting of the West German Subcommittee on Humanitarian Aid, June 3, 1981", Archive of the German Bundestag, PA-DBT 3104, A 9/3-Prot. 3. UA 1-11.
[85] Vössing, "Competition over Aid?", 69. On the ever-tightening relationship between NGOs and states in this period, see Monika Krause, *The Good Project: Humanitarian Relief NGOs and the Fragmentation of Reason* (Chicago: The University of Chicago Press, 2014); Tina Wallace, Lisa Bornstein, and Jennifer Chapman, *The Aid Chain: Coercion and Commitment in Development NGOs* (Warwickshire: ITDG, 2006); David Hulme and Michael Edwards, *NGOS, States and Donors: Too Close for Comfort?* (Basingstoke: Palgrave Macmillan, 2013).

organisations like Neudeck's working in the South China Sea. On the one side was an NGO with a 'high, reliable potential';[86] on the other was an organisation promoting a 'worrying humanitarian activism'.[87] In the interests of 'maintaining the efficiency and credibility of th[e] private [humanitarian] sector', Schilling argued that a proliferation of amateur NGOs like Cap Anamur should be avoided at all costs. He then drilled down into the problems that came with such spontaneous relief – and his list was extensive:

> 'In this context, there are the following problems:
>
> - Lack of willingness to coordinate spontaneous groups
> - Misleading donors through dubious reporting
> - Discrediting of existing aid organisations
> - Unqualified missions due to lack of expertise and poor organisation and performance
> - Violation of the sovereignty of foreign states and thus of the foreign policy interests of the Federal Republic of Germany
> - Endangering international aid programmes through reckless actions'[88]

In these bullet points, aptly described by *Der Speigel* as a 'litany of complaint', we can see that amateur aid was criticised for much more than disorganisation.[89] In fact, we find a whole host of deeper concerns that mirror those raised against the *Île de Lumière*. Again, the borderless nature of rescue and its tense connection to the question of state sovereignty came under fire, as did its prioritisation of advocacy, focus on flexibility and direct criticism of more classical approaches to relief.[90] These elements were seen to pose key challenges to the smooth, professional delivery of relief and to create a brand of assistance that was 'politically damaging'.[91]

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[86] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid, February 13, 1980".
[87] "Hans-Jürgen Schilling," *Der Spiegel*, September 7, 1980.
[88] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid".
[89] "Flüchtlingshilfe: Das Deutsche Rote Kreuz Wehrt Sich Gegen Private Hilfsorganisationen, Die in Kambodscha Tätig Sind," *Der Speigel*, March 9, 1980.
[90] "Flüchtlingshilfe".
[91] "Flüchtlingshilfe".

By presenting this report to the West German government, Schilling was trying to discredit rescue as a means of ensuring his own organisation's prosperity. He wanted his organisation to remain a channel through which national relief funds flowed and he was worried that these funds would dry up were government officials to associate his long-standing, reputable organisation with the recalcitrant Cap Anamur.[92] Closing his speech, Schilling therefore reminded officials that 'large private organisations' like his 'should continue to be the Federal Government's partners when humanitarian aid from the Federal Republic of Germany is to be used'.[93] As he argued, the state would be ensuring the most effective delivery of aid in the South China Sea if it 'organisationally shifted' its support to certain reputable institutions only: 'The UNHCR is responsible for the establishment and intra-structure of camps, UNICEF and the ICRC are in charge of supply, food and water, and the DRK is responsible for medical care'.[94] As Schilling argued, government officials should therefore cut away from those 'groups [that] undermine[d] this request' and complicated the organised assignation of humanitarian activities.[95] Underneath Schilling's accusations of unprofessionalism, however, lay a deeper concern – that if the 'unregulated growth' of aid agencies like Neudeck's gave relief a bad name the DRK could lose out on the possibilities for expansion that came with governmental backing.[96] He therefore attempted to separate his organisation from Cap Anamur as much as possible.

Neudeck, too, wanted to separate himself from the DRK but for very different reasons. From his perspective, Schilling's report was a symbol of 'bureaucratic thinking and the sluggishness of an ingrained [humanitarian] apparatus'.[97] By abandoning the rescue ship model of relief, he believed that German agencies like the DRK had succumbed to state interest. Cap Anamur fiercely countered the argument that the disruption of NGOs' relations with governments, both at home and in Southeast

[92] "Flüchtlingshilfe".
[93] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid".
[94] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid".
[95] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid".
[96] "Flüchtlingshilfe".
[97] "Flüchtlingshilfe".

Asia, would be problematic. For this organisation, the capacity of relief to unsettle states was in fact what made it valuable. This was why the organisation liked the idea of rescue, a practice where pressure was consistently exerted on states to disembark refugees and take responsibility for their care. Using maritime rescue as a leveraging tool, Neudeck and his colleagues wanted to develop an alternative understanding of aid – one in which the humanitarian principle of independence didn't only entail the financial or institutional separation between aid and state. For them, independence represented a broader separation between government and aid agency in which both parties were locked in combative tension, the latter persistently holding the former to account. With such an understanding of relief, it was no surprise that the DRK seemed to Cap Anamur a 'voracious' institution which only 'blocked, hijacked or destroyed' the more idealistic efforts being planned for Vietnamese refugees.[98]

This dispute over maritime rescue in Germany soon turned public and personal. Before the next meeting of the parliamentary subcommittee on humanitarian aid, Walter Bargatsky, the president of the DRK, sent a telegram to the subcommittee's chairman, Jürgen Möllemann, informing him that Schilling was not willing to present his next report in the presence of Neudeck given that the journalist's recently published book on maritime rescue had criticised the work of the DRK.[99] Later on, in June 1981, Schilling appeared on the radio for Deutschlandfunk, arguing that Neudeck's committee was wasting millions of deutschemark on an unprofessional and counterproductive project. In response, Neudeck sent a public letter to Bargatsky, calling Schilling a 'shabby squealer' and demanding that Bargatsky publicly defend the work of the *Cap Anamur* against such accusations.[100]

The German 'Boat for Vietnam' project had driven a particularly powerful wedge between these two organisations, one of whom wished to operate professionally with the close support of governments and one of whom favoured a brand of 'radical humanism' that was orientated around

[98] "Flüchtlingshilfe"; Neudeck, 16.
[99] Vössing, "Competition over Aid?, 356-7.
[100] Vössing, "Competition over Aid?, 362.

independence, solidarity and spontaneous action.[101] What this feud also shows, however, is that the disagreements over maritime rescue in West Germany had an additional ingredient compared to those unfolding in France. In West Germany, the perceived 'amateurism' of maritime rescue was not only tied to the issues of bureaucratisation and organisation but also to the question of state collaboration. In this sense, as well as raising debates internal to the humanitarian community – confronting discussions about the strategy, focus and principles that aid agencies should adopt – the German 'Boat for Vietnam' also became embroiled in the topics of statecraft and government-NGO relations.

**Struggles with the West German State**

The *Cap Anamur* raised these additional questions because its rescue project directly impacted West German immigration policy. Since the *Île de Lumière* had remained at anchor at Bidong, the French government had been less pressed over the question of resettling rescuees. However, the *Cap Anamur* was much more mobile, conducting fully fledged rescue operations immediately on its arrival in the South China Sea in August 1979. What is more, its rescue operations had a direct impact on German resettlement. Before the *Cap Anamur* had set sail, the West German government had held a meeting with 'Boat for Vietnam' representatives in which it agreed to take in all Vietnamese refugees rescued by the humanitarian ship.[102] The officials at this meeting made the agreement in a somewhat naïve state of mind, unaware of the number of refugees that a rescue venture such as Neudeck's might involve. As they quickly realised what they had signed up to, however, they began to feel penned in and imposed upon. This quickly drew German aid workers into disputes over immigration policy.

Neudeck had been immensely proud of this agreement between Cap Anamur and the government in Bonn, seeing it as a means of forcing the state to honour its promises to Vietnamese

[101] Patrick Merziger, "The 'Radical Humanism' of 'Cap Anamur' / 'German Emergency Doctors' in the 1980s: A Turning Point for the Idea, Practice and Policy of Humanitarian Aid," *European Review of History: Revue Européenne d'histoire* 23, no. 1–2 (2016): 171-92.
[102] Neudeck, 116.

refugees. He saw the transportation of 'boat people' to Germany as a 'lever in the hand' of non-governmental organisations, one which could be used to overcome 'bureaucratic tension' and governmental lethargy in the face of increasing refugee flows.[103] Neudeck was highly aware, as he described it, that 'humanitarian actions, success in saving lives and rescuing people are not always in full interest of the respective state'.[104] This was why he had created Cap Anamur, an organisation which aimed to bypass interest and impose obligation, pushing humanitarian duties onto states to ensure that the victims of persecution would be swiftly resettled. The governmental agreement on rescue and resettlement put this understanding into practice, exerting what was intended as a productive pressure on officials to uphold humanitarian commitments.

This model of sea rescue and subsequent transportation clashed with the broader international responses to Vietnamese resettlement. Resettlement from Southeast Asia was mainly organised through official schemes like the UNHCR's Orderly Departure Program. Under this scheme, governments around the world signed up to take in a selected number of Vietnamese refugees through humanitarian emigration programmes. Eligible refugees were determined by an exchange of lists between the government of Vietnam and that of the resettlement country, the former naming persons approved for departure and the latter naming persons vetted and approved for acceptance. Governments had a high level of control over this process, deciding in advance the number of refugees that they wished to accept and selecting their own criteria for entry. Aid agencies would arrange the logistics of this process and could encourage states to take as many refugees as possible, but ultimately, they left decisions on numbers up to government officials. This power dynamic was overturned in the Cap Anamur agreement. Here, it was Cap Anamur who imposed resettlement numbers on West Germany through its rescue activities. They picked up as many refugees as possible, and the more people they rescued, the more they would send to West Germany. This arrangement entailed no lists or quotas, just the blanket acceptance of all rescuees on the *Cap Anamur*'s decks.

[103] Neudeck, 146.
[104] Neudeck, 59.

Although West Germany was, on the whole, very receptive to the plight of Vietnamese refugees – taking in 40,000 'boat people' between 1975 and 1990 – the government's lack of control over rescuee numbers soon sparked resentment.[105] The 'Boat for Vietnam' came to worry the West German state precisely because it did not include all the checks and negotiations built into schemes like the Orderly Departure Program.[106] Worried at the rising numbers of Vietnamese that they were taking in, officials began to turn on the rescue project. The state effectively developed, as Neudeck put it, a 'bureaucratic fear of the activities of the committee: fear of too much effectiveness in helping and saving'.[107] Intentionally creating facts on the ground by sending as many refugees as possible to West Germany, the *Cap Anamur* initiative moved towards a collision with the state.

In talks held at the West German Foreign Office, Neudeck clashed with ministers over the extent to which his organisation pressurised officials. Describing one particularly heated meeting in July 1979, Neudeck reminded government representatives of the understanding they had with the 'boat for Vietnam' committee. He argued that the *Cap Anamur* was 'there to save people from distress. That could mean that in three weeks we could arrive […] with 200 Vietnamese [refugees]'.[108] Worried by such predictions, the officials present voiced their concerns over the lack of power given to the state over resettlement policy in this situation. They eventually hit Neudeck with what he described as the 'memorable, unretractable words: "[T]hen don't take so many [refugees] out of the water"'.[109] In effect, as the *Cap Anamur* compounded the pressure exerted on West Germany to accept refugees, the

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[105] Marcel Berlinghoff has recently looked into the factors shaping West Germany's response to Vietnamese 'boat people'. See Marcel Berlinghoff, "Germany: 'Refugie-Surprise': The Unlikely Reception of Indochinese 'boat people' in Germany," in *When 'Boat People' Were Resettled, 1975-1983: A Comparative History of European and Israeli Responses to the Southeast Asian Refugee Crisis*, ed. Becky Taylor et al. (Basingstoke: Palgrave Macmillan, 2021), 79–108; also Bösch, "Refugees Welcome?"

[106] "Minutes of the 33rd meeting of the West German Subcommittee on Humanitarian Aid"; "Consultative Meetings with Interested Governments, on Refugees and Displaced Persons in Southeast Asia, Geneva, 11–12 Dec. 1978", UNHCR Archive Geneva, A/34/627.

[107] Neudeck, 154.

[108] Neudeck, 49.

[109] Neudeck, 49.

government began to ask just how much sway relief efforts, particularly those of new, 'amateur' organisations, should be allowed to have over state policy. Ministers argued that NGOs should fit their work into the state's chosen parameters of relief, not vice versa.

These tensions came to a head in October 1979, only two months after the *Cap Anamur* had set sail for the South China Sea. Between 29th September and 1st October, the *Cap Anamur* took on board over 200 Vietnamese refugees.[110] However, it rescued these refugees not from their own personal boats but from the decks of three commercial ships who had first reached them: the German *Nordertor* and the Danish *Luna Maersk* and *Anders Maersk*. In radio communications with local state authorities, these commercial ships had promised to act as the first rescue point for refugees, but only if their later transportation onto the *Cap Anamur* was guaranteed, leaving them free to continue their trading voyages. Neudeck and his team instantly agreed to this as it was the only means they could see of saving the refugees' lives (the *Cap Anamur* itself would have been unable to reach them in time). However, the decision sparked a major row at the West German Foreign Office where it was seen as a flagrant violation of Cap Anamur's resettlement agreement. As a newspaper article described, officials saw the acceptance of refugees from the decks of other ships as a violation of 'the rules of the game'.[111] It raised the question of where the German rescuers would stop – would the *Cap Anamur* take refugees from any and every ship? As one Foreign Office employee argued, '[a] German ship cannot assume responsibility for the entire South China Sea'.[112] From Neudeck's perspective, however, it would have been a far greater moral violation to have left the refugees to drown. Neudeck simply could not believe that his government would prioritise protocol over the saving of life. He lambasted the Foreign Office, writing with dripping irony: 'If we hadn't promised […] the takeover, the [refugees] would have drowned. However, law and order would have triumphed. Because refugees should only be rescued if

[110] Neudeck, 58.
[111] "Gegen Die Regeln", *Der Spiegel*, November 11, 1979.
[112] "Gegen Die Regeln."

they already have one foot in the grave, in the mass grave of the sea'.[113] It was clear from such arguments that the fractures in the resettlement agreement were starting to grow.

Stories like this soon prompted the emergence of critical campaigns in the press, many of which hoped to turn the tide of public favour against maritime rescue. Newspaper articles began to present maritime rescue as a form of assistance which undermined global resettlement efforts.[114] In particular, Neudeck's committee was hit with a forceful stream of criticism through the publication, in January 1981, of an article entitled 'On Genuine Migrants, Economic Refugees'. The article called Cap Anamur's rescue project 'one of the worst examples of meddling in the resettlement of Vietnamese refugees', which was only making it 'harder for the West German government to follow a measured policy in resettlement'.[115] By wrongly offering the 'lion's share' of resettlement places to boat escapees at the expense of others waiting patiently, sometimes for years, in refugee camps, Cap Anamur's approach to displacement was described as 'deeply unfair'.[116] Most interestingly, the article raised a criticism which has come to plague contemporary rescue workers: the idea that rescue ships were a 'pull factor' encouraging refugees to make dangerous journeys.[117] The piece argued that while many early Vietnamese refugees had been 'pushed not pulled' from the country, driven out by persecution, many of those fleeing from 1980 onwards were merely tempted by the prospect of resettlement in wealthier countries and the 'magnet' of the *Cap Anamur*.[118] The German rescue project was therefore seen to *produce* boat migrants rather than assist them. Although Neudeck and his team fought back

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[113] Neudeck, 59.
[114] See for instance R. Nations, "Towards a More Orderly Exodus", *Far Eastern Economic Review* , 16 March 1979, 15–16; "Auch einen Zuhälter retten", *Der Spiegel*, 19 October 1981. "Liberaler Finger", *Der Spiegel*, June 15, 1980.
[115] Tam Guest, "On Genuine Migrants, Economic Refugees," *International Herald Tribune*, January 17, 1981.
[116] Guest, "On Genuine Migrants, Economic Refugees".
[117] Today's scholarship on non-governmental sea rescue has questioned this claim, showing that no correlation exists between the presence or absence of NGO ships in the Mediterranean and the number of migrants departing on maritime journeys. See for instance Eugenio Cusumano and Matteo Villa, "Sea Rescue NGOs: A Pull Factor of Irregular Migration?," Robert Schuman Centre for Advanced Studies Policy Briefs (2019); Charles Heller and Lorenzo Pezzani, "Blaming the Rescuers," 2017, available at https://blamingtherescuers.org/ [accessed March 3, 2023].
[118] Guest, "On Genuine Migrants, Economic Refugees." Xavier Emmanuelli's critique of the *Île de Lumière* raised similar points, arguing that 'if a refugee in Vietnam were to hear about [the boat], he might try his chance in the hope of being rescued'.

viciously against this argument, calling it an 'invention of various impure motives' aimed at grounding rescue ships, the West German Foreign Office (with the backing of the Interior Ministry) soon proposed a review of resettlement quotas and of the 'Boat for Vietnam' project itself, threatening to withdraw official sanction for its rescue vessel.[119]

On 15th June 1981, ministers of the various German Länder (federal states) voted against rescue efforts, with all but four choosing not to allocate a single resettlement space for Vietnamese refugees.[120] This left the *Cap Anamur* without a straightforward means of assisting 'boat people' since the refugees could no longer be disembarked in any other German state. Speaking on Deutschlandfunk on the day of the decision, Peter Scholl-Latour (a television correspondent and *Cap Anamur* supporter) described the situation as 'scandalous': 'Come on. I understand the concerns of the German states about becoming a – how should I put it – a reception centre for refugees […] but in the case of the *Cap Anamur* this accusation […] is undoubtedly wrong. [The boat] is a final rescue plank for the refugees who are trying to escape the unworthy conditions under which they have to live'.[121] The *Cap Anamur* managed to continue operations by making one-off agreements with individual federal states (Lower Saxony was particularly co-operative, offering an extra 350 places for refugees).[122] Yet in the eyes of the central government, these agreements represented only a private understanding between the federal state and Neudeck's rescue committee and did not amount to official West German endorsement of rescue. Cap Anamur's work could only continue for so long in such a climate. On 11th June 1982, an outraged Neudeck told the government that he was terminating his project before sailing his ship back to Hamburg. Neudeck made sure that as many reporters and journalists as possible were there to greet the ship as it arrived in port, so that they could publicise 'how disappointed we in the [Boat for Vietnam] committee are by the lethargy and incapability to help these refugees, the

[119] Neudeck, 82; "Opinion of the German Minister for Foreign Affairs on the 'rescue activity of the *Cap Anamur*'".
[120] These were Lower Saxony, Bremen, Berlin and North Rhine-Westphalia.
[121] Neudeck, 109.
[122] Neudeck, 121.

bureaucratic restrictions, the many alibis and lies, which have marked these last few years'.[123]

The German 'Boat for Vietnam' initiative had been cast as an unprofessional skipping of the humanitarian queue for resettlement and its work was seen to overly pressurise the West German state, setting maritime humanitarians apart from more traditional aid agencies like the DRK who spent this period developing much closer relationships with governments as donors and humanitarian partners. However, Neudeck had kickstarted his rescue project precisely to counter the DRK's approach to aid. Cap Anamur's venture in the South China Sea was envisaged as a rebellion against the process of professionalising relief by deepening aid agencies' relationship with the state. Explicitly rejecting the 'bureaucratic restrictions' of this approach, Rupert Neudeck and the *Cap Anamur* volunteers argued that whilst it helped aid organisations to expand, it did nothing to help individuals in need of assistance – on the contrary, it hampered aid efforts by bending NGOs to the will of apathetic governments.[124] The German rescue project favoured a model of relief that imposed upon the state rather than working with it.

**Resisting Professionalisation**

Before he walked out of the MSF General Assembly in 1979, Bernard Kouchner had taken to the speaker's podium to address his colleagues. Reading Kouchner's reconstruction of this speech one year on, as the boat project he had left MSF to set up drew to its close, we can learn a lot about how he understood the trajectory of the humanitarian sector:

> 'I recall the hope present at the origin of the [MSF] movement and the necessity of being a witness in the face of what was insupportable: to never accept, in the act of care, the act of becoming an accomplice. I salute the success of MSF […] but I announce that it is

[123] Neudeck, 146.
[124] Neudeck, 146.

heading towards becoming an association of professionals".[125]

With the benefit of hindsight, and the freedom to recall his historical words in a way that helped him understand his current experience of running the 'Boat for Vietnam', Kouchner felt able to draw a clear contrast between an older MSF bent on standing as a force for change and a contemporary MSF monotonously plodding towards organisation and expansion. Kouchner argued that the rebellious humanitarian movement he had helped to establish was fading in front of his eyes. However, he claimed to be giving this movement new life elsewhere through the implementation of a different kind of relief venture: the 'Boat for Vietnam'.

Although he built upon different ideological foundations, Rupert Neudeck also believed that his 'Boat for Vietnam' was breathing life into a radical humanitarian crusade. Like Kouchner, he argued that maritime rescue was transformative because it was orientated around spontaneity, speaking out and retaining independence from government. Supporting the immediate but relatively small-scale act of sea rescue as a means of bypassing 'red tape', both aid workers argued that humanitarianism should always involve the prioritisation of principled action over professional protocol, protecting the vibrant camaraderie that (for them) gave aid its true meaning. They took forward many of the 'new humanitarian' ideas that had emerged over the preceding decade and they refused to let administrative processes dilute these philosophies. The aim, as Médecins du Monde put it after its formal establishment, was 'to go where others do not go, to bear witness to the intolerable and to work on a voluntary basis'.[126] The 'Boats for Vietnam' had put these ideas into practice.

This clashed strongly with currents transforming the world of aid at this time, in particular those of professionalisation and expansion. At the moment in which the 'Boat for Vietnam' projects came into being, the aid world seemed set on a clear trajectory that departed from ad hoc relief and

[125] Kouchner, 230.

[126] Médecins du Monde's foundational mission statement, quoted in "Une nouvelle organisation de secours "Médecins du Monde", *Le Monde*, February 8, 1980.

which instead linked the promise of humanitarianism ascendancy to organisation and regulation. The recognition of relief as a legitimate and valuable global force, many aid agencies felt, was seen to derive from the establishment of structures, codes and standards and from the tightening of connections to influential donors, including states. There was a belief that if aid became more 'business-like' then the problems associated with it – practical problems of planning and coordination as well as ethical problems related to the unintentional side effects of relief efforts – would soon disappear. The power of the 'Boat for Vietnam' projects lay in their rejection of such logic. At a time when many aid agencies seemed intent on 'reinventing the firm', the 'Boat for Vietnam' projects seemed equally as intent on dismantling the idea that humanitarianism should be scaled-up, professionalised or dependent on state sanction.[127] Whilst Claude Malhuret and his supporters were structuring MSF to make it a 'perfect machine',[128] and whilst the Red Cross in Germany boasted of their organisational proficiency in order to acquire the institutional backing of the state, Bernard Kouchner and Rupert Neudeck focused their efforts on the rapid implementation of a new type of aid that seemed to fly in the face of technocracy and governmental agendas: maritime rescue. They argued that humanitarianism would be best served by paring back the management of relief.

Ultimately, the 'Boats for Vietnam' garnered a reputation for disruptiveness and rebellion since they questioned fundamental assumptions about the 'right' way to go about providing humanitarian assistance. The disputes over these projects were particularly fierce, focused as they were on questions of what relief should represent and what future it had on the international stage. Both ventures created disagreement because they forced aid workers to ask how their commitment to the alleviation of suffering would best be served. Amidst the political wrangling of the Cold War, should aid agencies tactically overlook the suffering of displaced persons offshore or should they call out this relegation of refugees' rights at sea? Was it 'humanitarian' to force states' hand in immigration matters? And was relief best delivered by large, state-sanctioned bureaucracies or by smaller groups that claimed to retain

[127] Wieters, "Reinventing the Firm".
[128] Vallaeys, *Médecins Sans Frontières: la biographie*, 248.

and incubate the truly radical heart of humanitarianism? By asking such questions, the 'Boat for Vietnam' ventures stirred up some of the most contentious debates underlying the humanitarian project during the 1970s.

# Chapter 5

## Hermanos al Rescate: Embracing Politics, 1991-1996

In August 1994, more than 35,000 Cubans crossed the Florida Straits to the United States, fleeing the authoritarian regime of Fidel Castro. Escaping on makeshift rafts, which were often little more than pieces of wood tied to tire inner tubes, these migrants (*balseros* as they came to be labelled after the Spanish word for raft, *balsa*) took to the sea on a journey of over ninety miles. Their chances of surviving this crossing were slim: roughly only one in four made it to the U.S. alive.[1]

The number of *balseros* willing to face the deadly odds of the crossing – which one newspaper described as a game of 'Cuban roulette' – had been rising steadily since the collapse of the Soviet Union, communist Cuba's largest international sponsor, in 1991.[2] Already deprived of political freedoms under Castro, Cubans now found themselves squeezed financially to the point of desperation as their economy spiralled with the disappearance of Soviet backing. Compounding these difficulties, the U.S. imposed fierce economic sanctions on Cuba in 1992 as part of an ideologically motivated refusal to (in President Bush's words) 'provide life support' to a communist dictatorship.[3] As deprivation and discontent within Cuba spread, the sea exodus from the island climbed steadily until, by the beginning of July 1994, around 500 migrants were arriving each day on U.S. shores.[4] Finally, following a series of fierce riots in Havana on 5th August, Castro announced a temporary halt to the enforcement of laws against emigration from the island.[5] In response, tens of thousands took to the sea.

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[1] Holly Ackerman, "The Balsero Phenomenon, 1991-1994," *Cuban Studies* 26 (1996), 173.
[2] "More Pilots to Join Searches for Rafters," *The Miami Herald*, May 16, 1991.
[3] George W Bush, "Remarks on Signing the Cuban Democracy Act of 1992 in Miami, Florida, October 23, 1992", available at https://www.presidency.ucsb.edu/documents/remarks-signing-the-cuban-democracy-act-1992-miami-florida [accessed June 13, 2023].
[4] University of Miami Libraries, "The Cuban Rafter Phenomenon," available at http://balseros.miami.edu/ [accessed June 13, 2023].
[5] Until as late as 2013, Cuba's criminal laws made it illegal for citizens to leave the island without government permission.

In a small aircraft hangar in Miami, a close-knit team of pilots watched these events unfold with a sense of trepidation. These pilots were volunteer rescuers, working for a humanitarian organisation known as Hermanos al Rescate (Brothers to the Rescue). Hermanos had been established in 1991 to save the lives of *balseros* attempting the Cuba-U.S. crossing. The NGO had developed a distinctive approach to rescue operations which differed from the 'Boat for Vietnam' projects. Instead of running rescue vessels, Hermanos assisted refugees by taking to the sky. The organisation flew planes over the Florida Straits, scanning the waters for stranded migrants and passing their whereabouts onto nearby vessels so that they could be rescued. With the rapid rise in crossings that stemmed from the suspension of emigration restrictions, Hermanos' pilots were spotting ever greater numbers of rafts. Their airborne operations seemed more needed than ever.

However, from this moment onwards, Hermanos found itself prevented from assisting Cuban rafters. Although the humanitarian demand for the NGO's efforts had reached a critical level, its work became blocked by a series of government policy changes which reversed the American state's longstanding practice of welcoming fleeing Cubans and instead established a system of interception and exclusion that barred them from entering. This system drew a stark division between 'wet foot' and 'dry foot' migrants, exacerbating the legal tensions between land and sea that we first saw in Chapter 2, and that had also plagued Bernard Kouchner and Rupert Neudeck. The new U.S. immigration policies also shut down the systems of cooperation that had allowed Hermanos to assist Cuban rafters. Previously, Hermanos planes had worked closely with state coastguard vessels to support *balseros* to American shores, but now these vessels were tasked with intercepting Cubans, often returning them to the island or taking them to detention centres at Guantanamo Bay. In this context, it became almost impossible for Hermanos to provide fully-fledged rescue support.

Hermanos was highly aware that these altered circumstances were the product of much broader political changes. The NGO's altered circumstances ultimately stemmed from the U.S. state's shifting priorities in the wake of the Cold War. After the collapse of the Soviet Union, Cuban refugees

lost their ideological resonance as the United States felt less impetus to support the symbolic victims of communism. No longer viewed with calculated compassion, *balsero* movement came to be perceived as disruptive. This is why Cubans' journeys across the Straits, and their facilitation by Hermanos, became so fiercely constrained. In short, Hermanos recognised that its operations were inseparable from the politics of post-Cold War immigration and foreign policy. However, the NGO decided not to follow a more classical humanitarian path and maintain a neutral posture in the face of such knowledge. Hermanos rebuffed the notion that it should steer clear of politics, even just at the rhetorical level, and instead it dived straight into partisan debates. In fact, with considerable enthusiasm, the organisation decided to shift its focus from basic needs provision to protest and activism. It launched new, activist projects aiming to tackle what it saw at the root causes of refugees' deaths at sea: Castro's dictatorship and America's refusal to take this regime down. The NGO flew planes into Cuban territory to drop leaflets about human rights, lobbied the Clinton administration to intervene against Castro and took part in pro-democratic protests with militant Cuban exile organisations. Forced to pare down what it felt should have been the least problematic aspect of its work (its rescue flights), Hermanos came to attack the political causes of the crisis it had been responding to. It decided to embrace politics, posing a fierce challenge to the principle of humanitarian neutrality.

This chapter charts Hermanos' humanitarian activism as it unfolded throughout the 1990s. It begins with an outline of Hermanos' early operational years, from 1991 to 1993. During this time, the NGO's operations were straightforward and cooperative, involving basic humanitarian rescue missions that were supported by the U.S. government (and largely ignored by Castro). The chapter then turns to examine how these operations were shut down by the imposition of stricter immigration controls on Cubans from 1994 onwards. Finally, it explores Hermanos' response to such restrictions. This was to embrace the political and ideological underpinnings of its work by deliberately antagonising both the U.S. and Cuban governments.

**The Early Years of Hermanos al Rescate**

Hermanos al Rescate was founded in 1991 by José Basulto and William (Billy) Schuss, two Cuban-exiles living in Miami. Both men had colourful political backgrounds. They had been born in Cuba but had moved to the United States where, following the Cuban revolution, they had joined various movements attempting to overthrow the island's authoritarian government. As a result of these activities, both men were recruited by the CIA to take part in its covert Cuban operations. They joined the state-sponsored paramilitary organisation Brigade 2506 and took part in the failed Bay of Pigs invasion in 1961. Although they became disillusioned with America's policy towards Cuba in the wake of this incident and accordingly broke ties with the CIA, they continued to campaign for Cuban democracy. However, in 1991, they turned their attention to a new project – one with a seemingly different flavour. In February that year, William Schuss watched a television report about the death of Gregorio Perez Ricardo, a 15-year-old *balsero* who had died of severe dehydration after fleeing Castro's regime by sea. Schuss was deeply moved by the teenager's story and he called José Basulto to discuss how they could prevent such tragedies from occurring. Temporarily pausing their more activist work, the pair turned from campaigning to care. They decided to establish a humanitarian rescue organisation in their home city of Miami. Their primary intention was to save lives in what they had begun to describe as the maritime 'corridor of death' separating Cuba from the U.S.[6]

Schuss and Basulto decided that the most effective means of assisting *balseros* was to take to the skies. Whilst they had initially considered using boats to scour the waters of the Florida Straits, they soon switched their focus to planes. At sea, they felt, a rescuer's field of vision was limited, as was their speed and the distance they were able to cover over the waves. The use of planes, in contrast, would allow for wide-ranging reconnaissance missions that covered larger areas faster and that could more effectively identify stranded rafters in the water. Initially renting planes with their own credit cards,

[6] Enrique Encinosa, "A Mision Humanitaria de 'Hermanos Al Rescate", June 24, 1991, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

Basulto and Schuss set up a regular weekly schedule of search and rescue flights. Volunteers for *Hermanos* (some of whom were former rafters themselves) flew three planes over the Florida Straits every Tuesday, Thursday and Saturday morning, covering with each aircraft a different area where they felt they would be most likely to find stranded rafts: south of Marathon, south of Key West and north of Havana. The pilot would systematically fly over their designated flight area (covering about 1800 square miles) whilst a separate 'observer' would scan the waters below looking for unusual objects. Sometimes these objects would turn out to be flotsam; often, however, they were migrant vessels.[7]

In his memoir, William Schuss recalls the heightened emotions experienced by those in Hermanos' planes at such moments: '[o]nce a target was spotted, its position was immediately reported to all aircraft on the mission. The magic word, which was anticipated by everyone, was 'raft'. This word triggered the adrenaline in all crews and put us on a state of alert'.[8] Having confirmed the sighting of a raft, a Hermanos pilot would mark its coordinates and throw a dye marker into the water. They would then drop drinking water down to the raft as well as a note informing the *balseros* on board that they were safe and would soon be assisted onto U.S. shores. These messages, stored in old milk bottles and other plastic containers to stay dry, began with the words 'Welcome to the Land of Freedom'.[9]

Hermanos had to be very careful when it came to coordinating support for rafters. After several incidents where Cuban officials unexpectedly turned up at rescue sites, the NGO learnt that Cuban border guards were listening in to the transmissions sent between its planes.[10] With the information that they covertly gleaned, Cuban authorities would direct their own ships to the site of the rafts where they would intercept *balseros* and return them to Cuba. Following such a discovery, Hermanos' pilots and observers began to communicate via a system of radio codes. They also filmed

[7] Some video tapes of Hermanos' rescue flights have been made available online by the University of Miami's Cuban Heritage Collection. They are available at https://miami.app.box.com/s/nj0s619l98pqf8xfrrn1wlp82iib300r/folder/130881540429 [accessed June 14, 2023].
[8] William Schuss, Día Tras Día Con Hermanos Al Rescate (Miami: D'Fana Editions, 2007), 57.
[9] Lily Prellezo, *Seagull One: The Amazing True Story of Brothers to the Rescue* (Gainesville: University Press of Florida, 2010), 63.
[10] Schuss, *Día Tras Día Con Hermanos Al Rescate*, 64.

and photographed the entire rescue process to leave a trail of documentation that could be used against Cuban authorities if necessary.[11]

Although Hermanos planes could locate *balseros* and would continue to monitor their progress – staying with rafts to make sure that they could still be found in the fast-flowing waters of the Gulf Stream – they were unable to transport survivors to safety directly. For this, Hermanos relied on cooperation with the United States Coast Guard unit in Miami. Hermanos and the Coast Guard agreed to work together on rescue missions by establishing a system of information sharing as well as a joint search and rescue protocol. The coordinates of located rafts would be passed from Hermanos' pilots to the NGO's base team and then onto the Coast Guard who would dispatch a rescue vessel. Hermanos planes would remain with the raft until this vessel arrived, at which point they would fly back to base. The Coast Guard ship would then take the rafters to Key West where they would be assessed by the Immigration and Naturalization Service (INS). This working relationship proved harmonious and efficient. In its first year operations, Hermanos conducted 128 flight missions with the Coast Guard and, according to its own statistics, was saving a life for every six hours of flight time.[12] By 1993, the organisation had worked with the Coast Guard to rescue over 4200 *balseros*.[13] Hermanos was full of praise for coastguardsmen, arguing that they had become the NGO's 'brothers' and 'friends in time of need', bringing with them 'a profound sense of humanity'.[14] In turn, the Coast Guard asserted that Hermanos was 'to be commended' for carrying out its work 'in concert, not conflict, with the [United States] government'.[15]

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[11] Schuss, *Día Tras Día Con Hermanos Al Rescate*, 64-66.
[12] "Current Response," December 1, 1993, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[13] "Current Response".
[14] "To Our 'Brothers' in the United States Coast Guard, Group Key West," July 17, 1992, University of Miami Libraries Cuban Heritage Collection, CHC5101, USCG, Box 26; "Acknowledgements", October 3, 1991, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Press Releases, Box 9.
[15] "Brothers in the Air Help Their Own on the Sea," 1991, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records BTTR History, Box 8.

Beyond the Coast Guard, Hermanos also worked closely with the Federal Aviation Administration (FAA), which was responsible for regulating the operation of all aircraft flying in U.S. airspace and over surrounding international waters. Maintaining a good relationship with the FAA was very important since Hermanos had decided to fly as close to Cuba as possible as a means of locating more rafters. This meant crossing an important boundary known as the 24th parallel: an aerial circle of latitude cutting through international air space over the Florida Straits. The U.S. had historically provided air traffic control to the north of this line and Cuba to the south, meaning that it was a highly politicised boundary holding the potential for conflict. To ensure the smooth running of their operations, Hermanos agreed to participate in a monitoring protocol proposed by the FAA. Under the protocol, Hermanos filed and followed a thorough flight plan for each mission. The NGO made planes' intentions to cross the 24th parallel very clear and it mapped in meticulous detail the path they planned to take across this frontier. The FAA then assigned each Hermanos plane a tracking code that would make them visible on all radar systems (even Cuban ones) throughout the flight. This ensured that air traffic controllers on both sides of the Florida Straits could follow the movements of Hermanos planes, avoiding the escalation of hostilities. Effectively, Hermanos' volunteers submitted to the detailed monitoring of their flights in return for the ability to safely access particular airspaces. It was an agreement which they described as 'cooperative, cordial and informative'.[16] As long as Hermanos stuck firmly to these orders, the FAA was also happy to support the NGO's departures.

During these early years, Hermanos presented itself to agencies like the Coast Guard and the FAA, as well as to the broader public, as a classical humanitarian organisation orientated around the principles of humanity, impartiality, neutrality and independence. This ensured that the NGO held the support of the U.S. state and was not dragged into more politicised discussions over Cuban immigration. Glossing over the obviously partisan backgrounds of its founders, the NGO's public pronouncements usually focused on the practicalities of rescue and the moral imperative of intervening

[16] José Basulto, "A Deadly Protocol", no date, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

in the Straits. On the rare occasions when statements about its motivations were made, Hermanos stuck closely to the humanitarian script, claiming that its rescue project was 'not a political quest [but] a human quest'.[17] Hermanos argued that it worked purely in 'the spirit of the Good Samaritan',[18] focusing on providing 'the most basic of human needs' to *balseros*.[19] As pilots argued, the NGO saw *balseros* not as the victims of a political regime but simply as 'human beings, Cuban compatriots that have thrown themselves into the sea'.[20] Such rhetoric was highly curated and was used as part of a strategic publicity drive to present a particular image of the NGO. José Basulto and William Schuss acknowledged in private their more ideological motivations for helping their Cuban compatriots, but they felt little need to reveal these underpinnings in the context of its smooth collaboration with state departments.[21] They were happy, for the time being, to assume the role of the classic relief agency.

**From "Open Arms" to "Wet Foot, Dry Foot"**

Hermanos' decision to prioritise rescue over politics, combined with the U.S. government's willingness to collaborate with pilots, meant that, for several years, the rescue of Cuban *balseros* went smoothly. Rescue operations were effective and straightforward, oiled by the support of the state. However, Hermanos was not convinced as to the permanence of this state of affairs. The NGO's members were highly aware that the cooperative arrangement they held with the Coast Guard and FAA was a precarious one, dependent on allegiances held higher up the chain of command.[22] Whilst Hermanos could facilitate its work by painting a particular image of its motivations, the organisation ultimately knew that its rescue operations hinged on the American state's broader attitude towards rafters which, in turn, was shaped by its broader stance vis-à-vis communist Cuba.[23] In essence, Hermanos' pilots

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[17] "Chasing the Seaward 'Balseros,'" *The Christian Science Monitor*, 1991, in University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspaper Clippings, Box 24.
[18] Schuss, *Día Tras Día Con Hermanos Al Rescate*, 16.
[19] "Current Response".
[20] "Hermanos al Rescate," *Diario Las Americas*, December 17, 1991.
[21] Schuss, *Día Tras Día Con Hermanos Al Rescate*; Prellezo, *Seagull One*.
[22] "On the Issue of U.S. Policy Towards Cuba," 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Basulto's pilot license revoked: court records, Box 35.
[23] "On the Issue of U.S. Policy Towards Cuba".

flew with the winds of foreign policy. Following the collapse of the Soviet Union and the subsequent defrosting of Cold War antipathies, these winds began to turn against the NGO.

For decades, the U.S. had been sympathetic towards Cuban migrants, its compassion conditioned by superpower competition.[24] Ever since Fidel Castro had taken power in 1959, the United States had welcomed the symbolically charged victims of his regime, facilitating their incorporation into American society and using this absorption as an implicit condemnation of communism. Viewed as political refugees, Cubans were offered special legal privileges over other groups such as Haitians or Dominicans whom the U.S. categorised as less-deserving economic migrants. For instance, under the Cuban Adjustment Act, passed in 1966, Cuban parolees were allowed to apply for permanent residence after spending just one year in the in the United States, as opposed to the usual term of five years. In this way, as President Carter famously described, the American state strategically welcomed Cubans with an 'open heart and open arms'.[25] However, this changed very abruptly in 1994. During this year, *balsero* movement sparked a sudden and unexpected shift in U.S. policy on Cuban immigration. The new Clinton administration in Washington moved quickly away from an 'open arms' attitude towards a new regime of restriction and exclusion. In government offices, Cuban migration began to be viewed not as a politically useful force but as a destructive one, to be stopped at all costs.

This shift, in part, could be put down to the scale of inbound migration. The 1994 exodus marked a particularly pronounced upsurge in the number of migrants fleeing Castro's regime, sparking fears that the U.S. would be overwhelmed with duties of care. These fears ignited most powerfully during the Floridian gubernatorial elections in November 1994. Embarking on a tough re-election bid in a state where immigration matters held a strong grasp on voters, Florida's Governor Lawton Chiles declared a state of emergency in anticipation of *balsero* arrivals, famously arguing that Floridians would

[24] Susan Eckstein, "U.S. Cuban Immigration Policy and Its Unintended Consequences" in *Cuba-US Relations: Normalization and Its Challenges*, ed. Margaret Crahan and Soraya Castro (New York: Institute of Latin American Studies, 2016), 129-153; Kelly Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy* (Ithaca: Cornell University Press, 2010).

[25] Edward Walsh, "U.S. Will 'Open Arms' to Cuban Exiles, Carter Says," *The Washington Post*, May 6, 1980.

'die from a thousand small cuts' with a mass influx of immigrants.[26] As Charles mobilized Florida's National Guard to restrict Cuban arrivals, and as Bill Clinton drew these local hostilities into a broader conclusion that welcoming a new rafter influx would anger swathes of voters, government foreign policy advisors decided that the state had to act fast to shut down 'another uncontrolled and dangerous outflow from Cuba'.[27]

However, numbers were not everything. Twice before, in 1965 and 1980, Fidel Castro had decided to temporarily open Cuban ports, inciting the mass exodus of dissenters across the Florida Straits. Yet in these instances, the U.S. government had actively intervened to assist Cubans' journeys.[28] During the Mariel boatlift in 1980, the U.S Coast Guard and Navy had sent over 25 boats, 13 planes and helicopters and 1,450 personnel out to the Straits to assist stranded migrants, assisting 125,262 refugees to American shores in just over five months.[29] The state's opposite response in the 1990s suggested that something else was influencing its behaviour. Ultimately, the government's volte-face stemmed from the altered politics of the post-Cold-War world and the watering down of *balsero* status that came with this. With the collapse of the Soviet Union and many of its satellite regimes, Cubans had lost their international symbolic appeal. No longer the obvious victims of a Soviet-sponsored communist order, *balseros* lost the ideological resonance that had resulted in their special treatment on the part of the U.S. state. Domestic disputes like those occurring in Florida may have used immigration statistics for leverage but they were ultimately fuelled by a much broader process of desensitisation

[26] Kelly Greenhill, "Engineered Migration and the Use of Refugees as Political Weapons: A Case Study of the 1994 Cuban Balseros Crisis," *International Migration* 40, no. 4 (2002): 53.
[27] "Statement of Attorney General Janet Reno Regarding Cuban Migration," May 2 1995, available at https://www.presidency.ucsb.edu/documents/press-briefing-attorney-general-janet-reno-general-john-sheehan-commander-chief-the-us [accessed June 13, 2023].
[28] See Kathlyn Gay, *Leaving Cuba: From Operation Pedro Pan to Elian* (Twenty-First Century Books, 2000); Alex Larzelere, *The 1980 Cuban Boatlift: Castro's Ploy - America's Dilemma* (Washington, D.C.:National Defence University Press, 1988).
[29] United States Department of Defence, "Cuban Boatlift from Mariel, Cuba to Key West, Florida", available at https://media.defense.gov/2020/Apr/23/2002287256/-1/-1/0/1980_mariel_summary.pdf [accessed June 12, 2023].

towards *balseros*. As *The New York Times* put it, the government's 'political calculations' regarding post-Cold War foreign policy meant that 'the welcome mat [was] withdrawn' for Cuban arrivals.[30]

Changes in government attitudes towards *balseros* soon translated into policy. On 19th August 1994, President Clinton announced that Cuban rafters would no longer be brought to the United States. Instead, they would be taken to 'safe haven' camps at the U.S. Naval Station at Guantanamo Bay, with no opportunity for eventual entry into the United States other than by returning to Cuba and applying for entry at the U.S. Interests Section in Havana. Following this declaration, a series of bilateral talks were held between Cuba and the U.S. that resulted in the announcement of new immigration accords between both nations. On 9th September, both governments agreed that the U.S. would allow at least 20,000 Cubans to enter annually on the condition that Cuba would work using 'persuasive methods' to prevent further rafter departures from the island, effectively externalising American border controls.[31] In May 1995, Clinton went even further, repealing the 1966 Cuban Adjustment Act and announcing that Cubans interdicted at sea would not even be taken to Guantanamo – now they would be summarily returned to Cuba. Importantly, *balseros* were no longer referred to in these accords as 'refugees' but as 'migrants', signalling the beginning of a rhetorical shift that discursively stripped *balseros* of legitimacy as both political victims and humanitarian subjects.

This state of affairs came to be known as the 'Wet-Foot/Dry-Foot' policy. Under Clinton's new immigration system, only 'dry foot' Cubans who made it to the physical territory of the United States would be granted an interview with the INS – all other 'wet foot' rafters would immediately be sent back to Havana. In essence, landing on firm ground meant that a migrant had access to a certain framework of rights, while being afloat at sea negated such rights. Just as we saw in Chapter 2, where I described the legal gradation of oceanic space and its effect on maritime humanitarianism, the U.S.

[30] Stephen Greenhouse, "Flight from Cuba: The Policy; Cuba Strategy: Reactive or Planned?," *The New York Times*, August 23, 1994.
[31] "U.S.-Cuba Joint Communique on Migration, New York City, September 9, 1994," available at http://balseros.miami.edu/pdf/September9.pdf [accessed June 13, 2023].

was strategically manipulating the boundary between land and sea to evade its rescue responsibilities. Hollowing out the right to assistance offshore, officials built on a decision made two years earlier in a now infamous legal case: *Sale vs Haitian Centers*. Here, in a landmark judgement, the U.S. Supreme Court ruled that the provisions of the United Nations Refugee Convention, particularly the principle of non-refoulement, did not apply to asylum seekers on the high seas.[32] The court denied the right of refugees and migrants (in this case Haitian 'boat people') to have their immigration status determined offshore on the grounds that they were not 'at the border or within a country'.[33] Now, with the propulsion of the 'Wet Foot, Dry Foot' policy, the U.S. closed its doors further still to non-citizens outside its sovereign territory. Any and all water, not just that of the high seas, was seen to annul Cubans' claims to aid and welcome. To be a *balsero* was to be marked by a contaminating condition of 'wetness' which the state used to withhold its support.[34]

It did not take long for these arrangements to affect Hermanos' work. On the same day that Clinton instigated the policy of sending Cubans to Guantanamo in August 1994, the U.S. Coast Guard launched 'Operation Able Vigil', a migration interdiction mission which involved over 38 vessels and over 6,000 coastguardsmen, many of them the same men and women that had helped Hermanos to rescue *balseros* just weeks earlier.[35] Large cutters and patrol boats began to search for Cuban rafts, not to support their movement towards the shore but to impede their progress. Smaller Coast Guard vessels would work over these areas again, searching for rafters that had slipped through patrols. The operation was thorough and highly efficient. In its first week alone, the Coast Guard intercepted over 10,000 Cubans – more than the number it had rescued in the whole decade between 1983 and 1993.[36]

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[32] The principle of non-refoulement prohibits states from returning people to a county where there are substantial grounds to believe that they would be at risk of irreparable harm, including persecution, torture, ill treatment, and other serious human rights violations.
[33] Sale v. Haitian Centers Council, 823 F. Supp. 1028 (E.D.N.Y. 1993). On this case, and the way it governed the encounter between state and noncitizens in extraterritorial space, see Itamar Mann, *Humanity at Sea: Maritime Migration and the Foundations of International Law* (New York: Cambridge University Press, 2016), 56-101.
[34] Andonea Jon Dickson, "The Carceral Wet: Hollowing out Rights for Migrants in Maritime Geographies," *Political Geography* 90 (2021): 102475.
[35] Dennis L Noble, *The U.S. Coast Guard's War on Human Smuggling* (Gainesville: University Press of Florida, 2011), 189.
[36] Prellezo, *Seagull One*, 156.

Hermanos, who had previously flown over the Straits to watch as Coast Guard vessels took *balseros* north towards U.S shores, now powerlessly witnessed these vessels moving south towards Guantanamo and later Cuba.

With state authorities so efficiently locating rafters, Hermanos had no means of assisting them in the way that it wished to: facilitating their journeys to safety in the United States. Pilots no longer called the Coast Guard for rescue assistance given that this meant the removal of *balseros* from American waters. Worst of all, they began to feel that their presence in the skies was actively making things worse for Cubans, since it could draw the Coast Guard's attention to the location of *balseros'* rafts and thereby inadvertently seal their fate of return. Recalling these shifting circumstances, two Hermanos pilots, Guille and Beto Lares, recounted their experience of flying a 'low pass' over a raft in October 1994. Sweeping over rafts in this way was something that *Hermanos* pilots usually did to reassure migrants that they were in safe hands but, one month in from the announcement of the government's initial migration accords with Cuba, this procedure no longer seemed appropriate:

> 'In the past, this was the moment when the *balseros* would throw up their hands in an open embrace. […] Today was different. The two men [on the raft] planted their legs firmly in the rocking boat, lifted their open palms toward them and pumped them forward. Get out of here! Their body language unmistakable: go away […] They did not want to attract the attention of the Coast Guard'.[37]

In such an environment, pilots could do little more than inform *balseros* of America's new polices. Instead of the previous note which they had dropped to *balseros*, extending a welcome into the United States, they drafted a new one: 'If the Coast Guard of the United States picks [you] up, it is possible that they will hand [you] over once again to the Cuban authorities […] If you would like us to alert the American Coast Guard, wave your arms, if you do not want this, leave them still when we fly over'.[38]

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[37] Prellezo, *Seagull One,* 159.

[38] "Press Release, May 4 1995," University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Press Releases, Box 9.

Most of the time, Cubans left their arms down, asking to be left alone to risk the final stages of their journey unmonitored. As a result of this diminishing demand, Hermanos cut its rescue flights from over 30 a week to 16 a week, then to four a week, and finally to Saturdays only.[39] It seemed that the NGO had lost the ability to support rafters in a meaningful way from the skies.

**From Rescue to Activism**

In Hermanos' meeting rooms in Miami, this situation prompted a host of provocative discussions.[40] Given that the NGO could no longer work on its original rescue project, should it disappear from the Florida Straits completely? Or should it remain and alter its operations somehow? What might such alterations look like? Pondering these questions, Hermanos decided to remain active at sea but to focus on different facets of *balsero* migration. The changes which the NGO made to its work were telling, bringing up its founders' deeper ideological motivations for supporting Cubans. As we saw earlier, José Basulto and William Schuss were very interested in U.S-Cuban foreign policy and had become increasingly sceptical of America's actions (or inactions) on the island, having been abandoned by American forces during the failed Bay of Pigs invasion. However, they had decided on establishing Hermanos that the NGO should hold off from engaging with political questions. In the context of a smooth working relationship with the U.S. state, they had chosen cooperation over campaigning. However, now that this cooperation had ground to a spectacular halt in the aftermath of the 1994 U.S.-Cuban migration accords, both founders removed the lid from their pent-up sentiments. They felt that, if Hermanos and its pilots could no longer practically help rafters in the waters of the Florida Straits, then they should assist them through activism.

Hermanos' founders made their previously private opinions on Cuban-U.S. politics public by developing two new lines of activity for the NGO. First, they decided that Hermanos should challenge

[39] "Brothers to Go to Rescue No More," *Tampa Bay Times*, February 3, 2003.
[40] José Basulto, "Transición Sí, Sucesión No," c.1995, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4; "Press Release, May 4 1995".

policymaking on the American side of the Straits. The organisation lobbied the U.S. government to change its immigration policies and it put pressure on American officials to take a stronger stance against Castro's regime. Second, and this time moving from lobbying to overt activism, the NGO ventured across the Straits to Cuba. Basulto and Schuss no longer felt content to address only the symptoms of Cuban authoritarianism in the form of the *balsero* phenomenon – they decided that the time had come to target the regime itself. Hence, they pushed for a transition to democracy on the island, a process they hoped would prevent the need for rafters' flight in the first place. Through both projects, Hermanos reneged on the implicit bargain it had made earlier with the U.S. state – that of prioritising humanitarian motivations over political ones. Moving away from its 'Good Samaritan' image, Hermanos became a proponent of more antagonistic operations that openly engaged with post-Cold War politics. In an interesting linguistic echo of the 'Boat for Vietnam' campaigns, the NGO described its new projects as a form of 'activismo diletante' ('amateur activism').[41]

## Challenging Washington

From its offices in Miami, Hermanos began to target the Clinton administration in a lobbying campaign that had a distinctive anti-Democrat flavour. Joining a long line of Republican-leaning Cuban exiles, the NGO attacked Clinton's reluctance to challenge Fidel Castro, connecting the President's cowardice to Kennedy's betrayal of Cubans during the Bay of Pigs invasion. In contrast to political stereotype, however, Hermanos' members did not combine their more right-leaning views with anti-immigrant sentiment. Instead, they pushed fiercely for the acceptance of Cuban migrants onto U.S. soil. They argued that the Democrats had consistently left Cubans and Cuban exiles without support and that they should undo these historical wrongdoings by accepting contemporary migrants onto American shores. In an attempt to spread this argument up the chain of governmental command, the NGO built up close ties with two Republican congressmen, Lincoln Díaz-Balart and Ileana Ros-Lehtinen

[41] José Basulto, "Unidad de Propósito, Un Comentario", University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

(whom members affectionately termed their political godmother). Through these figures – who held influential positions in the Floridian House of Representatives and U.S. House of Representatives – Hermanos exerted pressure on Clinton to give sanctuary to Cuban dissidents. As Ros-Lehtinen argued in August 1995, the U.S. government was wrongly directing its energy, deciding not to attack Cuban authoritarianism and instead targeting groups who worked against this regime. The government, she argued, was unjustly punishing 'those who f[ought] for Cuban freedom', including groups like Hermanos, in a way that 'len[t] legitimacy to the repressive methods of the Castro regime'.[42] Essentially, Hermanos pushed the view that the U.S. was both killing *balseros* at sea and consolidating a totalitarian government. It was refusing to intervene to remove Castro whilst at the same time denying sanctuary to the regime's dissidents. As Díaz-Balart put it in a letter to the FAA, shutting down Hermanos' work through immigration restrictions marked 'an unconscionable collaboration by the United States with a brutal totalitarian regime's security apparatus'.[43]

When the government refused to reverse its policy changes in spite of these efforts, Hermanos upped the ante of its protests. It began to publish a swathe of public statements and press releases that condemned U.S. foreign policy towards Cuba. Complaining that '[n]othing has changed since the late fifties at "the fourth floor" of the U.S. Department of State',[44] Hermanos argued in 1996 that the American government had 'created Castro, imposed Castro on the Cuban people and continue[d] to support this tyranny's existence' purely because it was 'politically convenient' for it to do so.[45] In the NGO's view, the U.S. had always been content to prop up Castro, hoping 'to benefit from a politically stable regime in Cuba' that it could influence.[46] Washington's policy towards Castro, Hermanos argued, had always been a cowardly one that punished 'the victims of oppression, not the oppressor'.[47] Since

[42] "Congresista Ros-Lehtinen condena comunicado de departamento de estado", August 9, 1995, University of Miami Libraries Cuban Heritage Collection, CHC5101, US Government Correspondence, Box 20.
[43] "Letter from Lincoln Díaz-Balart to Mr David R. Hinson, FAA Administrator", July 19, 1995, University of Miami Libraries Cuban Heritage Collection, CHC5101, US Government Correspondence, Box 20.
[44] Policy decisions on Cuban affairs were determined on the Fourth Floor of the State Department.
[45] "On the Issue of U.S. Policy Towards Cuba".
[46] José Basulto, "Letter to the Miami Herald, March 5 1997," University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[47] "Statement, July 8, 1996", University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

officials refused to intervene and help Cubans flee to safety, Hermanos felt that the State Department was fast becoming an indirect agent of Cuban oppression. In fact, it was now 'carry[ing] out the role of Castro's border guards'.[48]

Hermanos highlighted specific incidents at sea to contest the U.S. government's hardening stance on Cuban immigration. The aim was to challenge the choices and authority of state agencies like the FAA and the Coast Guard. To cite one example, on 24th May 2000, two Coast Guard vessels, the *Nantucket* and the *Matagorda*, intercepted 51 rafters attempting to reach Floridian shores. As these vessels entered America's contiguous zone and headed towards its territorial waters, the Coast Guard ships began to block their course. Coastguardsmen threw nets to entangle the craft's propeller and they sprayed fire hoses and pepper spray into the air, claiming that this was done as a form of protection against the unruliness of the rafters. The Coast Guard claimed that these migrants had used violence against its crewmembers, noting in their incident report that the rafters had 'assault[ed] law enforcement officers with rocks, bolts, scrap metal and poles'.[49] Therefore, as the report claimed, Coast Guard agents had used a 'safe, minimal use of force to control the violent and resisting migrants' before returning them to Cuba.[50] Hermanos asked to attend the press conference relating to this incident but was denied access. Accordingly, Basulto and Schuss headed to the headquarters of the Miami district Coast Guard where they demanded to look through the footage of the operation. Then they published a damning article condemning the agency's actions in the Straits – and the broader migration policies that they fed into.[51]

In this article, provocatively titled 'Rafters' Violence or Fidel's Histrionics', Basulto and Schuss challenged many elements of the Coast Guard's activities. They argued that it was inhumane and

[48] José Basulto, "La Ley de Ajuste Cubano: ¿Trato Preferencial o Deuda Historica?," 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[49] "Statement by Lt. Cmdr. Ron leBrec, public affairs officer for Seventh Coast Guard District", University of Miami Libraries Cuban Heritage Collection, CHC5101, USCG, Box 26.
[50] "Statement by Lt. Cmdr. Ron leBrec".
[51] José Basulto, "Rafters' Violence or Fidel's Histrionics", 2000, University of Miami Libraries Cuban Heritage Collection, CHC5101, USCG, Box 26.

unprofessional to use violence against asylum seekers and they were outraged that the Coast Guard had not even taken down the names of the rafters they returned. In their view, it was 'impossible to question the legitimacy and motives for the incident' with no trail of accountability.[52] Pointing fingers at Coast Guard officials higher up in command, they suggested that the agency had used the incident as a propaganda tool to spread the narrative that Cuban migrants were unruly and violent – and should therefore be kept away from American shores. As Hermanos saw it, spreading this argument would benefit the Coast Guard because it would 'create the public conditions necessary for the future rejection of rafters', spreading fear and anger.[53]

Hermanos then went further, arguing that the incident was being used as a smokescreen by the Coast Guard to cover up its *own* ferocious behaviour when enforcing 'Wet Foot, Dry Foot' rules. About a year earlier, the Coast Guard had come under criticism for an interception that became known as the 'Surfside Six' incident. In June 1999, Coast Guard boats had surrounded a wooden boat holding six Cuban refugees at it approached Surfside beach near Miami. Much like in the above incident, the Coast Guard operatives had pelted the migrants with pepper spray and had even blasted the boat with fire hoses. The scene had been recorded from above by television cameras and the Coast Guard had come under fire for using such violent means to prevent the rafters from becoming 'dry foot' asylum claimants.[54] The agency had suffered a lot of bad press – and now, Hermanos argued, it was attempting to turn criticism back onto migrants instead. As the NGO wrote: 'rafters are now redesignated as "violent migrants". Could this possibly also serve the purpose of counteracting the bad and violent image given by the USCG when it intercepted a group of refugees […] in full view of the TV cameras?'.[55] Hermanos therefore described the Coast Guard as a manipulative appendage of a hostile state. This marked a drastic turnaround against the NGO's old operational partner and ally in rescue operations.

[52] Basulto, "Rafters' Violence or Fidel's Histrionics".
[53] Basulto, "Rafters' Violence or Fidel's Histrionics".
[54] Sue Anne Pressley, "Refugee Incident Spawns a Tempest," *The Washington Post*, July 3, 1999; "6 Cubans Swim for Shore In Florida to Gain Asylum," *The Washington Post*, June 30, 1999.
[55] Basulto, "Rafters' Violence or Fidel's Histrionics".

Hermanos did not stop at criticising the violence of state agencies – it also called out the broader political damage caused by America's new immigration rules. Schuss and Basulto suggested that the migrants involved in the incident of 2000 had in fact been planted in the Straits by Fidel Castro, where they had been used to aggravate the Coast Guard deliberately, hopefully inciting the escalation of this agency's interception operations. This would of course benefit Castro by providing him with free border control in the Straits. As Hermanos argued, America's new immigration regime was only 'grant[ing] Castro his wish', allowing him to 'obtain the absolute control over all exits from the Island'.[56] This incident thereby provided an excellent example of the way in which Hermanos had come to engage in politics. As its humanitarian work became compromised, the agency began to take direct aim against the new immigration policies of the U.S. government – and the state agencies which carried them out every day in the Florida Straits. It also began to look at the broader geopolitical picture framing such incidents, connecting refugees' rescue (or interception) to foreign policy and to Castro.

## Challenging Havana

Recognising what it described as a 'growing call to a higher service',[57] Hermanos decided to extend its activism beyond the U.S. and into Cuba. The NGO felt that it was time to stop the need for *balseros'* flight in the first place by directly challenging the Cuban regime and pushing for a transition to democracy on the island. This meant moving from lobbying and advocacy to more overt activism. Hermanos' internally circulated documents from 1994 are replete with enthusiastic proclamations that begin to align Hermanos' members with pro-revolutionary activists in Cuba. For instance, in a memo written in 1997, whose title translates as 'Hermanos al Rescate: What [do we stand] for?', José Basulto spoke of the importance of 'human solidarity' in the fight against 'injustice and repression' in Cuba.[58]

[56] Basulto, "Rafters' Violence or Fidel's Histrionics".
[57] "BTTR: A Cuban National Struggle, a Strategy on the Making," 1997, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[58] José Basulto, "Hermanos Al Rescate: Para Qué?," March 25, 1997, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

Basulto was keen to discuss how Hermanos members had come to 'admire and respect those organisations with the political goal of achieving democracy in Cuba'.[59] Accordingly, the NGO began to push for a transition towards these groups' activities, orientated around public protest and activism. Hermanos decided to join forces with the Concilio Cubano, a network of pro-democracy groups in Cuba pushing to overthrow Castro.[60] By allying with these activists, Hermanos declared its intention to resolve not only the rafter crisis, but the much older crisis of authoritarianism on the island of Cuba.[61] Now Hermanos members were fighting not only to save lives at sea but also 'to change conditions so that we don't have to do so'.[62]

Put simply, the NGO decided that '[t]he only way to eliminate the problem [of rafters' deaths] [was] to eliminate Castro'.[63] Hermanos volunteers argued in the press that they were now explicitly seeking 'a remedy, and not a painkiller, for the Cuban pain'[64] and they openly declared themselves 'at war' with Cuba, using 'the ocean [as] the battlefield'.[65] They described this move as a proactive and heartfelt one, the possibility of which had always lain at the heart of their humanitarian work. As José Basulto described it, '[t]he [United States'] new policy of returning the Cuban refugees back to the Island did not change [Hermanos'] character, it simply created the opportunity for a more important role for the organisation'.[66] This was a role not of practical rescue but of 'revolutionary rescue'.[67] Hermanos believed that by encouraging ordinary Cubans to rise up against their government, it could engage in a form of 'rescue without planes'.[68] As the NGO itself had signalled, this work was soon

[59] Basulto, "Hermanos Al Rescate: Para Qué?".
[60] Basulto, "Unidad de Propósito, Un Comentario".
[61] José Basulto, "Our Struggle," 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33.
[62] Basulto, "Hermanos Al Rescate: Para Qué".
[63] "Out of Havana," 1994, University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33.
[64] Basulto, "Transición Sí, Sucesión No".
[65] "Equipo de Rescatadores Balseros Añaden a La Misión," *¿Que Pasa?*, May 10, 1995.
[66] José Basulto, "Non Published Reflection on the Article 'Authorised to Destroy' in The Washington Post Magazine," 1997, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[67] "Llueven Sobre La Habana Mensajes de Libertad," *Ideal*, 1996, in University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspaper Clippings, Box 24.
[68] José Basulto, "Hermanos Al Rescate, Reflection 2000," University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

prioritised – not only because it would prove more effective than restricted rescue flights, but also because political engagement was seen to be 'more important' than basic needs care in the long run.[69]

In this way, Hermanos came to see itself less as a stereotypical aid agency and more as the aerial arm of a popular civil rights movement. The NGO argued in 1996 that it had become 'a civic, moral and ethical proposal as well as a [humanitarian] organisation', this proposal being the advent of democracy in Cuba.[70] The new 'strategy in the making' which the NGO hoped to use to achieve this goal was inspired by the civil rights struggles of black Americans and the Indian independence movement.[71] It was pushed forwards most strongly by José Basulto. After 1994, Basulto began attending seminars on nonviolence sponsored by the Martin Luther King Jr. Center in Atlanta and the Albert Einstein Institution in Cambridge, Massachusetts. He derived from these experiences a vision of Hermanos as a tool of 'political defiance'.[72] Given, as he came to argue, that the 'Cuban people admired, respected and trusted their 'brothers' in Hermanos, the organisation could now use its standing to 'empower the people' to rise up against Castro.[73] The Hermanos founder laughingly mocked his own transformation from Bay of Pigs soldier to non-violent activist, joking in one interview: 'when I was young, my Hollywood hero was John Wayne. Now I like Luke Skywalker'.[74] Nonetheless, he used his growing media profile to spread the message of Hermanos' new and openly 'ideological missions'.[75] What his organisation was preparing to do, he claimed, was 'more than rescue a single rafter on the high seas'.[76] Its focus was now on saving *all* Cubans suffering under Castro. The NGO hoped that by flying 'a new kind of rescue mission, one for those Cubans willing to struggle',[77] it could encourage 'the entire population of Cuba to take ownership of their basic civil rights'.[78]

[69] Basulto, "Hermanos Al Rescate, Reflection 2000".
[70] José Basulto, "Hermanos Al Rescate: Para Qué?".
[71] "BTTR: A Cuban National Struggle, a Strategy in the Making".
[72] "BTTR: A Cuban National Struggle, a Strategy in the Making".
[73] "BTTR: A Cuban National Struggle, a Strategy in the Making".
[74] Jefferson Morley, "Shoot Down," *The Washington Post*, May 25, 1997.
[75] "Combatiente Activista Cambia Armas Por Volantes," *El Nuevo Herald*, January 20, 1996.
[76] Prellezo, *Seagull One,* 192.
[77] "Press Release, 13 April 1995", University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Press Releases, Box 9.
[78] Prellezo, *Seagull One,* 192.

Instead of retreating in the face of its restricted rescue work, Hermanos had begun to fight back. The NGO did not disappear after its humanitarian operations became comprised – it instead shifted its focus to the far more controversial arenas of political lobbying and activism. Once a relatively small and unexceptional rescue organisation, Hermanos was fast acquiring a name for stubbornness and rebellion. Media headlines about the organisation had previously foregrounded its basic needs operations, with headlines including 'To the Rescue: Rafters from the Sea'[79] and 'Volunteers Come to the Rescue of Cuban Refugees'.[80] Now they turned to focus on its political leanings, boasting titles including 'Activist Fighter Swaps Arms for Planes', 'Bid to Topple Fidel Castro', and 'Nonviolence of Castro's Foes Still Wears a Very Tough Face'.[81] The public, as well as American and Cuban officials, began to realise that the spectre of Cuban solidarity had always been lurking behind the organisation's older humanitarian image. Now the organisation had made its activist alliance with dissident Cubans the central (and highly publicised) core of its operations. This was the moment in which Hermanos chose to make its political stance – always there but previously papered over – more explicit. It decided to do this through actions as well as words.

**Repurposing Hermanos' Planes**

Fulfilling the new aim of destabilising the Cuban regime required more than the basic reconnaissance missions that Hermanos had so far been flying. Accordingly, the NGO began to look for new ways to use its planes. Whilst Hermanos still flew over the Straits each week to search for rafters, it had a lot of spare airtime on its hands which it hoped to use in new ways. In particular, it wanted to find a means of unsettling the Cuban regime from the sky. Figuring out the practicalities of this plan, Hermanos

[79] "To the Rescue: Rafters from the Sea," *The Miami Herald*, July 19, 1992.
[80] "Volunteers Come to the Rescue of Cuban Refugees," *The Key West Citizen*, July 23, 1991.
[81] "Combatiente Activista Cambia Armas Por Volantes"; "Brothers to the Rescue Invokes Kingian Nonviolence in Bid to Topple Castro", *The Miami Times*, January 25, 1996; Mireya Navarro, "Nonviolence of Castro's Foes Still Wears a Very Tough Face," *The New York Times*, February 28, 1996.

spoke publicly of its intention to develop a 'mode of confrontation' above the Straits.[82] Pilots and their planes would not only act as raft spotters – now they would also function as 'provocateurs'.[83] Inevitably, this shift away from basic assistance resulted in the departure of several members, most arguing pragmatically that whilst they had been content to shoulder the risks of rescue operations, they were less willing to do so on other, riskier projects. A few members cited more principled objections to moving beyond humanitarian goals, arguing that this would involve using refugees as propaganda tools rather than addressing their vital needs.[84] However, the majority of Hermanos' volunteers threw themselves wholeheartedly into the search for tactics of resistance.

Initially, Hermanos' members began to protest against Castro's regime from the ground. Testing out the impact of their actions, they carried out demonstrations and rallies. Just two days after the announcement of Clinton's Wet-Foot, Dry Foot policy, Hermanos' lawyer, Sofía Powell-Cosío, walked into the middle of the causeway leading to the Port of Miami. Her actions in protest against the regulations instigated a shutdown of the area that lasted several hours. A few weeks later, Hermanos asked all businesses in Miami to close for an afternoon to contest the migration accords. The NGO, which had previously distanced itself (at least in public) from more activist Cuban groups, also pledged support and gave $2000 in cash to the Concilio Cubano.[85] Hermanos hoped to fund protests and rallies run by this network in support of democratic revolution and to learn from such events how pilots might organise their own demonstrations.[86]

Eventually, Hermanos took its protests into the skies. It made a radical and rather dangerous decision: to begin flying within Cuban airspace. Increasingly disregarding the practice of submitting (and sticking to) FAA-approved flight plans which they had agreed to in 1991, Hermanos pilots, and

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[82] "Brothers Delaying Rescue Flights," *The Palm Beach Post*, March 10, 1996.
[83] "Activista Se Transforma En Soldado Sin Armas," *El Nuevo Herald*, January 20, 1996.
[84] "Foreign Broadcast Information Service, Latin America, November 19, 1993", University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.
[85] Prellezo, *Seagull One*, 201.
[86] José Basulto, "Unidad de Propósito, Un Comentario"; "BTTR: A Cuban National Struggle, a Strategy in the Making".

in particular José Basulto, began to deviate from their intended flight paths. They did so to generate awareness of the Cuban cause and to spread the message of civil rights on the island. The NGO's first confrontational incursion into Cuban airspace occurred in November 1994, when Hermanos flew a group of lawyers to Guantanamo to help them file a lawsuit against the U.S. government for its detention of Cubans there. This use of Hermanos' planes was, in itself, a sign of the organisation's growing political engagement but it also led to an overt act of dissidence. On the return journey, after flying around the eastern tip of Guantanamo, José Basulto altered his plane's course to fly into Cuban airspace. He dropped a box of Hermanos bumper stickers from his plane onto Cuban territory, each one bearing the slogan "Comrades, No! Brothers!". This unsolicited action raised the hackles of the United States Department of Defence, which immediately banned the NGO from further visits to the detention centre. Ever critical of the tightening impingements on his NGO's work, Basulto described the ban as 'a political vendetta from the Clinton administration'.[87]

Concerned at such developments, the United States Customs Department sent two officials to Hermanos' offices in March 1995 to discuss its 'preoccupation with militant anti-Castro operations' and the role which Hermanos, in its view, was beginning to play in these provocative schemes.[88] The officials not only asked Hermanos to distance itself from political and activist groups, they also requested that the NGO use its planes to identity boats being used by these associations for covert operations in Cuba. Hermanos, as the officials had saw it, would be perfectly placed to report these vessels' movements to the U.S. government to help counteract such schemes. As a result, the NGO would be helping the government enforce its neutrality laws, prohibiting amongst other things the export of arms and ammunition to foreign nations at times of conflict. Hermanos, however, refused all requests outright, and the response which it founders gave to the officials perfectly captures the NGO's decision to engage more openly in political affairs:

[87] "'Vendetta', or the Rules?," *The Miami Herald*, May 18, 1996.
[88] "March 29 1995 Meeting with U.S. Customs Agents at the Executive Offices of Brothers to the Rescue," University of Miami Libraries Cuban Heritage Collection, CHC5101, US Govt Correspondence, Box 20.

> 'At this point in time [José] Basulto informed [the officials] that both he and Billy Schuss were among the first violators of the Neutrality Act towards Cuba, that they were Bay of Pigs veterans who were trained by the United States to infiltrate Cuba and violate the Neutrality Act. Basulto further stated that Cuban exile forces had been abandoned by the United States government at the Bay of Pigs and that in October 1962, President John F. Kennedy had agreed with Nikita Khrushchev to allow for the permanence of Castro in power as part of a superpower agreement. Basulto then stated that they sympathised with the objectives, if not the methods of these armed groups, and that at no point in time could they provide information of any sort on their activities aimed at the liberation of Cuba'.[89]

Here, Hermanos' founders were not only signalling their allegiance with anti-Castro activists, they were also bringing up the political motivations which drove such loyalties, rooted deep in the history of Cold War relations between the U.S. and Cuba. As Hermanos saw it, the U.S. government was directly culpable for the establishment of Castro's dictatorship. Therefore, if sides had to be taken between Washington and those organisations working hard to remove Castro from power, it was obvious where Hermanos' loyalties would lie – with the revolution for democracy in Cuba.

Showing its commitment to this cause, Hermanos carried out another flyover of Cuba in July 1995, just a few months after its meeting with the U.S. Customs Officials. This time, the NGO was taking part in a Concilio Cubano protest to commemorate the Cuban state's sinking of a *balsero* vessel named the *13 de Marzo*. One year earlier, four Cuban ships equipped with pressurised water hoses had rammed this *balsero* tugboat as it fled the island, leading to the sinking of the ship and the death of over half its passengers. In collaboration with several Cuban exile groups, Hermanos planned to fly over the site of the sinking (about six nautical miles from Havana) as a means of protesting Castro's human rights violations. Officials from the FAA had already met with Hermanos to voice their concerns about the NGO's involvement in the protest, since travelling to this point would involve crossing not only the 24th parallel but also the official border of Cuban airspace, risking potential retaliation. Their

[89] "March 29 1995 Meeting with U.S. Customs Agents at the Executive Offices of Brothers to the Rescue".

concerns only escalated as José Basulto chose, in the middle of the protest, to deviate once more from his plane's flight plan, flying deep into Cuban territory and this time over Havana itself. Again, as he circled the city, he dropped boxes of bumper stickers down onto the streets. Such a drastic departure from official instructions provoked uproar. The FAA revoked Basulto's pilot's license for 120 days in response, criticising the Hermanos founder for operating his aircraft in 'careless' and 'reckless' manner'.[90] Refusing to back down, Basulto flew on another rescue flight the very day after receiving the suspension letter and went to court to contest the FAA's decision. Angrily denouncing what he saw as America's hypocritical foreign policy, he asserted that the American government had been more than happy for him to fly unregistered to Cuba when this had suited their more militarised agenda in the 1960s. As he put it, 'I did not need a license to fight at the Bay of Pigs and I don't need one now'.[91]

Finally, in January 1996, Hermanos launched its most controversial project. Inspired by the dropping of bumper stickers, the NGO printed half a million flyers which it planned to float over Havana. The flyers were marked with pro-democracy slogans including 'I am the change' and 'The streets belong to the people'. Each also had, printed on the flip side of these statements, articles from the Universal Declaration of Human Rights. Whilst Hermanos did not intend to violate Cuban airspace for the leaflet drop – pilots spent months calculating wind speed and direction to ensure that the leaflets could be released from international airspace and still fall on Cuban soil – the organisation very much saw this project as a step further in the direction of aggravation. Hermanos named the project Operation Dr. Martin Luther King Jr. in reference to the NGO's new self-identification as a civil rights group and described it as a mission that was 'very different from the others'.[92] This flight was seen to represent the rebirth of Hermanos as an organisation that was now 'in favor of confrontation' with Cuba.[93] On 13th January, Hermanos successfully dropped over 200,000 leaflets over the Cuban capital, prompting the FAA once again to suspended Basulto's license. This time the FAA complained outright

[90] Prellezo, *Seagull One,* 189.
[91] "Basulto Pierde Sus Alas," *El Nuevo Herald*, May 17, 1996.
[92] Prellezo, *Seagull One,* 193.
[93] "Combatiente Activista Cambia Armas Por Volantes."

that Hermanos' actions had been 'overtly political and clearly provocative'.[94] Basulto was accused in the press of having crossed into Cuban airspace on the flight, despite his fierce denial of such an accusation, and his organisation was described by one official from the Department of State as a group of 'pirates'.[95] In what looked set to become a cycle of retaliation and backtalking, Basulto contacted the *Miami Herald* to complain about what he saw as a pointed smear campaign, writing: '[t]hey [Department of State officials] enticed me before to go drop bombs on Cuba […] Why should the government bother me know if I go drop leaflets, especially about human rights?'[96]

**Government Reactions**

It was clear that Hermanos' new activist focus had begun to unsettle governments on both sides of the Florida Straits. No longer viewed as a small humanitarian rescue group, the organisation had become a name synonymous with political upset. Hermanos' activities cropped up more and more frequently within FAA, Defence Department and State Department meetings, as government officials made repeated attempts to deter José Basulto and his fellow volunteers from undertaking actions that would upset American immigration policy or aggravate Cuba.[97] Media reports were quick to pick up on this growing suspicion. Articles about the NGO's work now regularly featured interviews with (often anonymous) state officials, citing complaints that pilots were showing 'indifference to regulations […] and to international law' in a way that put them on a dangerous 'collision course with Cuba'.[98] Worried that Hermanos was bent on provoking more physical forms of confrontation, U.S. officials even considered prosecuting Hermanos under the Neutrality Act (which prohibits participation in armed

[94] "'Vendetta', or the Rules?"
[95] Juanita Darling, "Cuba Complained to U.S. About Flights, Havana Says", *The Los Angeles Times*, February 29, 1996.
[96] Prellezo, *Seagull One,* 197.
[97] "United States Department of State Memorandum, March 15, 1996," University of Miami Libraries Cuban Heritage Collection, CHC5101, US Govt Correspondence, Box 20; "Letter from Lincoln Díaz-Balart to Mr David R. Hinson, FAA Administrator"; "Letter from Bonni G Tischler, U.S. Customs Service to José Basulto", May 3 1995, University of Miami Libraries Cuban Heritage Collection, CHC5101, US Govt Correspondence, Box 20.
[98] "Basulto Pierde Sus Alas"; Navarro, "Nonviolence of Castro's Foes Still Wears a Very Tough Face."

invasions). They also considered launching criminal proceedings against the NGO for its repeated violations of FAA regulations.[99]

Most notably, however, Hermanos' activities had begun to aggravate the Cuban government. Originally, when Hermanos planes had been flying rescue missions on easily traceable flight paths, Cuban authorities had been uninterested in the organisation. They fired offensive comments at Hermanos pilots over radio communications but had otherwise tolerated the NGO's work. In fact, the *balseros* rescued by Hermanos had been seen for a long time by Castro as dissidents whose northbound movement might actually help to exert pressure on the U.S. government. The threat of mass refugee movement, Castro felt, could be used as a bargaining chip to force the American government's hand in political negotiations.[100] Accordingly, the Havana air traffic control centre had closely observed Hermanos' movements but had never disputed them, seeing them as a useful tool in this coercive game. After Hermanos changed tactics, however, Cuban officials stopped seeing the organisation's work as something to be manipulated for geopolitical gain. Instead, they felt that Hermanos was beginning to manipulate *them* by stirring up dissent on the island.[101]

Cuba no longer felt it could dismiss Hermanos as a harmless rescue group and began instead to see it as an organisation of subversive, even terrorist, intent. Cuban officials frequently complained to their U.S. counterparts about pilots' 'invasions' of their airspace.[102] After the 1996 leaflet drop, they spoke publicly of the serious repercussions that would ensue if any more unauthorized flights were spotted, claiming that 'violators [of Cuban airspace] must […] be ready to face the consequences'.[103] At a UN Security Council meeting in 1996, the Cuban representative to this assembly circulated a

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[99] Bradley Graham, "U.S. Tried to Restrain Group's Flights," *The Washington Post*, February 27, 1996.
[100] See Kelly Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy* (Ithaca: Cornell University Press, 2010); Greenhill, "Engineered Migration and the Use of Refugees as Political Weapons."
[101] "Who Are 'Brothers to the Rescue' and What Are Their Goals?", University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33.
[102] "Statement of the Ministry of Foreign Affairs of the Cuban Republic", January 15 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Basulto's pilot license revoked: court records, Box 35.
[103] "Statement of the Ministry of Foreign Affairs of the Cuban Republic".

damning report on Hermanos' activities, arguing that the NGO was heavily involved 'in actions against Cuba's territorial integrity and sovereignty'.[104] He argued that Hermanos members were trying 'to provoke a United States intervention, from which they dream of emerging the owners of Cuba'.[105] When, in February 1996, U.S. officials travelled to Cuba to meet with Cuban generals, they were asked outright what their reaction would be should the Cuban air force shoot down a Hermanos plane.[106]

These threats of retaliation soon proved to be serious. On 24th February 1996, three Hermanos planes took off on what should have been a routine rescue patrol flight over the Florida Straits. As per protocol, pilots logged their flight plans with the FAA and informed air traffic controllers in Havana of their intention to cross the 24th parallel. Passing this boundary seemingly without problems, the Hermanos volunteers proceeded to scan the waters surrounding Cuba for stranded rafters. They were unaware that the Cuban air force had ordered the take-off of two military MiGs, carrying orders to tail and destroy all three rescue planes. At 3:21pm and 3:28pm respectively, the MiGs shot down two of these aircraft, killing all four volunteers on board. Transcripts of the Cubans' radio communications, which were later acquired by Hermanos, recorded the MiG pilots whooping in celebration of their actions, screaming '[w]e hit him! We hit him. We retired him!'.[107] Piloting the third Hermanos plane was José Basulto. Realising what had happened to his fellow 'brothers', Basulto flew into cloud cover to evade the Cuban fighter jets and then fled back to Miami. He was tailed up to three minutes from U.S. shores.

In an exclusive interview granted to *Time* magazine after this incident, Fidel Castro argued that Hermanos had created and walked into its own death trap by switching from rescue to (in his eyes)

[104] "Who Are 'Brothers to the Rescue' and What Are Their Goals? ".
[105] "Who Are 'Brothers to the Rescue' and What Are Their Goals?".
[106] "Hearing before the Subcommittee on Crime of the Committee on The Judiciary," House Of Representatives One Hundred Sixth Congress, First Session, July 15, 1999, available at https://commdocs.house.gov/committees/judiciary/hju63608.000/hju63608_0f.htm [accessed January 11, 2024].
[107] "Transcript of recorded conversations of all parties involved in the tragic event of the downing of two Brothers to the Rescue aircraft on February 24, 1996," University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33.

revolution. As the Cuban leader put it, '[b]efore, [Hermanos] helped rafters. But then they began engaging in extremely dangerous terrorist actions against our country [...] They harassed our Air Force, violated our air space, dropped leaflets on our capital and engaged in other constant acts of provocation [...] We had been patient but there are limits'.[108] As information about the shootdown slowly came out, it emerged that Cuba had employed a network of undercover agents to infiltrate Hermanos and pass on information that could be used to target its pilots.[109] As part of a project named Operation Picada (*picada* meaning bite or sting), two of these agents – René González and Juan Pablo Roque – had posed as volunteer pilots before leaking information that eventually facilitated the shootdown.[110] In fact, this infiltration had been planned by Cuba's infamous 'Red Avispa' or 'Wasp Network', an intelligence ring used by Castro to monitor anti-Cuban activities in the U.S. The Wasp Network specifically targeted U.S-based organisations which were seen as posing a terrorist threat to Cuba. The fact that Hermanos had become one of the Wasp's central targets shows the extent to which its strategy of 'rescue without planes' had begun to touch political nerves.

**'The Cold War is Back'**

The shootdown of Hermanos' planes marked the culmination of the intense pressures that had begun to build up between Hermanos, the U.S. government and Cuba after the NGO altered the orientation of its activities. By crossing the lines that held U.S-Cuban relations in their delicate balance, Hermanos had become an international symbol of controversy. Moreover, it had become the direct focal point of conflict between Washington and Havana. Hermanos had, of course, chosen to venture away from its apolitical flight path from 1994 onwards but it soon found that this divergence built up a momentum of its own. What the organisation discovered to its peril was that that its altered operations reignited

[108] "Interview: Fidel's Defence," *Time*, March 11, 1996.
[109] Prellezo, *Seagull One,* 290.
[110] Operation Picada was one of the dozens of missions run by Cuban undercover agents in the United States. Its specific aim was to discredit Hermanos and sabotage its activities. As well as leaking information about who was flying Hermanos planes and when, this operation involved disabling the NGO's ground antennae and transmission equipment, contaminating airplane oil with metal dust, and cutting cables in a plane's control panel.

rivalries across the Florida Straits. By combining rescue with activism and protest, Hermanos kickstarted a snowballing process of politicisation which aggravated the aftershocks of the Cold War.

The shootdown – which in a twist of fate occurred on the anniversary of the beginning of the Cuban War of Independence in 1895 – dug up deep-rooted grievances between the U.S. and Cuba, particularly Cuba's historic condemnation of American intervention in its affairs. Cuba claimed that Hermanos' rescue planes had violated Cuban airspace on the day of the attack, and that they had been given permission for such invasive behaviour by the U.S. state.[111] In Castro's eyes, the American government was not just complicit in but had been the ultimate orchestrator of the NGO's 'irresponsible and criminal' incursion into its territory.[112] As one Cuban official asserted,

> '[T]his is not the case of an innocent civilian airliner that, because of an instrument error, departs from an air corridor and gets into the airspace of another country […] These people knew what they were doing. They were warned. They wanted to take certain actions that were clearly intended to destabilize the Cuban government and the U.S. authorities knew about their intentions'.[113]

Speaking to the United Nations General Assembly in March 1996, the Foreign Minister of Cuba argued that the incident fitted into a much longer history of American imperialism. The U.S., he argued, had frequently disguised imperial aggression under the cloak of civilian activities, naming as examples America's use of private aircraft for propaganda drops over Cuba in 1959 and the training of Bay of Pigs combatants under the cover of Miami-based civil agencies.[114] Hermanos' flight on the 24th February, Cuba argued, was simply the latest instance of thinly veiled imperialist aggression.

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[111] United Nations, "Downing of Planes Sovereign Act in Defence of Borders, Cuba Tells General Assembly," March 6, 1996, available at https://www.un.org/press/en/1996/19960306.ga9052.r1.html [accessed June 13, 2023]; United Nations, "Cuba Claims Irrefutable Proof of Downed Aircraft in Cuban Airspace", February 27, 1996, available at https://press.un.org/en/1996/19960227.sc6181.html [accessed June 13, 2023].
[112] "Lección a Los 'Piratas,'" February 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33.
[113] "U.S. Tightens Sanctions Against Cuba After Downing of Two Exile Planes Off Cuban Coast," *NotiSur - Latin American Political Affairs*, March 1, 1996.
[114] United Nations, "Downing of Planes Sovereign Act in Defence of Borders, Cuba Tells General Assembly".

U.S. officials reacted very strongly to such accusations. They asserted that only one Hermanos plane (José Basulto's) had crossed into Cuban airspace as it attempted to evade the MiGs and insisted that the other two aircraft had remained in international airspace.[115] This, in America's eyes, made the MiG attack a flagrant act of murder against four unarmed civilians and it instigated a surprising foreign policy turnaround at the White House. At the time of the shootdown, President Clinton had been on the cusp of lifting much of America's thirty-seven-year embargo on Cuba. However, Republicans in Congress (including Hermanos supporter Lincoln Díaz Balart) used the MiGs' aggressions to force the President to instead embrace tougher sanctions, punishing the Castro regime for its actions against innocent civilians.[116] Supporters of a new bill, known as the Helms Burton Bill, argued that the Clinton administration needed to show strength in the face of the 'brutal regime' that had murdered American pilots.[117] The U.S., they argued, needed to 'mak[e] the Brothers' mission [its] own' by tightening its embargo on Cuba.[118] President Clinton met with advisors on 26th February to make a decision on Helms Burton. While he was unhappy about the bill, complaining that he had been 'backed into a policy of proven failure,' he felt unable to turn down the proposals in the post-shootdown environment.[119] As one U.S. official observed at the time, '[f]ew people are willing to stick their neck out for Cuba after all this. Castro did not just shoot down two Cessnas. He shot down moderates in Washington and moderates in Miami'.[120]

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[115] "Hearing before the Subcommittee on Crime of the Committee on The Judiciary". These battles between the U.S. and Cuba about the location of Hermanos' planes escalated until the United Nations' International Civil Aviation Organisation was called upon to investigate the incident. This agency concluded that the two Hermanos planes downed by Cuba had been over international waters (at 18 and 30.5 miles from Cuba) at the time of the shootdown.
[116] Patrick J. Kiger and John Kruger, *Squeeze Play: The United States, Cuba, and the Helms-Burton Act* (Washinton, D.C.: Center for Public Intregrity, 1997), 10.
[117] "Draft Floor Statement/Talking Points, Helms-Burton Bill, March 5, 1996," University of Miami Libraries Cuban Heritage Collection, CHC5101, Newspapers, Box 33. The proposed bill prohibited U.S. assistance to Cuba in the absence of a transition to democracy and imposed sanctions against foreign countries and corporations that did business on the island. Crucially, it codified this embargo, meaning that it would no longer be a presidential prerogative to lift sanctions against Cuba but would take a majority of votes in Congress.
[118] "Draft Floor Statement/Talking Points, Helms-Burton Bill, March 5, 1996".
[119] William M LeoGrande and Peter Kornbluh, *Back Channel to Cuba: The Hidden History of Negotiations between Washington and Havana* (Chapel Hill: The University of North Carolina Press, 2014), 315. See also Kiger and Kruger, *Squeeze Play*, 12.
[120] "Fliers' Deaths Still Deepen U.S.-Cuban Tensions," *The Miami Herald*, February 17, 1997.

Visually connecting the bill to the shootdown, Clinton signed the Helms Burton Act in March 1996 with the families of the four deceased Hermanos pilots standing behind him. Just a couple of weeks earlier his Secretary of State, Madeleine Albright, had attended a rally at Miami's Orange Bowl stadium to both honour the fallen Hermanos volunteers and to call for a clamp down on Castro's regime. Although the U.S. had imposed trade sanctions on Cuba since 1961, the act made them harsher than they had ever been before – stricter even than they had been towards Soviet-backed Cuba. The shootdown, as the Washington Post argued, had therefore become a 'diplomatic and political turning point' in relations across the Florida Straits. By spreading worries that 'the [Cuban] tail [was] wagging the dog on foreign policy', it had led to a tightening of screws by the U.S. government, reigniting the reactive political sparring of previous decades.[121]

Hermanos was itself an active participant in the escalating arguments between Cuba and the U.S. The organisation added fuel to the already raging flames of political disputes by fighting both sides. Hermanos accused Cuba of murdering its pilots in cold blood, seeking 'to punish [the NGO] for its continued support for the Cuban resistance'.[122] It described the shootdown as an 'assassination' made possible by 'the tyranny of Fidel Castro's government'.[123] Yet Hermanos saw the U.S. government as equally complicit in the shootdown. It claimed that the U.S. government had known about the MiG attack and had deliberately failed to protect its pilots. Investigations conducted after the shootdown revealed that the U.S. Customs official monitoring Hermanos' planes on 24th February had noticed the take-off of Cuban MiGs and had made the equivalent of a 911 call to the Air Force base, asking for interceptor planes to be sent to protect the NGO aircraft.[124] Yet air force commanders had failed to send this assistance, leaving the interceptor planes inactive on the runway for 53 minutes when it would only have taken them have taken 6 to 7 minutes arrive on the scene. Hermanos argued that this inactivity was a direct attack on the NGO's new line of activist work. It claimed that 'certain

[121] "Shoot-Down Became Diplomatic and Political Turning Point," *The Washington Post*, February 25, 1997.
[122] Basulto, "Our Struggle".
[123] Basulto, "Our Struggle".
[124] "Accessory to Murder?," *World*, August 3, 1996.

factions of the U.S. government [had] conspired to kill Brothers to the Rescue'[125] by 'put[ting] the Florida Straits at Castro's disposal'.[126] In the organisation's assessment, Castro and Clinton had, for all their differences, found one thing in common: both wanted to see the NGO grounded. Both the U.S. and Cuba had circled around Hermanos' 'like piranhas in a tank', colluding with each other to ensure the demise of its activist projects.[127]

The take-off of Hermanos' planes from Miami on 24th February 1996 should have been uneventful, representing little more than the routine flights of three neutral, humanitarian aircraft. However, as a result of the organisation's activism – and in the context of the turbulent relationship between Cuba and the U.S. – the battered Cessnas had come to represent much more than this. They came to stand for Castro as symbols of American imperialism and terrorist aggression, for Clinton as a death knell for more open relations with Cuba and for Hermanos as evidence of both governments' hostility towards rescue and activism. The 1996 shootdown proved contentious because it raised the central question of just how Hermanos' aircraft could be described: were they humanitarian planes, activist planes or terrorist planes? What exactly were they attempting to achieve over the Florida Straits? These questions, it turned out, had a pervasive political half-life, igniting old and highly volatile animosities. It seemed, as Time magazine dramatically put it, that the Cold War was back, with Hermanos' airborne activities at its centre.[128]

**Embracing Politics**

On 4th February 2003, Hermanos announced that it was discontinuing its work over the Florida Straits. The NGO argued that it could no longer meet the cost of its missions in addition to the money it was still spending on legal costs – amongst other things, the organisation had been attempting to indict

[125] "Accessory to Murder?"
[126] "Basulto Intentará Que Se Amplíe Pesquisa Del Derribo de Avionetas," *El Nuevo Herald*, January 18, 1997.
[127] "Accessory to Murder?"
[128] "This Cold War Is Back," *Time*, March 11, 1996.

Fidel Castro for the murder of its pilots.[129] Reflecting on the organisation's history, William Schuss praised Hermanos' ability to adapt to the shifting political circumstances – as he put it, the 'new rules of the game' – that had affected the NGO's work since 1994. As Schuss described it, the immigration agreements between Washington and Havana and the observance of the 'Wet Foot, Dry Foot' rule by the U.S. Coast Guard had made Hermanos' initial mission of saving the lives of rafters increasingly redundant. However, these changes had also opened up a new window of opportunity for volunteers interested in assisting Cubans. They had given Hermanos' pilots the incentive to expand their attention beyond immediate human suffering at sea, focusing as well on the political alliances which underpinned it. From 1994 onwards, Schuss argued, Hermanos had decided not only to save individual rafters in the Florida Straits but also 'to rescue the big raft with all its occupants – I mean Cuba'.[130]

Originally a small humanitarian organisation focused on basic rescue support, Hermanos had turned to fly far outside this operational remit. It had ventured wholeheartedly into the sphere of political provocation. Like most aid agencies, Hermanos had realised right from the beginning that it was 'liv[ing] and act[ing] in a political environment'.[131] Not only was the NGO caught up in the United States' changing response to refugee movement following the end of the Cold War; it was also responding to the crisis of Cuban authoritarianism that had originated in the historical depths of this superpower struggle, following Castro's rise to power in 1959. However, in opposition to a more classical humanitarian modus operandi – focused on maintaining neutrality in the face of such circumstances – Hermanos decided to throw away the trappings of apoliticism. For the NGO's founders and members, rescue operations had always held much deeper connections to the politics of Cuban authoritarianism and to the American government's dealings with its communist neighbour. Rescue was closely tied to much broader political battles waged over immigration, border control and foreign policy. Once drawn into the political sphere in 1994, the NGO decided to commit to the battles

[129] Prellezo, *Seagull One*, 282.
[130] Schuss, *Día Tras Día Con Hermanos Al Rescate*, 159.
[131] "Letter from José Basulto to Roberto Weill", October 7, 1996, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

it had become part of. Developing its distinctive vision of 'amateur activism', Hermanos soon combined assistance with pro-immigration lobbying and the struggle for democratic revolution.[132]

The story of Hermanos therefore perfectly captures the second rebellious strand of maritime humanitarianism: embracing politics. Hermanos stands out because it combined maritime rescue with activism and disobedience. Right up to its dissolution, Hermanos continued to assert that its missions had 'always been humanitarian, despite claims to the contrary'.[133] At the same time, it argued that humanitarian projects should not preclude political engagement. As the organisation put it, 'seek[ing] to open a civic and political space' for activism on behalf of *balseros* would only further the 'humanitarian purpose' of rescue operations.[134] This was why Hermanos made the rebellious decision to engage with the politics of American immigration and Cuban authoritarianism. After 1994, the NGO openly spoke about the policies, alliances, prejudices and 'autocratic culture' of the American government which it felt was causing *balsero* deaths.[135] It also tried to destabilise the Cuban government, doing everything it could to compromise Castro's grip on power. Challenging the notion that humanitarians should be neutral, Hermanos took maritime assistance into the realm of political activism.

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[132] José Basulto, "Unidad de Propósito, un Comentario".
[133] Schuss, *Día Tras Día Con Hermanos Al Rescate*, 159.
[134] "Letter from José Basulto to Roberto Weill, October 7, 1996".
[135] José Basulto, "Mensaje a Neustra Membresía", 2004, University of Miami Libraries Cuban Heritage Collection, CHC5101, Office Records Correspondence, Box 4.

# Chapter 6

## Sea-Watch: Promoting Advocacy, 2015-2022

On 19th April 2015, over four million television viewers in Germany tuned into the Sunday evening talk show 'Günther Jauch'. Each week, the show's eponymous host would gather a handful of guests and a small live audience to discuss a particular social or political question – this week the chosen topic was 'The refugee drama: what is our duty?' Initially, the rather argumentative discussion that unfolded in Jauch's red-carpeted studio in Berlin was dominated by three well-known political commentators: Roger Köppel (editor-in-chief at the right-wing magazine *Die Weltwoche*), Heribert Prantl (jurist and writer for the left-wing *Süddeutsche Zeitung*), and Hans-Peter Friedrich (member of the Christian Social Union party and former German Federal Minister of the Interior). However, as the show moved into the final quarter of an hour, Jauch introduced one final guest, a man named Harald Höppner.

Unlike his fellow speakers, Höppner was a completely unknown figure who had no background in journalism or politics. He was a father of three from Brandenburg who ran a small 'guru shop' in Berlin, selling clothing, furniture and other odds and ends sourced from Asia and South America. The previous December, Höppner, alongside his family, friends and business partner, had used his savings to buy a ship that could assist refugees and migrants in the Mediterranean Sea. Despite being a self-described 'landratte' (landlubber) with no experience of either seafaring or aid work, Höppner had felt a compulsion to act in the face of Europe's unfolding 'migrant crisis'.[1] Discussing this emergency at a dinner with friends, he had suggested, jokingly at first but then seriously, that the quickest way to save lives at sea would be for those assembled to club together and buy a rescue vessel.[2] The next day he began to search for one, scrolling through online shipping auctions before he finally found a suitable boat for sale in Amsterdam.

[1] Veronica Frenzel, "Brandenburger will Flüchtlinge aus dem Mittelmeer retten," *Tagesspiegel*, April 20, 2015.
[2] Veronica Frenzel, "Die "Sea Watch" des Brandenburgers Höppner startet ihre Rettungsmission", *Tagesspiegel*, June 16, 2015.

In the television studio in Berlin, the discussion paused as the producers played a short video of Höppner's ship. Built for shrimp fishing in the North Sea and later used as a houseboat on the Dutch canals, the boat was almost a hundred years old. Its specifications were modest to say the least – it had a maximum speed of seven knots, the equivalent of about eight miles-per-hour, and its small wooden cabin held up to eight people only. Viewers watched Höppner running a paintbrush over the royal-blue sides of the ship, which would later display the name of his new rescue organisation: 'Sea-Watch'.

The camera cut back to the studio, where Günther Jauch was sat next to Höppner at the edge of the audience. Looking briefly down at his notes, Jauch began to ask the entrepreneur about his motivation for launching such an impromptu rescue project. However, instead of answering, Höppner stood up from his chair and walked into th centre of the studio. Here he stood at the front of the brightly lit stage, faced the studio audience and demanded that a minute's silence be held for the 700 people who had drowned in the Mediterranean Sea earlier that day, as well as for the thousands more who had perished in preceding months. Jauch, obviously panicking at this unexpected development, attempted to intervene by striding over and taking Höppner's arm but Höppner only turned to him and declared with quiet anger: 'No. Germany should have a minute's silence to commemorate these people. Now, please'.[3]

The silence that filled the studio lasted only 37 seconds before Jauch broke it, returning once again to question Höppner (who looked pointedly at his watch). Although the German shipowner answered a few basic questions about his venture, he continued to focus on the perils faced by those on the move at sea. Reflecting on this moment afterwards, Höppner explained that he had wanted to move away from the talk show's previous tone of discussion, which in his view had been completely detached from the reality of suffering at sea. He was ashamed of there being 'so much arguing after

[3] The footage of this interview is available at https://www.youtube.com/watch?v=JIcmjVKB2hg&t=61s [accessed September 11, 2023].

such a catastrophe', feeling that the discussion had completely 'missed the human aspect of the current tragedy in the Mediterranean'.[4] For Höppner, answering the presenter's questions about his project would have cast him in the same mould, as someone happy to gloss over the rising death rate at sea. For this reason, as he argued, it 'seemed more important […] to commemorate the deceased than to talk about how old our ship is or how many life jackets there are on board'.[5]

This impressive sidelining of Jauch – the indomitable host of Germany's 'Who Wants to be a Millionaire?' and one of the country's most famous television personalities – inevitably made for a huge media storm. The following morning, newspapers were riddled with accounts of Höppner's defiance, all asking the same question: 'Who is the man who silenced Jauch?'[6] Although these articles inevitably played up the drama with snappy headlines and sensationalised descriptions, they also displayed an underlying respect for a man who had behaved so differently from the politicians and commentators around him. As one newspaper argued, '[t]his talk show – like so many before it – would have been forgotten, suppressed. But then came the last four minutes. Then came the decisive minute, which wasn't actually a minute at all, but a great moment of television and humanity'.[7] Rather than offering the public what Jauch and the show's producers had intended – a classic 'small beginnings' story of spontaneous aid – the Sea-Watch founder had instead staged a protest on prime-time television. At the time, Sea-Watch comprised little more than Höppner's small blue boat and a handful of volunteers. However, from this point onwards, the NGO became a name to reckon with in Germany. In particular, it garnered fame for its refusal to humour what it saw as 'crocodile tears' in the face of border deaths.[8]

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[4] Veronica Frenzel, "Harald Höppner War Bei Günther Jauch'," *Tagesspiegel*, April 20, 2015; "Wer Ist Der Mann, Der Jauch Zum Schweigen Brachte?," *Bild*, April 20, 2015.
[5] "Wer Ist Der Mann, Der Jauch Zum Schweigen Brachte?"
[6] "Wer Ist Der Mann, Der Jauch Zum Schweigen Brachte?"
[7] Matthew Kale, "Harald Höppner Bei Günther Jauch: Eine Minute Menschlichkeit," *Tagesspiegel*, April 20, 2015.
[8] Sea-Watch, "Sea-Watch Gründer Harald Höppner 3 Jahre nach dem ersten Rettungseinsatz: Warum wir naiv waren und was uns die nächsten Tage erwartet", June 20, 2018, available at https://sea-watch.org/sea-watch-gruender-harald-hoeppner-warum-wir-naiv-waren/ [accessed February 20, 2023].

Right from the beginning, as this episode shows, Sea-Watch decided to use advocacy as a central means of intervening in crisis. As it ventured out into the Central Mediterranean with its small blue ship, the NGO sought to combine its practical response to maritime suffering with campaigning, awareness raising and protest. Crucially, it placed advocacy on an equal, if not higher, footing to practical support. As Sea-Watch saw things, the politicised nature of Mediterranean border deaths necessitated a humanitarian response which went beyond basic needs provision and in fact challenged the principle of impartiality. Whilst other NGOs upheld the view that humanitarian assistance should be provided in response to immediate need only, and whilst they thereby focused first and foremost on practical assistance, Sea-Watch believed that other considerations dominated at sea. As the organisation argued, maritime humanitarians were working in a space where migrants were dying as a direct result of states' border controls. This was seen to raise the separate imperative of witnessing. As the NGO's name clearly signalled, Sea-Watch wanted to 'watch' as much as it wanted to rescue in the Mediterranean, addressing problems which its ships alone could not tackle and often overriding calculations of immediate medical impact in favour of longer-term campaigning. Sea-Watch's activities therefore highlight the final rebellious strand of maritime humanitarianism: promoting advocacy. As it built up its projects in the Central Mediterranean, Sea-Watch posited publicity as a vital humanitarian act.

This chapter describes Sea-Watch's operations from its establishment in 2015 until 2022, highlighting the organisation's focus on advocacy. First, I explore the NGO's early rescue activities from 2015 to 2017, a time when the Mediterranean Sea became the world's deadliest border. In these years, Sea-Watch described itself as a 'swimming telephone' that used campaigning to push governments to intervene at sea. Next, I show how this model of assistance began to flounder from 2017 onwards when European governments tightened their immigration restrictions. Much as had happened to Hermanos al Rescate, Sea-Watch's operations were restricted by state efforts to close off safe routes for migrants. However, as I show in the final sections of the chapter, these clamp downs

only made Sea-Watch double its efforts to speak out at sea. Sea-Watch's reinvigorated its campaign against migration management in the Mediterranean, using advocacy to denounce border controls.

**The World's Deadliest Border**

From 2011 onwards, a growing number of refugees and migrants began crossing the Mediterranean Sea to Europe.[9] They did so in order to escape escalating conflict in the Middle East (particularly in Libya, Syria and Iraq) as well as terrorist insurgencies in Nigeria and Pakistan and longstanding poverty and human rights violations in states like Eritrea. However, this maritime journey was extremely perilous. Migrants had to cross a considerable stretch of water, travelling (on the Central Mediterranean route from Libya to Italy) a total of 1,776 kilometres.[10] This passage took around 36 hours, a time in which the small vessels or rubber dinghies that migrants commonly used were dangerously susceptible to storms, engine failure and other malfunctions. Many of these craft were unseaworthy; almost all of them were overcrowded. Smuggling organisations would frequently send migrants out to sea in such boats without supplies or even a means of navigation. In such conditions, crossings quickly became fatal. According to the International Organization for Migration (IOM), 33,761 migrants died or went missing in the Mediterranean between 2000 and 2017, with the Central Mediterranean route accounting for over 80 percent of these incidents from 2014.[11] Based on such figures, which of course accounted only for known fatalities, this maritime space was declared the deadliest border in the world.

[9] In 2011, the number of migrants travelling to Europe via the Central Mediterranean route rose dramatically. According to the IOM, 62,692 sea arrivals were recorded in Italy in 2011, a 13-fold increase from 2010. The number of Mediterranean crossings only increased over subsequent years, reaching 200,000 in 2014 and then rocketing to 1 million in 2015. This crossing was extremely dangerous – the IOM's Missing Migrants Project has recorded the deaths and disappearances of over 28,000 migrants in the Mediterranean since 2014. See https://missingmigrants.iom.int/region/mediterranean [accessed July 24, 2023].
[10] In this chapter, I limit my focus to the Central Mediterranean route, but other common maritime crossings include the Eastern Mediterranean route from Turkey to Greece, the Western Mediterranean route from eastern Morocco to the Spanish mainland and the Atlantic route from western Morocco or western Sahara to the Canary Islands. Some migrants also attempt to reach Spain via the sea route to Ceuta and Melilla, two Spanish enclaves located in Morocco.
[11] IOM, "Four Decades of Cross-Mediterranean Undocumented Migration to Europe A Review of the Evidence", 2017, available at https://publications.iom.int/books/four-decades-cross-mediterranean-undocumented-migration-europe-review-evidence [accessed February 20, 2023].

The deadly nature of the Mediterranean crossing was not only the result of increased migration flows or the geophysical dangers of travelling at sea. Migrant deaths were also the result of political choices – most obviously the decision made by the European Union (EU) and its member states to tighten their external border controls. After establishing the 'soft inside, hard outside' bordering system that would come to characterise the Schengen area, European states had actively attempted to restrict maritime movement in the Mediterranean. They did so by turning this space into a highly militarised zone of interception and deterrence.[12] In 2005, when the EU established its own border control agency, Frontex, it tasked the organisation with fortifying Europe's southern sea border. In 2006, Frontex launched Operation Poseidon, patrolling the waters between Greece and Turkey where its agents would intercept and return irregular border crossers. In 2011, the agency launched a similar project, Operation Hermes, in the waters between Italy and North Africa. These intensified patrols pushed migrants onto other maritime routes that were longer and much more dangerous, escalating the number of shipwrecks and the loss of life.[13]

Deaths at sea were also exacerbated by strategies of abandonment. Militarised interventions like those of Frontex were accompanied by a parallel retreat from other responsibilities, including search and rescue duties. As European governments switched the focus of their Mediterranean operations from care to security, they created an assistance vacuum at sea. Often, distress cases were never found since they were no longer picked up by border agents with different operational concerns. Even in instances where boats in danger were spotted, states exploited what the legal scholar Itamar Mann has called 'maritime legal black holes' to evade their duty to rescue.[14] Comprising 'grey zone' areas of responsibility in which migrants' rights became diluted or inapplicable, these 'black holes'

[12] Nina Perkowski, Maurice Stierl, and Andrew Burridge, "The Evolution of EUropean Border Governance through Crisis: Frontex and the Interplay of Protracted and Acute Crisis Narratives," *Environment and Planning. D: Society & Space* 41, no. 1 (2023): 110–29.
[13] On the connection between border enforcement and migrant fatalities see Kira Williams and Alison Mountz, "Between Enforcement and Precarity: Externalization and Migrant Deaths at Sea," *International Migration* 56, no. 5 (2018): 74–89.
[14] Itamar Mann, "Maritime Legal Black Holes: Migration and Rightlessness in International Law," *European Journal of International Law* 29, no. 2 (2018): 347–72.

allowed for the avoidance of assistance in extraterritorial spaces. We saw the beginnings of this issue in Chapter 2 when I showed how states' failure to define a 'place of safety' under the 1979 SAR Convention allowed them to deny the disembarkation of rescued persons onto their territories. In 2004, the International Maritime Organization (IMO) had attempted to fix this particular 'black hole', releasing a set of guidelines which declared disembarkation a necessary final stage of rescue operations. The organisation also directly amended the 1979 SAR Convention to impose upon states an obligation to 'co-operate and co-ordinate' to find a place of safety.[15] However, these changes did little to resolve assistance gaps. The IMO's guidelines on disembarkation remained non-binding and, although the Convention amendments were, they required only the identification of *somewhere* safe to take rescuees – that is they still did not oblige states to admit people into their own ports and territorial waters. Moreover, certain states like Malta simply refused to sign the amendments. This allowed governments to keep passing the buck of responsibility at sea in a way that aggravated border deaths.

As political panicking mounted over the European migration 'crisis', the strategy of withdrawing from rescue reached its climax – this time in practical as well as legal terms. In a notable exception to the general practice of shirking assistance, the Italian government had launched a major search and rescue mission named Operation Mare Nostrum in October 2013. Mare Nostrum was run by the Italian Navy, involving 1000 personnel and about a dozen specialist boats and helicopters, each scanning waters between Italy and Libya to search for stranded migrants. However, despite saving over 150,000 lives, this operation was pulled only one year later, crippled by a lack of funding and political support.[16] Mare Nostrum was replaced with the Frontex-led 'Operation Triton', a project which looked very different. While the rhetoric of this mission suggested it had the same focus on lifesaving, Triton's operational focus switched almost completely from search and rescue to border surveillance. Most

[15] IMO, "Resolution MSC.155(78), Adoption of Amendments to the International Convention on Maritime Search and Rescue, 1979", 20 May 2004, available at: https://www.refworld.org/docid/432acad44.html [accessed January 31, 2023].
[16] European Council on Refugees and Exiles, "ECRE & UNHCR concerned over ending of Mare Nostrum without European rescue initiative to replace it", October 24, 2014, available at https://ecre.org/ecre-a-unhcr-concerned-over-ending-of-mare-nostrum-without-european-rescue-initiative-to-replace-it/ [accessed June 15, 2023].

notably under this project, Frontex's patrol zone was drastically cut down in order to avoid encountering rescue scenarios. Triton patrols were limited to a small area up to 30 miles from Italy's coast, deliberately avoiding the waters closer to Libya where most shipwrecks occurred. Following this strategic shrinking of surveillance, which coincided with a steep rise in attempted crossings, Mediterranean mortality increased 30-fold, from 2 deaths per 1000 crossings in 2014 to 60 deaths per 1000 crossings in 2015.[17] Fatalities peaked in April 2015; Sea-Watch was founded one month later.

**Sea-Watch as a 'Swimming Telephone'**

The transition from Mare Nostrum to Operation Triton was the spark that spurred Sea-Watch into action in the Mediterranean. Aware of the extensive assistance gap that now existed at sea, Höppner and his fellow founders decided to launch a civil rescue project to mitigate the loss of life. When the NGO's first ship (the *Sea-Watch 1,* which had been shown on the Günther Jauch show) first set out into the Central Mediterranean in June 2015, it was not the first NGO vessel to do so. As I mentioned in the thesis' introduction, the Migrant Offshore Aid Agency (MOAS) as well as SOS Méditerranée had already initiated their own rescue projects in the Central Mediterranean and the Brussels and Barcelona sections of MSF were also finalising the launch of two rescue ships. However, Sea-Watch stood out because its rescue strategy looked very different to those of these other agencies. As the NGO's first status update outlined, Sea-Watch members saw their ship's journey primarily as an exercise in awareness-raising. The *Sea-Watch 1*, to quote this report, was travelling on 'a voyage of enlightenment' as much as assistance, the central goal being to spotlight 'the plight of […] migrants and the duties incumbent upon European countries to protect the lives of vulnerable people'.[18] This meant that Sea-Watch's rescue project looked rather different in practice.

[17] "Communication to the Office of the Prosecutor of the International Criminal Court Pursuant to the Article 15 of the Rome Statute", 2019, available at: https://www.statewatch.org/observatories/frontex/frontex-under-scrutiny-inquiries-and-investigations-november-2020-onwards/communication-to-the-office-of-the-prosecutor-of-the-international-criminal-court-sea-deaths/, 34 [accessed March 3, 2023].
[18] Sea-Watch, "Status Update 1", May 1, 2015, available at https:/sea-watch.org/en/status-update-1/ [accessed June 15, 2023].

MOAS, SOS Méditerranée and MSF decided to stand in practically for absent states in the Mediterranean. Right from the offset, these agencies launched fully-fledged rescue operations that mimicked the kind of support originally provided by schemes like Mare Nostrum. They functioned by locating rescuees, transferring them onto their own rescue ships, and taking them to Italian ports for disembarkation. Whilst these NGOs still called on states to rescue – describing their own operations as temporary 'stop gap' measures rather than lasting solutions – in practice they became the primary care providers at sea.[19] Sea-Watch, however, developed a different strategy. Its Mediterranean operations were very limited in practical terms. When they came across a distress case, Sea-Watch's volunteers would hand out life jackets, food and water to those who needed them. They would host migrants on inflatable rafts if their boat was unsafe and would also occasionally take people on board the *Sea-Watch 1* temporarily to provide first aid.[20] However, the they did not transfer rescuees onto their ship for longer-term care and they refused to transport people from sea to land.[21] Instead, they would call national coastguards to demand that states' own vessels came to the distress area to transport migrants to safety.

To a certain extent, the reasoning behind this strategy was pragmatic: given its small size, the *Sea-Watch 1* could simply not hold enough rescuees on board to emulate other NGOs. However, the decision also reflected Sea-Watch's distinctive approach to maritime relief. Sea-Watch didn't believe that its primary role at sea should be rescue. As the NGO saw things, to focus solely on providing practical assistance would be to take on responsibilities that ultimately belonged to states. Filling in for governments in the way that other NGOs were doing was seen to normalise these governments'

[19] MOAS, "MOAS Administration Report 2015", available at https://www.moas.eu/pdf/moas-administration-report-2015.pdf [accessed January 11, 2024]; MSF, "MSF and MOAS to launch Mediterranean search, rescue and medical operation", available at https://www.msf.org/msf-moas-launch-mediterranean-search-rescue-and-medical-aid-operation [accessed January 11, 2024]; ECRE "Interview: Civil society extends to the sea, search and rescue NGOs in the Mediterranean", March 18, 2018, available at https://ecre.org/interview-civil-society-extends-to-the-sea-search-and-rescue-ngos-in-the-mediterranean/ [accessed January 11, 2024].

[20] Telephone interview with Sea-Watch medic, July 22, 2022.

[21] For further information on this issue, and also for a description of other operational differences between Mediterranean NGOs, see Cusumano, "Humanitarians at Sea: Selective Emulation across Migrant Rescue NGOs in the Mediterranean Sea," *Contemporary Security Policy* 40, no.2 (2019).

inaction – or at least make it less noticeable. Such silent slipping away from rescue was precisely what Sea-Watch wanted to avoid, hence its heightened focus on making noise. Describing its agenda, Sea-Watch declared that it wished to act predominantly as a 'swimming telephone' in the Mediterranean, providing a link of communication that would document migrant distress cases and pressurise state authorities to respond to them.[22] As one early volunteer put it to me, 'we wanted to be like a telephone box for people: we said all we want to do is if we find somebody we want to be the ones with a working radio and the knowledge of our position. […] We want to call the coastguard and we want to document it so that they know they have to come'.[23] The crucial element here was the last part of the volunteer's description – the use of documentation to enforce responsibility on states.

In short, by limiting itself in terms of practical support, Sea-Watch concentrated its efforts on amplifying news of distress cases. In doing so, the organisation upheld the belief espoused decades earlier by 'new humanitarians' – that making noise should be a crucial part of humanitarian action. Sea-Watch didn't want to engage in the act of rescue itself unless this was unavoidable; instead, it wanted to highlight others' failure to respond to suffering. In essence, the organisation was motivated by the idea of exposure. This, after all, was what telephones did: they could quite literally call governments out (in both senses) when they refused to take up their legal duty of assistance. The 'swimming telephone' metaphor showed what Harald Höppner's television appearance had also revealed – that Sea-Watch saw its fundamental value in the amplification of migrants' struggles. Moreover, it showed the NGO's desire to highlight the roots of these struggles, which lay in European border politics. As Sea-Watch's first media representative, Ruben Neugebauer, explained such priorities, 'we called ourselves Sea-*Watch* and not Sea-*Rescue* because it was clear to us that what happens in the Mediterranean is not a natural disaster. It is a political problem and can only be solved that way'.[24]

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[22] Sea-Watch founder quoted in Vicki Squire, *Europe's Migration Crisis: Border Deaths and Human Dignity* (Cambridge: Cambridge University Press, 2020), 135.
[23] Telephone interview with Sea-Watch medic, July 22, 2022.
[24] Sea-Watch, "SW5Y, A livestream behind the scenes", available at https://www.facebook.com/watch/live/?ref=watch_permalink&v=2726620944238871 [accessed Feb 2, 2023], emphasis original.

Sea-Watch's focus on advocacy reflected the organisation's distinctive political origins. Unlike other Mediterranean agencies, whose founders and operators had their backgrounds in organised humanitarian relief or shipping, Sea-Watch had different roots in the sphere of political campaigning. The NGO's early volunteers did not come from the aid or seafaring sectors; instead, they found their way to maritime rescue from an eclectic mix of activist movements. For instance, before joining Sea-Watch, Ruben Neugebauer had worked with the Peng Collective (a Berlin-based culture jamming movement taking aim at fossil fuel corporations) and the Yes Men (an anti-consumerist group that creates spoof websites and films to ridicule large corporations). Many Sea-Watch members had also previously worked on Greenpeace or Sea Shepherd ships where they had taken part in protests against whaling and maritime pollution.[25] Greenpeace and Sea-Watch often highlighted the connections between climate activism and maritime rescue. The NGOs publicly described rescuers and conservationists as united 'sea activists' who spoke out on 'two sides of the same coin' for maritime justice.[26] Adding another movement into the mix, most of Sea-Watch's IT team came from the German hacking or 'hacktivist' community. Many of these volunteers had developed campaigns at the Chaos Computer Club, Europe's largest association of hackers renowned for its campaigns for democratic and digital rights. In fact, Sea-Watch would later scope out ideas for its projects at this convention, testing out the use of drones on board rescue ships.[27] Finally, linking back to much older protest movements, Sea-Watch frequently discussed its ties to the no-borders activism of Cold War Germany. As Harald Höppner and other founding members explained, Sea-Watch wanted to model its struggle for free movement at sea on citizens' historical fight to dismantle another famous border: the Berlin Wall. The image of German citizens bringing down a barrier that had penned them in – and at times

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[25] The famous Sea Shepherd activist Pia Klemp captained four sea-Watch missions in 2017, straight after her involvement in Operation Relentless (an anti-whaling project running from 2013-2014) and Operation Milagro (a project that attempted save the vaquita porpoise from extinction, running from 2015 onwards).

[26] Greenpeace, "Greenpeace about Sea Watch: green activism and sea rescue are two sides of the same coin", available at https://www.31mag.nl/greenpeace-about-sea-watch-green-activism-and-sea-rescue-are-two-sides-of-the-same-coin/ [accessed Feb 2, 2023]. In 2019, these organisations gave a joint speech to the IMO, criticising governments for shrinking the space for protest and relief at sea.

[27] Sea-Watch, "SearchWing.org – A model aircraft to safe lives [sic]," January 4, 2017, available at https://sea-watch.org/en/searchwing-org-a-model-aircraft-to-safe-lives/ [accessed June 21, 2023].

killed them – became a popular reference point for the organisation.[28] In fact, Höppner, who had grown up in GDR-run East Berlin, said that the idea for a civil rescue project had first come to him during the celebration of the 25th anniversary of the fall of the Wall, as he stood in front of its memorial on Bernauer Strasse.[29]

With such connections, it was unsurprising that Sea-Watch started – in ideological as well as operational terms – with an emphasis on speaking out. The organisation's ties to these networks, histories and movements turned its rescue project into something more than a conventional humanitarian intervention aimed at providing an impartial ethical response to border violence. Instead, as other scholars have highlighted, these connections turned Sea-Watch into a 'repoliticising' agent, which began with a desire to expose the state of affairs in the Mediterranean.[30] In the NGO's view, focusing on immediate need was not enough – volunteers had to create a much bigger 'fighting machine' that could add an outspoken 'edge' to rescue operations.[31] Of course, this also links Sea-Watch closely to the second rebellious strand of maritime humanitarianism – that of engaging with politics. Yet the way that Sea-Watch intended to make such engagements was through testifying and campaigning. Sea-Watchers felt that, by exposing wrongdoings at sea, they would be able to save lives more effectively in the long run. This was seen to justify the reduced focus on practical, medical need. As the NGO wrote clearly on its website: 'fighting with material means is not the ultimate answer' – '[c]ivilian sea rescuers also need documentation'.[32]

**Restricting Search and Rescue**

[28] See, for example, the discussions of Höppner and fellow founder Matias Kuhnt in Rick Noack, 'Two German businessmen are on a daring mission to save migrants from drowning in the Mediterranean', *The Washington Post*, March 31, 2015.
[29] "Die Wut nach dem Tod der Flüchtlinge", *Die Welt*, April 21, 2015.
[30] Paolo Cuttitta, "Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean," *Geopolitics* 23, no. 3 (2018): 635; Squire, *Europe's Migration Crisis*, 137.
[31] Telephone interview with Sea-Watch lawyer, July 20, 2022.
[32] Sea-Watch, "Seven years at sea. No land in sight. Quo vadis, Sea-Watch?", 2022, available at https://sea-watch.org/en/seven-years-at-sea-no-land-in-sight-quo-vadis-sea-watch/ [accessed June 15, 2023].

Initially, Sea-Watch's 'telephone' project worked effectively. During its first year at sea, Sea-Watch cared for migrants for only a few hours. Even when the organisation began to directly take rescuees onto the decks of a new and larger boat (the *Sea-Watch 2*) from 2016 onwards, this remained a temporary process that was soon followed by the arrival of state support. A typical day at sea therefore looked rather straightforward. As one volunteer described these early operations: 'We would start rescuing at first light. We would fill up the ship, treat the people who had to be treated and by 3pm the Italian coastguard would have come to pick up everybody and then we would have finished the cleaning by 7pm, had dinner, gone to bed and be ready to start again the next day'.[33]

However, from around 2017 onwards, Sea-Watch found it increasingly difficult to continue this system of support. Much as had happened decades earlier with Hermanos al Rescate in the Florida Straits, Sea-Watch's work became compromised by the introduction of new immigration restrictions on the part of EU member states. As states shut off their territories to maritime migrants, aid agencies like Sea-Watch found it difficult to offer effective support at sea. This time, however, such restrictions were also accompanied by a series of policy changes that directly targeted civil rescue organisations. NGOs were hampered not only as a result of tightening operational boundaries but also through head-on confrontation. Worried about the expansion of rescue at sea – and the threat which this posed to their bordering practices – governments began to constrict maritime NGOs as much as possible. They used four main strategies to do this.[34] First, they shut down the connections between aid agencies and national coastguards, replacing cooperative relationships with ones of control and surveillance. Second, they criminalised rescue NGOs by charging them with the facilitation of illegal migration to Europe. Third, they used technical and administrative laws to detain rescue ships in ports and prevent them from reaching distress cases. Lastly, they granted increasing sums of funding to North African states

[33] Telephone interview with Sea-Watch medic, July 22, 2022.
[34] On these strategies see see Eugenio Cusumano, "Straightjacketing Migrant Rescuers? The Code of Conduct on Maritime NGOs," *Mediterranean Politics* 24, no. 1 (2019): 106–14; Eugenio Cusumano and Matteo Villa, "From 'Angels' to 'Vice Smugglers': The Criminalization of Sea Rescue NGOs in Italy," *European Journal on Criminal Policy and Research* 27, no. 1 (2021): 23-40; Ida Marie Savio Vammen, Signe Cold-Ravnkilde, and Hans Lucht, eds. *The Long Shadow of the Border: Migrants, Brokers and European Border Governance in Africa*. (London: Routledge, 2023).

like Libya for migration management, in effect externalising Europe's borders and limiting migrants' ability to access rescue support. These restrictions of course affected all aid agencies in the Mediterranean, not only Sea-Watch. However, as I show later on in the chapter, Sea-Watch responded to them in a distinctive way, diverging from other NGOs much in the same way as it had with its 'swimming telephone' strategy.

### Ending Cooperation, Establishing Control

From 2017 onwards, European governments sought to erode the cooperative connection between rescue NGOs and state coastguards. Previously, humanitarian and state actors had worked together when responding to distress cases, creating a chain of care in which aid agencies established first-point contact with distress cases before coastguards supported transfers to shore. Often, as we saw earlier, NGOs had to exert pressure on the state to respond to distress calls but, once they did so, coastguards were quick to arrive on the scene. This link, however, was soon severed. As governments reacted to intense political pressure to reduce migrant arrivals, they altered the objective of coastguard projects. The goal was no longer to collaborate with NGOs but to bring them under state control.

A powerful example of this move was the introduction in July 2017 of a 'Code of Conduct' for rescue agencies. Drafted by the Italian government and then taken up by the EU, the Code established state authority over rescue operations and severely 'straightjacketed' the activity of NGOs in the Mediterranean.[35] Included in the Code were requirements that rescue ships allow armed Italian authorities onboard during all of their missions and that they share all data collected on survivors to assist in governments' anti-smuggling investigations. This was an obvious impingement on humanitarian neutrality and well as a constraint on NGOs' operational freedom. Many of the Code's provisions were also used beyond practical regulation to discursively discredit rescue agencies. For

[35] For a discussion of the Code's provisions and the different ways in which NGOs responded to them see Cusumano, "Straightjacketing Migrant Rescuers? The Code of Conduct on Maritime NGOs".

instance, the Code obliged NGO ships 'not to make telephone communications or send light signals to facilitate the departure and embarkation of vessels carrying migrants', a clear accusation that rescue vessels were colluding with smuggling rings.[36] In this way, the Code built up a specific picture of aid agencies as facilitators, even organisers, of human smuggling operators.[37] This discursive connection of rescue to criminality, many aid workers believed, was a central goal of the Code, used to break down bonds of trust between rescuers, coastguardsmen and other supporters on land.[38]

Some aid agencies (including MOAS and Save the Children) immediately signed this document. However, Sea-Watch, alongside MSF, SOS Méditerranée and two more German NGOs (Jugend Rettet and LifeBoat), refused to sign the Code until it had made certain amendments, rejecting the presence of armed personnel on ships and making it clear that state officers must not interfere with NGO ships when they were following applicable rescue law.[39] Sea-Watch made this decision as a way of protesting states' encroachment on its work. As a member of the NGO's legal team explained, 'the big question that states are interested in is that they want to have maximum enforceability on NGOs, maximum control […] And of course this is not in the interests of NGOs […] We don't want to discuss with Mummy and Dad what we are going to do'.[40] However, this stance significantly reduced the likelihood of receiving support from Italian authorities when it came to rescue and disembarkation.

In the Mediterranean, Sea-Watch found that its 'swimming telephone' calls no longer elicited the same response from the coastguard. Often, state ships would be much slower to arrive on the scene; sometimes they did not come at all and told rescuers to arrange operations with other vessels

[36] "Code of Conduct for NGOs involved in Migrants' Rescue Operations at Sea", available at https://www.statewatch.org/media/documents/news/2017/jul/italy-eu-sar-code-of-conduct.pdf [accessed February 7, 2023].
[37] This image is an unfounded one. Extensive research has shown that no correlation exists between the presence of NGO ships in the Mediterranean and an increase in smuggling in this space. See Charles Heller and Lorenzo Pezzani, "Blaming the Rescuers," 2017, available at https://blamingtherescuers.org/ [accessed March 3, 2023]; Eugenio Cusumano and Matteo Villa, "Sea Rescue NGOs: A Pull Factor of Irregular Migration?," Robert Schuman Centre for Advanced Studies Policy Briefs (2019).
[38] Video interview with Sophie Beau, January 8, 2021.
[39] For a full list of Sea-Watch's amendments, see Sea-Watch, "Sea-Watch reaches agreement on Code of Conduct," October 18, 2017, available at https://sea-watch.org/update-code-of-conduct/ [accessed July 24, 2023].
[40] Telephone interview with Sea-Watch lawyer, April 15, 2021.

instead. Sea-Watch was also much less certain that rescuees would be granted safe passage into Italian ports, particularly given that Italy's then Interior Minister, Marco Minniti, proposed a blanket closing of Italian ports to non-signatories of the Code (a suggestion supported by the European Commission). Although this ban never came into force, the Italian government continued to make it much more difficult for migrants rescued by Sea-Watch ships to pass into their territorial waters. This left the NGO, in the words of one volunteer, at a 'red traffic light', with no means of meaningfully resolving the distress cases it came across.[41]

Realising that its preferred, 'telephone' model of assistance could not work in such a context, Sea-Watch was forced to begin hosting migrants on board its ship for much longer periods of time while it waited for states' increasingly delayed responses to distress alerts. After the release of the Code of Conduct, it became obvious that an even larger change was needed. In the summer of 2017, the organisation made the decision to begin conducting full-scale rescues on board a much larger rescue vessel, the *Sea-Watch 3* (which was actually a former MSF rescue ship). This was a significant step away from the NGO's earlier policy of simply documenting distress cases. However, the termination of governments' cooperation at sea made the organisation feel that it had to adapt: either it directly rescued persons in distress or it watched them drown. There was, as one volunteer claimed in a press release, 'no alternative […] but to increase our own transport capacities'.[42] Sea-Watch had at last been pushed to stand in for states, its hand forced by their severing of support.

**Criminalisation**

Building on the discursive criminalisation of rescue that came with the Code of Conduct for search and rescue NGOs, governments began to actively prosecute maritime aid workers, charging them with the facilitation of illegal migration. This drive was initiated in August 2017, when the *Iuventa*, a ship run

[41] Telephone interview with Sea-Watch bosun, July 9, 2020.
[42] Sea-Watch, "We don't need more rules, we need more rescue vessels!" July 26, 2017, available at https://sea-watch.org/en/we-dont-need-more-rules-we-need-more-rescue-vessels/ [accessed February 23, 2023].

by Jugend Rettet, was confiscated by Italian authorities in the port of Lampedusa. Afterwards, several of this NGO's members were charged with colluding with smugglers at sea. Eventually it was revealed that the state prosecutor's office in Trapani had been secretly conducting investigations into Jugend Rettet's activities for months, deploying undercover operators and wiretapping the *Iuventa*.[43] Tellingly, however, the actual seizure of this ship occurred the day after Jugend Rettet had refused to sign the 2017 Code of Conduct. The prosecutor's investigations were soon expanded beyond this NGO to include members of Save the Children working on the *Vos Hestia* and members of MSF working on the *Vos Prudence*. Later, the strategy of 'persecution by prosecution'[44] was stretched even further. In March 2018, a vessel of the Spanish NGO Proactiva (the *Open Arms*) was seized after reaching port in Sicily and the crew of its other ship, the *Golfo Azzurro*, also faced charges of criminal association. In July 2018, the captain of Mission Lifeline's ship was also arrested and charged with entering Malta's territorial waters illegally. In total, 18 separate legal investigations were launched against rescue NGOs between 2017 and February 2020.[45]

Sea-Watch was hit with similar litigations. No sooner had the *Sea-Watch 3* begun to conduct full rescues at sea than this work became compromised by criminal charges. On 12th June 2019, the *Sea-Watch 3* conducted a rescue operation off the coast of Libya, saving 53 people in distress. However, no European state – in particular Italy, the nearest place of safety – allowed those rescued to disembark and instead the ship was ordered to the port of Tripoli in Libya. The ship's captain, Carola Rackete, refused to return rescuees to this country in line with the principle of non-refoulement and instead steered the *Sea-Watch 3* to the edge of Italy's territorial waters.[46] However, her request to cross this

[43] European Centre for Constitutional and Human Rights, "Sea Rescuers Under Attack: Iuventa crew criminalized by Italy," available at https://www.ecchr.eu/en/case/sea-rescuers-under-attack-iuventa-crew-criminalized-by-italian-government/ [accessed January 12, 2024].
[44] This phrase is commonly used by legal scholars and commentators to describe states' tactical litigations against rescue NGOs. See for example Violeta Moreno-Lax, "Towards a Thousand Little Morias: The EU (Non) Rescue Scheme - Criminalising Solidarity, Structuralising Defection," in *Reforming the Common European Asylum System: opportunities, pitfalls and downsides of the commission proposals for a new Pact on Migration and Asylum*, ed. Daniel Thym (Baden-Baden: Nomos Verlagsgesellschaft, 2022), 161–86.
[45] Cusumano and Villa, "From 'Angels' to 'Vice Smugglers': The Criminalization of Sea Rescue NGOs in Italy," 32.
[46] Non-refoulement constitutes an essential protection under international human rights, refugee, humanitarian, and customary law. The principle prohibits states from returning people to a county where there are substantial grounds

boundary for disembarkation was denied on 14th June and, one day later, a controversial new security decree entered into force in Italy. This decree allowed the Italian Minister of the Interior (then the far-right leader Matteo Salvini) to close Italian ports to rescue vessels for reasons of 'order and security', especially in cases where the vessel was assumed to have been involved in 'aiding illegal immigration'.[47] Blocked by the decree's provisions, the *Sea-Watch 3* was forced to float in international waters for two weeks, during which time the humanitarian situation on board worsened dramatically and suicide watches had to be set up. Eventually, on 26th June, Rackete declared a state of emergency and steered her ship into the port of Lampedusa. Here, she was immediately placed under arrest for an extensive list of criminal charges, including aiding and abetting illegal immigration, failing to comply with the order not to enter Italian territorial waters, refusing to obey an Italian warship and resisting public officers. The *Sea-Watch 3* was also seized by the Italian authorities and was held for six months.[48] This episode reveals very directly the way that states held sway over humanitarians' movement into their territorial waters, as we saw in Chapter 2.

**Administrative Blockades**

The deployment of criminal laws was one of the more high-profile strategies that governments used to restrict NGOs like Sea-Watch. Criminal cases made headlines all around Europe, their accusations throwing fuel onto the fires being stirred up in the press by anti-immigration lobbyists. These

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to believe that they would be at risk of irreparable harm, including persecution, torture, ill treatment, and other serious human rights violations. Migrants in Libya are known to have been subjected to widespread and systematic human rights violations and abuses at the hands of state officials, militias, and armed groups.

[47] Giovanni Marchiafava, "The Impact of the New Italian Security Regulation on the Search and Rescue of Migrants at Sea," *Comparative Maritime Law* 59, no.174 (2020): 135–68.

[48] On July 2 2019, the preliminary investigation judge examining the charges against Carola Rackete declared her arrest to be inadmissible. The judge emphasised that Rackete's decision to disembark the rescued people in Lampedusa was mandatory given that Libya could not be considered a place of safety. The prosecutor appealed the decision but on January 17, 2020, the Court of Cassation, the highest Italian court, rejected this appeal. The Court argued that prohibiting ships from entering territorial waters to prevent the disembarkation of rescued persons, as Salvini had done, was contrary to domestic and international law. With regard to the seizure of the *Sea-Watch 3*, an appeal against the criminal seizure of this vessel was successful and the ship would have been due for release on September 20, 2019. However, the administrative seizure of the vessel for its breach of the Security Decree remained in force. It was not until 19th December that the Civil Court of Palermo ruled that there was no legal basis for the impounding the ship.

investigations, however, formed only the tip of the iceberg of legal initiatives designed to restrict rescue missions. Whilst mechanisms related to human smuggling became the public face of the clamp down on maritime assistance, they were backed by an extensive variety of less-flashy restrictions which were put into effect through administrative law. Most commonly, governments would use health and safety, insurance and ship registration laws to impound ships in ports and prevent them from securing access to the Mediterranean. Here, they relied heavily on the manipulation of Port State Controls. Port State Controls are inspections of foreign ships in national ports. These inspections are used to ascertain that the condition of vessels and the equipment on board comply with international standards of navigational, safety, environmental protection and labour rights. The controls offer a highly necessary insurance against substandard shipping; however, European governments began to apply them with disproportionate scrutiny in the case of rescue NGOs.

To cite one example, in June 2018, the *Sea-Watch 3* entered the port of Valetta in Malta for a routine inspection. After the necessary checks had been carried out, the ship's captain submitted a request to proceed to back out to sea. However, their shipping agent informed them that the vessel was not authorised to leave. The Harbour Master of Valletta later testified that the *Sea-Watch 3* had not met inspection requirements and the Maltese port authorities argued that the vessel had not been registered correctly under the Dutch Flag.[49] The *Sea-Watch 3* had been registered as a 'motor yacht' in the Netherlands but the Maltese inspectors argued that, by both nature and intended use, it should be classified as a 'sea-going ship'. This would automatically require it to possess specific safety manning and merchant shipping certificates, which it did not hold. The Valletta inspectors also claimed that the ship's master had inadequate qualifications for the size of the ship and that its insurance was deficient when it came to liability for stowaways and refugees.[50] Sea-Watch's lawyers responded to each of these concerns, proving that the vessel met all the requirements necessary for the type of work it carried out

[49] Human Environment and Transport Inspectorate, The Hague, "Exploratory investigation Sea-Watch 3,", July 10, 2018, available at https://www.beobachternews.de/wp-content/uploads/2018/08/English-version-Exploratory-investigation-SEA-WATCH-24-July-2018.pdf [accessed January 12, 2024].
[50] Human Environment and Transport Inspectorate, "Exploratory investigation Sea-Watch 3".

in the Mediterranean.[51] Nonetheless, the *Sea-Watch 3* was prevented from leaving Valletta for almost four months. Later, in September 2020, the organisation experienced similar setbacks when the newest addition to its fleet, the *Sea-Watch 4*, was detained in Palermo for six months. Again, this was for a supposedly erroneous ship registration.

These administrative blockades soon increased in frequency. Between May 2020 and April 2021 alone, Port State Controls were used to enforce eight detentions of NGO rescue ships.[52] Such restrictions were incredibly difficult for aid agencies to fight since, on a purely technical level, they upheld valid standards of safety and responsibility. To take the case of the Valletta harbour inspection, it was undeniable that Sea-Watch *would* need a safety manning and merchant shipping certificate for the *Sea-Watch 3* to operate safely as a 'sea-going vessel'. The NGO did not refute this; what it fought against was the imposition of such a strict category on its ship. The *Sea-Watch 3*'s flag state, the Netherlands, had been perfectly happy to classify it under the less demanding label of a 'motor yacht' and in an earlier inspection had approved all of its safety mechanisms. It therefore seemed to Sea-Watch that the Maltese authorities were deliberately holding NGO rescue ships to an unnecessarily high standard to restrict its mobility, and hence its ability to access distress cases. After all, other ships leaving Valletta for less politicised tasks were not required to change their paperwork.[53] As one of Sea-Watch's lawyers described the situation, 'the only difference, I suppose, is that we [have] ships who save people, mainly people of colour, and this is a big difference'.[54]

As I showed above, Sea-Watch had never intended to provide longer-term rescue care to migrants on board its ships – the choice to do this had been sparked by the withdrawal of coastguard support and the closing of European ports. Now, however, governments used this operational

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[51] Telephone interview with Sea-Watch Lawyer, July 20, 2022.
[52] Giansandro Merli, "Behind Italy's 'administrative detention' of refugee rescue vessels", *Il Manifesto*, April 27, 2021.
[53] After a lawsuit was filed by Sea-Watch lawyers against states' use of port inspections, the European Court of Justice ruled in August 2022 that Port State Controls must not be used arbitrarily against NGOs in the future. This was, in essence, an admission that such checks were being abused.
[54] Telephone interview with Sea-Watch lawyer, April 15, 2021.

development against the NGO. These governments had pulled away from rescue operations years earlier, forcing Sea-Watch's ships to intervene full-time, but they were now declaring humanitarian vessels unfit for this task. As the Sea-Watch lawyer explained to me, '[w]e moved to longer-term care, [but] now the EU is saying "Well if you have these migrants on board for longer periods of time then are you properly equipped for that?"'[55] In an echo of the problems that had plagued Bernard Kouchner and Rupert Neudeck in the South China Sea, European governments used accusations of unprofessionalism to impound humanitarian vessels. To quote another of Sea-Watch's legal advisors, Port State Controls were used to 'giv[e] the idea that [NGO] ships are not safe, that [rescuers] don't know what to do'.[56] In this way, the political goal of restricting humanitarian access to the Mediterranean could be hidden under the technical language of safety and administrative process.[57]

**Funding Libya**

Beyond these restrictions, Mediterranean NGOs faced one more significant barrier to rescue. Even if they managed to set out to sea, their work in the Mediterranean was made much harder by the EU's increasing investment in border externalisation. In particular, the ability to access distress cases safely was impeded by the growth of cooperation between the EU and Libya. From 2014 to 2020, the EU allocated almost €700 million to Libya, ostensibly to train and equip a new Libyan Coastguard (LCG) that could patrol the Mediterranean and save lives at sea.[58] In reality, however, this agency's 'rescue' operations violated fundamental tenets of international law and severely contaminated the humanitarian space at sea. Given that the LCG returned all people it found at sea back to Libya, a state

[55] Telephone interview with Sea-Watch lawyer, April 15, 2021.
[56] Telephone interview with Sea-Watch legal advisor, July 26, 2022.
[57] Earlier this year, the Italian Prime Minister Giorgia Meloni introduced a new immigration decree which took up a very similar strategy. Under Decree No. 1/2023, which passed into law on 24th February 2023, ships are forbidden from carrying out 'simultaneous' rescues. These are instances where a boat rescues the occupants of one migrant vessel before moving to support another. Now, ships are allowed to rescue only one migrant vessel at a time. As soon as the NGO ship finishes its first rescue, it is assigned a port for disembarkation (often an unsafe one) and is told to sail to it at maximum speed without stopping again. Failure to do this puts the rescue ship's captain at risk of a fine.
[58] European External Action Service, "EU-Libya relations", February 11, 2022, available at https://www.eeas.europa.eu/eeas/eu-libya-relations_en [accessed June 16, 2023].

known for the perpetration of severe rights abuses, the EU's funding effectively enabled the refoulement of people on the move and the denial of access to a place of safety.[59] Predominantly, the arrangement was used to allow EU countries on the migration frontline to relinquish their duties to rescue and receive migrants in danger. In December 2017, this worrying collaboration was extended even further when the International Maritime Organization announced the establishment of an official 'Libyan Search and Rescue Zone'.[60] This zone constituted an area in which the Libyan coastguard held primary responsibility for distress cases, allowing forced returns to go unchallenged.

These changes made it extremely difficult for rescue agencies like Sea-Watch to access vessels in distress and assist them safely. In the Libyan Search and Rescue Zone, and even outside of this area, aid workers met with abuse and violence at sea. Representatives of the LCG would try to stop rescue ships from reaching migrants, often harassing and sometimes even physically attacking them. In April 2016, Libyan officials boarded and searched the *Sea-Watch 2*, supposedly on suspicion that the boat was engaged in illegal fishing activities.[61] A few weeks later, they threatened the ship again, crossing its bow at high speed. Most infamously in November 2017, the LCG violently intervened in a rescue that the *Sea-Watch 3* was coordinating, throwing potatoes and lifebuoys at Sea-Watch crew members, refusing to deploy their own lifeboat to save lives and beating migrants who climbed onto their boat. These actions were thought to have led to the deaths of at least five people.[62]

The EU's funding of Libyan migration control was directly connected to the other clamp downs on rescue NGOs. All of these policies fed into the same agenda: the closing of the central Mediterranean to both migrants and aid workers. With one hand, European governments were

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[59] On the rights abuses perpetuated by the Libyan Coastguard in the Mediterranean (and the EU's funding of this agency) see OHCHR, "Lethal Disregard': Search and Rescue and the Protection of Migrants in the Central Mediterranean Sea", 25 May 2021, available at ohchr.org/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protectionat-sea.pdf [accessed June 21, 2023].
[60] Human Rights Watch, "EU: Shifting rescue to Libya risks lives," 2017, available at: https://www.hrw.org/news/2017/06/19/eu-shifting-rescue-libya-risks-lives [accessed January 12, 2024].
[61] Chris Stephen, "Libyan naval attack on charity ship adds new danger to migrant rescue," *The Guardian*, September 3, 2016.
[62] Sea-Watch, "3 years later: remembering November 6th, 2017," November 11, 2020, available at https://sea-watch.org/en/threeyearslater/ [accessed June 16, 2023].

providing material, technical and political support to Libya, enabling 'pull back' operations that kept migrants from reaching the safety of European soil or even a rescue ship's deck. With the other hand, these same governments were criminalising and impounding rescue NGOs, aiming to prevent them from both operating at sea and documenting rights abuses there. This two-pronged strategy meant that aid agencies like Sea-Watch had to work in completely different environment in the Central Mediterranean from 2017 onwards. Sea-Watch no longer operated with the relative freedom it had enjoyed in 2015. As one employee put it to me, the 'euphoric activism phase' of maritime assistance that Sea-Watch had once enjoyed seemed long gone: 'Now, every interaction we have [at sea] is potentially harmful'.[63]

**Humanitarian Responses**

As their work in the Mediterranean became compromised, aid agencies had to decide how to react. Those who had not already been forced shut by restrictions (as Jugend Rettet had been after the *Iuventa*'s seizure) tended to respond in one of two ways. Some chose to withdraw from rescue projects, arguing that the blurring of care and control had begun to corrupt the very notion of humanitarianism in the Mediterranean. These NGOs feared that, although their actions at sea may have good intentions, they would contribute unintentionally to harm. In essence, aid agencies were wary of acquiring 'dirty' or 'spattered' hands and they chose to leave the scene altogether as a means of protesting this dynamic.[64] Such was the reaction of MOAS and Save the Children. Many more NGOs made this choice temporarily in 2017 and 2018 during the peak of criminalisation. This list included Mission Lifeline, Sea-Eye, SOS Méditerranée and MSF. As the Director of SOS Méditerranée in Germany argued in 2018, many humanitarians felt that governments' 'repeated, unacceptable attacks' on both

[63] Telephone interview with Sea-Watch lawyer, April 15, 2021.
[64] Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2, no. 2 (1973): 160-180; Jennifer Rubenstein, *Between Samaritans and States: The Political Ethics of Humanitarian INGOs* (Oxford: Oxford University Press, 2015).

their work and maritime migration had compromised their ability to assist at sea – withdrawing was therefore their only means of 'portraying the failure of Europe'.[65]

The second response showed by aid agencies – often the stance chosen by those who later returned to the Mediterranean – was to make a typical humanitarian trade-off for access. Here, NGOs made certain operational compromises in order to keep saving lives at sea. For instance, at a significant financial and logistical cost, they introduced systems of compliance and administration that were stringently professionalised – all to ensure that the NGOs did not fall prey to criminal litigations or administrative controls. For example, when SOS Méditerranée and MSF returned to sea with new ships, they installed cameras on board to prove that they did not engage in illegal activities. They also chose to hire professional, third-party crews to man ships instead of volunteers, in part to build what one MSF captain described to me as a 'greater distance […] between hard decisions taken on board and their effects'.[66] Professional crew, this captain explained, would be far more likely to stop rescuing migrants when they reached the maximum safety capacity of their ship, whereas volunteers 'from a community in solidarity with migrants' would tend to keep going in spite of these administrative limits, bringing the NGO into conflict with states.[67] These NGOs developed an extensive range of SOPs (Standard Operating Procedures) which formally laid out their responses to the different incidents which they might encounter at sea. This was used, as the MSF captain explained, to generate a certified 'methodology' of rescue that would diffuse criminalisation campaigns and counter accusations of unprofessionalism.[68] In essence, aid agencies built a world of protocol to cement their reputation as reliable care providers and to retain access to distress cases.

Two main factors were at the back of aid agencies' minds when they made such choices. First, humanitarians were beginning to feel uncomfortable as they realised how politicised rescue operations

[65] Sally Hayden, 'Refugee ship Aquarius to stop rescue mission in the Mediterranean', *Al Jazeera*, December 7, 2018.
[66] Telephone interview with rescue ship captain June 29, 2020.
[67] Telephone interview with rescue ship captain June 29, 2020.
[68] Telephone interview with rescue ship captain June 29, 2020.

had become. As governments' hostility towards maritime migration increased, it became much harder to stake a claim to neutrality at sea. As MSF's Rony Brauman described it, taking part in rescue operations outside what had become known as 'Fortress Europe' meant that it was now impossible not to 'collide with a politics bent on stopping migratory flows'.[69] Second, and closely linked to this issue, humanitarians were worried about alienating their donor bases by requesting support for rescue. As a Save the Children fundraiser explained to me, 'if you are asking money for a nutrition project in Africa, the worst [the potential donor] can say is "I would rather focus on funding education projects". But if I go out to raise money for rescue projects, it is very controversial […] People would phone up and ask us "Is it true that you are helping traffickers?"'[70] Already, when agencies like MSF had started their Mediterranean projects years earlier, a number of influential donors had withdrawn their funding for such reasons.[71] Now, as the controversy over maritime operations spiked, NGOs' connections to vital funds seemed even more precarious.

Ultimately, these concerns did not push all NGOs to withdraw their rescue projects. However, they show why those organisations who chose to stay in the Mediterranean focused so strongly on accountability and compromise. Walking an ever-narrowing political tightrope at sea, most of these aid agencies wanted to defuse disagreements over rescue and highlight their credentials as much as possible. Focusing on technicality allowed humanitarians to extract rescue from politics, reassure donors and return to the terra firma of established routine. This positioning was important because it had a strong impact on areas beyond practical operations. Most notably, it affected humanitarians' approach to campaigning and advocacy at sea.

The concerns that aid agencies had over neutrality and funding meant that their advocacy projects were rather cautious. Of course, this caution was exercised unevenly – MSF, as might be

[69] Video interview with Rony Brauman, September 2, 2020.
[70] Telephone interview with Save the Children fundraiser, July 24, 2020.
[71] Hernan del Valle, "Search and Rescue in the Mediterranean Sea: Negotiating Political Differences," *Refugee Survey Quarterly* 35, no. 2 (2016), 35.

expected, was less restrained in its publicity than Proactiva, an NGO founded by more conservative lifeboat trainers. Nonetheless, most Mediterranean agencies can be grouped together because they took three very similar precautions in their advocacy engagements, all orientated around diffusing the politicisation of sea rescue. First, and most obviously, these NGOs were rather quiet at sea. As one volunteer who had worked for both SOS Méditerranée and MSF explained, these organisations had a strong interest in witnessing suffering but they decided to be 'less vocal, less activist' because they believed that this would give rescuers a higher chance of disembarking rescuees in ports.[72] As the volunteer put it, such aid agencies became less 'experimental' in their campaigns at sea, limiting themselves largely to programmatic advocacy and fundraising.[73] Second, aid agencies deliberately restricted their framing of the Mediterranean crisis. They would foreground migrants' basic needs but would often leave out the deeper, political drivers of suffering. For example, most of SOS Méditerranée's advocacy was restricted to the micro-level, comprising personal testimonies from survivors on board rescue ships.[74] This narrative form was deliberately diminutive, focusing on individual traumas rather than the structural inequalities and injustices which had produced them. By focusing predominantly on the production of such testimonies, SOS Méditerranée directed the attention of the public towards personal rather than political pleas. The final precaution which NGOs took at sea related to the demands they made of governments. Most often, NGOs simply asked that states refrain from obstructing their work. They requested, for example, that governments allocate safe ports to humanitarian vessels in order to facilitate the smooth running of rescue.[75] When they called for more fundamental changes, NGOs asked political leaders to provide safe passage across the Mediterranean and to remove the need for humanitarian ships in the first place by taking up their rescue responsibilities. However, on the whole, humanitarians never demanded radical action in the

[72] Telephone interview with RHIB driver, August 8, 2022.
[73] Telephone interview with RHIB driver, August 8, 2022.
[74] See SOS Mediterranée's 'Voices from the Sea' series, available at https://en.sosmediterranee.org/voices-from-the-sea/ [accessed June 19, 2023].
[75] For an example of such demands see MSF, "Survivors of 'most difficult rescue' need immediate place of safety," March 11, 2022, available at https://www.msf.org/survivors-mediterranean-sea-rescue-need-immediate-place-safety [accessed June 6, 2023]. This NGO also published such requests on social media channels including Facebook and Twitter.

face of Mediterranean deaths, such as the restructuring (or dismantling) of borders and immigration systems. As Hernan del Valle, the former Head of Advocacy and Operational Communications at MSF Amsterdam, has since noted, many individual humanitarians actually sympathised with stronger arguments in favour of free movement across the Mediterranean. However, these arguments were never turned into a broader organisational position. Even within the outspoken MSF, it was seen as unwise, beyond private settings, to make more political arguments against the Mediterranean migration regime. As del Valle put it, concern over donors' views and the fraught connection of rescue to politics meant that '[m]aking a case for a Europe "sans frontières" […] was never considered a serious option'.[76]

These choices were not really surprising. They were, of course, the logical outcome of conventional humanitarian ideology, which necessitates a certain distancing from disputes in order to secure trust and gain access to vulnerable populations. However, understanding this dominant reasoning allows us to appreciate just how unusual – and rebellious – Sea-Watch's alternative approach to campaigning was. As I describe below, Sea-Watch made some very different decisions in the face of government restrictions on rescue activity. Given that the organisation was one of those who chose to remain in the Mediterranean, it inevitably had to make some of the operational trade-offs that other organisations had made. However, it never accepted compromise in the realm of speaking out. From 2017 onwards, Sea-Watch launched a reinvigorated and highly combative campaign for migrants' rights. Reviving and adapting its previous 'telephone' role, the aid agency came to stand as one of the fiercest campaigners challenging European border control.

**Speaking Out at Sea**

Like other aid agencies, the central question that Sea-Watch had to ask from 2017 onwards was how it wanted to tackle the changing environment in the Mediterranean. Did it wish to adapt pragmatically

[76] del Valle, "Search and Rescue in the Mediterranean Sea," 29.

to such altered arrangements, or was the aim to contest them? Sea-Watch inevitably had to make some trade-offs in order to remain operational. For instance, I noted earlier in the chapter its choice to purchase a larger and more robust ship in 2017 (the *Sea-Watch 3)* that could conduct full transfers from sea to land. As the constriction of rescue continued, Sea-Watch continued to respond by upgrading its fleet, purchasing the even bigger *Sea-Watch 4* in January 2020. Sea-Watch made compromises in other areas as well. The NGO's new ships could no longer be run with volunteers alone: they needed specialised mechanics, engineers, electricians and crew, over 100 of whom came to work as full-time staff. With migrants on board these ships for weeks, and even months, at a time, Sea-Watch had to employ a team of on-board doctors to provide longer-term medical care. In fact, it chose to partner with MSF on board the *Sea-Watch 4*, outsourcing all medical support roles to this agency. As other NGOs had done, Sea-Watch developed its own SOPs, creating internal guidelines and rules to regulate its now-expanded onboard operations. Finally, after the Valletta detention, Sea-Watch actively chose to register its ships under much stricter labels. For example, the *Sea-Watch 4* was registered from the offset under the technically advanced marker of cargo ships, boasting an extensive portfolio of safety certificates to reduce the risk of administrative blockades. In all of these ways, Sea-Watch chose the path of professionalisation and compromise, ensuring that it had the best possible chance to access distress cases.

However, Sea-Watch did not want to be defined by pragmatism and concession. Most of its members were in fact distinctly wary of heading in this direction since they felt this would draw the NGO away from its outspoken, activist foundations. As one employee put it to me in particularly striking terms, the last thing that Sea-Watch wanted to happen was to end up 'going MSF-style'.[77] In a direct echo of the Kouchnerian language from the late 1970s, but actually referring to MSF's toned-down operations in the present day, this phrase was taken to mean the abandonment of radicalism in favour of organisation and survival. Many Sea-Watchers believed that, were they to keep on adapting rescue operations to cover their backs, they would cease to exist as anything other than floating 'refugee

[77] Telephone interview with Sea-Watch lawyer, July 20, 2022.

camps at sea'.[78] Humanitarian boats would simply hold rescuees in limbo outside of states' borders instead of campaigning for their right to onwards movement. The greatest risk, as another volunteer argued, was that Sea-Watch would morph from a 'fly by night' network of activists into a 'professional but cumbersome' organisation that had lost the ability to stand up to governments.[79]

To avoid such a trajectory, Sea-Watch looked for ways in which it could reconnect to its outspoken beginnings. The organisation wanted once again to send the message that Harald Höppner had given on 'Günther Jauch': that aid workers should measure their strength by the scale of struggle against border deaths rather than the number of ships or life jackets which they owned. To revive this sense of combat, Sea-Watch turned to advocacy – a sphere in which it felt more able to take on its preferred role of 'fighting machine'.[80] After all, whilst governments could directly quash practical operations that did not comply with their laws or demands, they could respond far less effectively to aid workers who simply reported what they found at sea. A revived advocacy campaign, many Sea-Watchers argued, could be used to rebuild Sea-Watch's earlier role as a 'swimming telephone'.[81] This time, however, Sea-Watch would not only pressurise governments to rescue migrants. It would also directly comment on states' heightened controls at sea, drawing public attention to the much bigger picture of migration management.

**Sea-Watch's Advocacy**

Sea-Watch approached advocacy in a different way to other NGOs. The first and most obvious difference was the emphasis it placed on this activity. As I described earlier, the increasing politicisation of maritime rescue meant that other aid agencies had tended to prioritise practical support over campaigning. Sea-Watch, however, refuted such reasoning. In its view, the politicisation of maritime

[78] Telephone interview with Sea-Watch RHIB driver, October 9, 2020.
[79] Telephone interview with Sea-Watch RHIB driver, October 9, 2020.
[80] Telephone interview with Sea-Watch lawyer, July 20, 2022.
[81] Interview with member of Sea-Watch airborne team, June 10, 2022.

humanitarianism necessitated the escalation of advocacy rather than its curtailment. The changes that had unfolded in the Central Mediterranean from 2017 onwards meant, for Sea-Watch, that basic rescue support was no longer adequate. As the NGO argued, rescue operations themselves would do nothing to reverse these highly targeted policies. What was needed were longer-term changes focused on the right to free movement – and this could only be achieved through campaigning. To quote the organisation's annual report from 2018, the changed environment in the Central Mediterranean 'clearly demonstrated that political polarisation has replaced the rule of law in Europe's migration and asylum policies and, ultimately, civil sea rescue'.[82] In this context, Sea-Watch believed that it was crucial to keep up 'political public relations work' in order to 'fight for the right to flee'.[83]

The second thing that stood out about Sea-Watch's advocacy was its wide political focus. As well as drawing attention to the human suffering it encountered at sea, Sea-Watch also chose, in the words of one member, to 'zoom out' and look at the ways in which this suffering had been 'politically created' by governments.[84] To this end, Sea-Watch chose an opposite strategy to the likes of SOS Méditerranée, whose individual 'on board' testimonies had tactically zoomed in to evade such context.[85] Essentially, Sea-Watch chose to make public the political connections that other humanitarians were wary of making. To quote the same volunteer, the NGO wanted to show how the deaths of migrants at sea formed 'just one piece in a puzzle'.[86] The ultimate aim was to reveal the 'wider picture' of this puzzle, listing all of the jigsaw pieces that made it up.[87]

[82] Sea-Watch, "Civil Sea Rescue Annual Report 2017 – 2018", available at https://sea-watch.org/wp-content/uploads/2019/03/sea-watch_annual-report-2018-en-1.pdf [accessed June 19, 2023].
[83] Sea-Watch, "Civil Sea Rescue Annual Report 2017 – 2018".
[84] Telephone interview with Sea-Watch lawyer, July 20, 2022.
[85] Sea-Watch had another, ethical objection to the use of on-board testimonies. The NGO felt that it was unprincipled to ask those on board its ships to recount the traumas they were experiencing so soon after rescue. Given that they would still be unsure of their future safety, migrants might feel pressurised into offering up narratives of their experiences, creating an extractive and unequal power dynamic between the questioning 'rescuer' and the 'rescuee' respondent.
[86] Telephone interview with Sea-Watch lawyer, April 15, 2021.
[87] Telephone interview with Sea-Watch lawyer, April 15, 2021.

This list was extensive. Sea-Watch linked migrants' deaths to the strengthening of the Libyan Coastguard, the establishment of the Libyan Search and Rescue Zone, the militarisation of the Central Mediterranean and border externalisation on the African continent.[88] Yet the NGO did not stop here. In a telling disclosure of its links to other social, environmental and justice movements, Sea-Watch connected rescue operations to a whole host of other concerns, ranging from racism and police violence to climate change. A crucial moment came in 2020, during the Covid-19 pandemic, when Sea-Watch hosted an online event to mark its five-year anniversary. This event featured presentations from each of the organisation's operational teams who described their work and what vision they had for the organisation. The words of the advocacy team were especially revealing. As these volunteers argued, Sea-Watch aimed to 'not just think search and rescue […] but to connect the struggles'.[89] The goal was to link sea rescue to all kinds of protests around the world. During the presentation, volunteers linked civil sea rescue to the Black Lives Matter movement that was reverberating around the world following the killing of George Floyd one month earlier. There was very little difference, Sea-Watchers claimed, between the police brutality witnessed in the United States and 'police violence by *non*-intervention in the Mediterranean Sea'.[90] This was why Sea-Watch was taking a stand against governments' abdication from rescue. The NGO's advocacy volunteers also linked Mediterranean shipwrecks to the issue of climate change (which was creating a bigger migratory push factor), as well to global wealth distribution and rising poverty rates. As a representative concluded the discussion, 'we need to connect all these struggles because the other side is doing it all the time – it is the same people denying climate change that are telling us to stop doing search and rescue […] and secondly because it all *is* connected, that is pretty much what it comes down to […] Every progressive struggle is important and until all are free, no one is free'.[91] As this event clearly showed, Sea-Watch felt that there should be no limits placed on what they chose to campaign about from the waters of the Mediterranean.

[88] See for example Sea-Watch, "Civil Sea Rescue Annual Report 2017 – 2018".
[89] Sea-Watch, "SW5Y - A livestream behind the scenes".
[90] Sea-Watch, "SW5Y - A livestream behind the scenes", emphasis original.
[91] Sea-Watch, "SW5Y - A livestream behind the scenes", emphasis original.

Finally, and as might be expected given such engagements, Sea-Watch used its advocacy to place different kinds of demands on states. Like other NGOs, Sea-Watch asked that European governments step in to fulfil their rescue duties at sea and that they establish safe and legal routes for passage across the Mediterranean. However, the organisation also made some more fundamental demands. Most notably, it called for the complete abolition of Frontex and the construction of a new, open-border regime. In 2021, Sea-Watch became a public member of #AbolishFrontex, a network of organisations that works, in its own terms, 'towards ending the EU border regime; dismantling the border-industrial complex, and building a society where people are free to move and live'.[92] Under the #AbolishFrontex banner, Sea-Watch demanded that EU member states dissolve Frontex, regularise all migrants, stop all deportations, end detention, and stop the surveillance of people on the move.[93] In Sea-Watch's view, all border policing was 'incompatible with the obligation to save lives at sea' – hence the need to eradicate it completely.[94] Sea-Watch knew that such arguments would make it impossible to stand as a neutral player in the Mediterranean. However, the NGO ultimately decided that speaking out had to trump neutrality at sea. In the eyes of many of its volunteers, there could be 'no political neutrality on the topic of someone drowning', either in private or in public.[95]

Of course, not everyone in Sea-Watch engaged in overt campaigning. Many of those working on its ships – its medics and crew for instance – strove harder to isolate care from politics. These volunteers, as one medic described, were often 'not thinking about politics, not thinking about the media, not thinking about people's minds, but actually taking care of the people we rescue'.[96] However, what made Sea-Watch stand out from other aid agencies was its decision to move beyond this limited framing in public. Sea-Watch believed that, beyond the decks of its ships, it could and should speak out about migration politics. As the same medic put it to me, 'the treatment of a patient stays unpolitical

[92] Abolish Frontex, 'Who We Are', available at https://abolishfrontex.org/about-us/ [accessed June 19, 2023].
[93] Sea-Watch and FragDenStatt, "Defund Frontex, Build a European Search and Rescue programme", August, 2021, available at https://sea-watch.org/wp-content/uploads/2021/08/DefundFrontex_briefingpaper.pdf [accessed June 19, 2023].
[94] Sea-Watch and FragDenStatt, "Defund Frontex, Build a European Search and Rescue programme".
[95] Telephone interview with Sea-Watch RHIB driver, October 9, 2020.
[96] Telephone interview with Sea-Watch medic, July 22, 2022.

because it is ethically not ok to do anything else […] The difference is that in some NGOs, you take this isolated medical situation and you still don't connect this to broader structures […] [Sea-Watch], although it isolates the medical work, puts this into a bigger picture with other parts of its organisation'.[97] In fact, many medics and crewmembers had chosen to join Sea-Watch (rather than other aid agencies) because of this operational choice. Rather than feeling isolated by Sea-Watch's campaigns, or nostalgically longing for a simpler form of classical humanitarianism, many of the NGO's more 'neutral' volunteers *wanted* other operational sections to take on the task of political campaigning. Since the nature of their own work demanded that they spoke out less, they were glad that other employees could take up advocacy engagements. In this way, as another doctor put it to me, 'a medic could be just as politically motivated as a member of the advocacy team. It's just that their advocacy is more indirect'.[98] Ultimately, Sea-Watch volunteers were all working to further the broader demands made by the organisation. Such collaborations were what made the NGO stand out in the Mediterranean and, soon, the NGO chose to bring a new operational team into the mix.

**An Eye in the Sky**

As Sea-Watch honed its approach to advocacy from 2017 onwards, it decided to test out a new initiative that could further its campaign for free movement. During the peak of criminalisation in 2017, the NGO decided to launch a series of civil rescue and surveillance planes, starting up a new airborne section of the organisation. Like the founders of Hermanos al Rescate, Sea-Watch felt that it would be helpful to have a broad aerial view of the Central Mediterranean, not only to better coordinate rescues but also to advance the campaign for migrants' rights at sea. On airborne operations, Sea-Watch would be able to witness pushbacks, pullbacks and other rights abuses in greater detail, and it would therefore be able to speak out much more effectively against the proliferation of border controls and rescue blockades. After initially renting planes, Sea-Watch bought one of its own, *Moonbird*, in the spring of

[97] Telephone interview with Sea-Watch medic, July 22, 2022.
[98] Telephone interview with Sea-Watch medical coordinator, August 24, 2022.

2017, joining forces with a network of Swiss aviators known as the Humanitarian Pilots Initiative. The *Moonbird* could take a crew of up to four people over the waters of the Mediterranean, covering an area of about 16,000 km$^2$ per reconnaissance mission. Later, in 2020, Sea-Watch purchased another plane, the *Seabird*, which could cover a search area of 27,000 km$^2$.[99] Finally, in December 2021, together with the Humanitarian Pilots Initiative and the French NGO Ciel Solidaire, Sea-Watch started conducting flights with a third aircraft, *Skybird*.

In 2021, operating all three aircraft, Sea-Watch conducted a huge total of 121 monitoring flights on which it spent the equivalent of 29 days, 18 hours and 45 minutes over the Mediterranean. During these missions, the NGO spotted around 11,137 persons in distress.[100] Crucially, however, this flight time also allowed the NGO to ramp up its campaigning in the Mediterranean. The planes made it possible to highlight the rise in illegal pull backs by the LCG in concrete terms, as well as showing cases where migrant vessels were ignored. As Sea-Watch argued, this monitoring was particularly valuable because it made a usually invisible space – the waters outside European borders – accessible and observable to civil society. As one Sea-Watch volunteer described it, 'in the sea you can sink everything, literally everything. You can sink boats. You can sink evidence. You can sink people. You can sink rights. You can sink whatever you want'.[101] Now, however, Sea-Watch had an 'eye in the sky', allowing it to document this submergence and ensure that there were 'no more blind spots' in the Mediterranean.[102] From 2017 onwards, Sea-Watch published monthly airborne reports, available to the public on its website, in which it created coded maps of the Mediterranean and logged the outcomes of all distress cases its planes had come across.[103] Putting these maps together, it was possible for everyone in Europe to track the rise of interception and abandonment at sea. The reports were a

[99] Sea-Watch, "Seabird 1 & 2", available at https://sea-watch.org/en/mission/airborne/ [accessed January 12, 2024].
[100] Sea-Watch, "Airborne Annual Report 2021", available at https://sea-watch.org/airborne-annual_report_2021/ [accessed February 15, 2023], 7.
[101] Sea-Watch legal advisor quoted in Squire, *Europe's Migration Crisis*, 140.
[102] Sea-Watch, "Airborne Annual Report 2021".
[103] These reports can be found on the 'Airborne' section of the Sea-Watch website: https://sea-watch.org/en/mission/airborne/ [accessed January 12, 2024].

tangible example of the motto which Sea Watch's advocacy team had coined earlier: 'We are here, we see you and we will not let you get away with the practice'.[104] They marked a clever sideways shift from practical support to advocacy that was clearly consistent with the NGO's brand.

Sea-Watch highlighted maritime rights abuses in depth as well as breadth. Often, the NGO would publicise in great detail the political and financial connections that had led to rights abuses at sea. To cite an example, on the 30th June 2021, the crew of the *Seabird* was flying over Malta's search and rescue zone when it saw a LCG vessel attack a small migrant boat. The LCG eventually returned those on board this boat to Libya. However, the *Seabird* flew over the scene and filmed the behaviour of the LCG. In the footage that its volunteers captured, it is possible to see coastguardsmen shooting at and attempting to ram the migrant boat; later they threw sticks, potatoes, stones and tomatoes at its passengers. Sea-Watch made this footage public, uploading it to its website and social media channels.[105] Most importantly, however, Sea-Watch contextualised the video by writing up a parallel report, listing all of the ways in which European actors had directly enabled the perpetration of such abuse.[106] First, Sea-Watch pointed out that, since the incident occurred inside the Maltese search and rescue zone, the Maltese authorities were directly aware of the LCG's presence. In its pursuit of the migrant vessel, the Libyan ship had in fact crossed back and forth over this Maltese boundary several times and, according to protocol, it would have required a green light from the Maltese authorities for every entrance. Therefore, Sea-Watch argued that the Maltese government had deliberately shirked its legal obligation to respond to this distress case in its rescue zone, instead allowing Libyan authorities to conduct an illegal pullback.

[104] Sea-Watch, "SW5Y – A livestream behind the scenes".
[105] The footage can be found on Sea-Watch's website at https://sea-watch.org/en/libyan_coast_guard_shots_fired/ [accessed February 16, 2023].
[106] Sea-Watch, "So-called Libyan Coast Guard firing shots at migrant boat in distress," July 5, 2021, available at https://sea-watch.org/en/libyan_coast_guard_shots_fired/ [accessed January 12, 2024]. See also Sea-Watch's twitter thread from the day after the incident: https://twitter.com/seawatch_intl/status/1410584005649518597?lang=en [accessed January 12, 2204].

Sea-Watch also revealed that the boat which the LCG had used for this interception was the *Ras Jadir*, a vessel which it had been directly gifted by the Italian Ministry of the Interior in 2017.[107] Sea-Watch found a photo of the former Minister of the Interior from Italy handing this boat over to Libya, shaking hands with officials and popping champagne on the nose of the ship. The 'rescue training' programme for those operating the *Ras Jadir* had also come from the European Union – again, Sea-Watch found photos of LCG crewmembers shaking hands with the German Minister of Foreign Affairs as they signed their new training contracts in Italy. Using this information, Sea-Watch campaigned vigorously against the EU's externalisation policies. As the NGO argued, EU member states had a direct hand in the violence which pilots had witnessed from the *Seabird*. Governments had chosen deliberately to push their border controls 'far beyond the actual European external borders', hiring the LCG to 'carr[y] out human rights violations at sea in the name of the EU, using its funds, its equipment and its political backing'.[108] Sea-Watch argued that the LCG was used knowingly and in a calculated manner by government who 'approvingly accept[ed] the death of people on the move'.[109]

The essential point of Sea-Watch's airborne project was that it allowed the NGO to do what it had always wanted to do in the Mediterranean: to save lives whilst also advocating for migrants' rights, holding states to account and criticising border controls. Wherever possible, Sea-Watch hoped that its planes could be used to assist rescue ships. However, at times where this was not possible – such as during the incident described above – the organisation at least had the power to show *why* lives were being lost or returned to unsafe circumstances. Once again referencing the idea of putting puzzle pieces together, an airborne volunteer described the moment that Sea-Watch realised the impact of such work: '[f]rom 2017 the entire Central Med [sic] was completely different, and we thought ok there is quite a lot of shit happening […] Then we thought ok this is the puzzle piece that we are missing in

[107] Sea-Watch, "So-called Libyan Coast Guard firing shots at migrant boat in distress".
[108] Sea-Watch, "Airborne Annual Report 2021", 18.
[109] Lorenzo Tondo, "Libyan Coastguards 'Fired on and Tried to Ram Migrant Boat' – NGO," *The Guardian*, July 2, 2021. Sea-Watch also worked with the Forensic Architecture team at Goldsmiths University to highlight the EU's complicity in border deaths. Sea-Watch highlighted the case of another one of the Ras Jadir's pullback operations, showing how this had been mad possible by EU funding. The report which came from this collaboration is available at https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard [accessed June 21, 2023].

the entire search-and-rescue community – we are the ones who are able to document'.[110] Being able to speak out at sea was described as a 'complete new deal' because it allowed humanitarian actors to turn the power tables at sea.[111] Before, European states had been able to criminalise rescue agencies; now these same agencies could instead show the criminal actions of states, documenting their violations of human rights and maritime rescue law.[112]

The unfolding collaboration between Sea-Watch's airborne and advocacy teams added a new bow to the NGO's Mediterranean projects: that of 'civilian counter-surveillance'.[113] By acting as a watchdog as well as a more conventional provider of rescue support, Sea-Watch was able to prevent states from turning the Mediterranean into what it described as a 'deadly black box'.[114] Crucially, the use of planes allowed the NGO to sharpen its sense of what made maritime humanitarianism distinctive. As had been the case in the Florida Straits in the 1990s, planes allowed humanitarians to skirt around the obstacles which governments placed at sea to reduce maritime migration and restrict rescue ships. Planes facilitated the launch of more recalcitrant projects, still focused on maritime displacement but coordinated from the sky. For Hermanos, these projects entailed practical protests like leaflet drops; for Sea-Watch they involved speaking out. Sea Watch extended its operations from the sea to the air precisely because this allowed for a concentrated effort on what it had always aimed to do: gain knowledge, publicise situations, and make noise.

**Promoting Advocacy**

[110] Interview with member of Sea-Watch airborne team, June 10, 2022.
[111] Interview with member of Sea-Watch airborne team, June 10, 2022.
[112] Sea-Watch has taken Frontex to court over the *Ras Jadir* pullback, challenging the agency's refusal to divulge information about this incident.
[113] Angela Smith, "Eyes in the Sky: European Aerial Surveillance," *Forced Migration Review*, no. 68 (November 2021): 42–43.
[114] Sea-Watch, "Sea-Watch reconnaissance aircraft *Moonbird* manages to resume operations, while death rate climbs to record high," October 10, 2018, available at https://sea-watch.org/en/sea-watch-reconnaissance-aircraft-moonbird-manages-to-resume-operations-while-death-rate-climbs-to-record-high/ [accessed February 24, 2023].

In June 2022, I spoke to a coordinator of Sea-Watch's airborne team to ask how this work had shaped the NGO's approach to advocacy (and to maritime relief more generally). Our conversation was brilliantly illustrative of Sea-Watch's rebellious take on humanitarianism, showing the outspoken interpretation of assistance which the NGO had come to develop. This volunteer argued that it was necessary to move beyond basic needs support at sea – and to ditch the classical humanitarian arguments that came with such operations. As they argued, focusing on practical care was important, but at sea it was a strategy that was 'going to lose'.[115] The reason behind this was simple: in the Mediterranean, humanitarians were not responding to the onset of an isolated or freak emergency. They were reacting to suffering that was induced by state-built borders, at a time when these boundaries were being enforced through more and more stringent means. Of course, the volunteer asserted, this was the case for many other politically induced crises around the world, but there was one important difference at sea. Here, suffering was taking place in a space beyond state territory, where it could easily be 'sunk' and rendered invisible to the public eye. In such a context, humanitarians had to reorganise their operational priorities, recognising that the isolated pursuit of practical care, and even more modest attempts at advocacy, would prove ineffective. As the volunteer put it, 'rescuing persons in distress is what we do and it is super needed but if you see the past, if you see the coming developments [of border control at sea] then ships are stupid […] This is a huge dilemma that cannot be solved with a humanitarian approach'.[116] The only effective solution, as Sea-Watch saw it, was to focus on campaigning as well as care, making distress cases visible and fighting for broad, structural changes to migration policies. This was why Harald Höppner had demanded a minute's silence on the Günther Jauch show back in 2015, it was why Sea-Watch had acted as a 'swimming telephone', and it was why the NGO had eventually chosen to launch surveillance planes.

Facing the growing politicisation of rescue in the wake of the 2015 'migration crisis', Sea-Watch decided to ramp up rather than tone down its campaigning activities. Motivated by the idea of

[115] Interview with member of Sea-Watch airborne team, June 10, 2022.
[116] Interview with member of Sea-Watch airborne team, June 10, 2022.

exposure, the organisation witnessed migrants' struggles at sea in order to take a public stand against the policing of movement. This proved a highly rebellious but also successful strategy. By 2022, Sea-Watch had expanded to become the largest aid agency in the Mediterranean in terms of the size of its operations and, unlike other NGOs, it has never withdrawn from this space. Building on Harald Höppner's early dismissal of 'crocodile tears', and differing from those aid agencies who prioritised medical need, Sea Watch decided that the most effective way to help in the Mediterranean was to expose the tightening of states' border controls. In doing so, it raised a strong challenge to the idea of impartiality. By positing publicity as a critical humanitarian task, Sea-Watch took up the view that making noise and acting as a human rights watchdog was a highly effective way of saving lives. Ultimately, the NGO wanted to develop a model of humanitarianism that involved 'questioning the entire status quo, not just saving human lives'.[117]

[117] Interview with member of Sea-Watch airborne team, June 10, 2022.

# Chapter 7

# Conclusion: Rocking the Boat

This thesis began with the reflections of Sophie Beau, as she recounted her experience of kickstarting a humanitarian rescue project in the Central Mediterranean. When she established SOS Méditerranée in 2015, Sophie hoped to show how her contemporary operations at sea connected to a longer history of 'borderless' humanitarianism. Sophie linked the provision of assistance at sea back to the 1970s, when maritime rescue had first appeared on the humanitarian stage and when Médecins du Monde, the organisation that she used to work for, had been formed out of a rescue ship venture. Mirroring Sophie's course, the thesis has gone back to the 1970s to delve into the history of maritime humanitarianism. It has shown why maritime humanitarianism emerged during this decade and why its appearance at this moment gave it a particular form, influenced by several important events taking place within the relief and seafaring sectors. From this juncture, the thesis has explored three case studies of maritime humanitarianism, moving from the South China Sea in the late 1970s to the Florida Straits in the 1990s and back up to Sophie's (and our) present day in the Central Mediterranean. Along this arc, the focus has been on how aid stands out at sea: what was it that made maritime humanitarianism distinctive in each of these cases? As many of the thesis' chapters have driven home, this question forms the central pivot point of the thesis, addressing how aid is shaped by the unique operational environment at sea and what this might teach us about humanitarianism more broadly.

In Chapter 2, I looked at the emergence of maritime humanitarianism in the 1970s, showing how sea rescue looked distinctive right from the offset. Appearing in response to the unfolding Indochinese refugee crisis in the South China Sea, maritime humanitarianism was shaped by two other concurrent developments. One was the establishment of a legal framework which organised the relationship between territorial and maritime space and which structured the practice of sea rescue in such a context. Whilst this framework ordered maritime rescue operations, and boosted their status

as a humanitarian activity, it ultimately made moving people from sea to land a fraught and complicated process that was delimited by governments' willingness to accept outsiders. The legal arrangements at sea made maritime humanitarianism stand out because it set up a persistent tension between ships and states, the former pushing against borders and the latter strictly enforcing them. The other development shaping maritime humanitarianism was the growth of 'new humanitarianism', an ideology which pushed for more rights-based, 'borderless', and politically conscious forms of aid. Against the legal limitations of rescue, these ideas gave aid workers a new toolkit to work with. 'New humanitarianism', as its name highlights, was a conscious attempt to move aid onwards into new fields, both practically and in terms of humanitarian ideas and principles. In this way, it provided a language that relief workers could test out at sea, focused on innovating, challenging other actors, and resisting the status quo.

In Chapter 4, I showed how this language was immediately taken up by maritime aid workers and turned into a rebellious campaign against professionalisation. At the time of the Indochinese refugee crisis, many aid agencies were working towards establishing themselves as permanent, professional humanitarian enterprises. Médecins Sans Frontières was establishing structures to improve its efficiency in relief delivery, the German Red Cross was highlighting its professionalism to tighten ties with governments and even UNHCR was toning down its response to boat people in order to assert respectability on the international stage. Maritime humanitarianism, however, sat at a certain distance from these trends. Rescue operations, by their very nature, were imperfect and rather unstructured acts of care. They were meant to be temporary, spontaneous and incomplete, since the majority of support that rescuees required could only be provided from safety on land, not on board a moving rescue ship. In this way, rescue clashed somewhat with the increasingly professionalised, bureaucratic humanitarian system. Whilst many aid agencies saw this as a problem, two humanitarians – Bernard Kouchner and Rupert Neudeck – seized upon such features, viewing them as a powerful antidote to professionalisation. Launching the 'Boats for Vietnam', they hoped to demonstrate that relief worked best when it was flexible, ideals-driven and resistive. The 'Boats for Vietnam' were a

first practical foray into maritime humanitarianism – these projects were experimental, improvised and, as a result, rather short-lived. However, they unearthed many of the characteristics that would come to define maritime humanitarianism. They produced troubled debates over the 'correct' way of responding to displacement – in this instance questioning how aid workers should balance respectability with flexibility. They met with considerable opposition from other actors (from states, who opposed their plans to bring migrants across borders, to other humanitarians, whose reluctance to upset governments and other potential donors shaped a sceptical perception of rescue). Finally, these ventures responded to such opposition with defiance, putting forward vocal arguments in favour of maritime relief and the values it embodied. Ultimately, the 'Boats for Vietnam' aimed to readjust what aid meant at sea, championing the benefits of 'amateur' assistance.

In Chapter 5, I moved to the Florida Straits, examining rescue operations that took place between Cuba and the United States in the early 1990s. I focused on a group of Floridian pilots to highlight another area where maritime humanitarianism stood out – its embracing of politics. Of course, the fraught connection between sea rescue and politics had long been evident. When Bernard Kouchner and Rupert Neudeck had launched the 'Boats for Vietnam', their transportation of Cold War refugees (and the connection of this activity to anti-communist sentiment) had set nerves on edge. It had in fact been one of the reasons why these projects were viewed as unprofessional. Now, however, the Cold War had ended and this time it was the pivot *away* from its bipolar rivalry that brought Hermanos al Rescate face to face with politics. The geopolitical reordering that came with the fall of the Soviet Union meant that Cuban refugees lost their privileged ideological status in the United States – and this, in turn, meant that Hermanos lost the state cooperation it relied upon to rescue *balseros*. What made Hermanos distinctive was the way it reacted to this situation. The NGO came to argue that the American government's deliberate obstruction of maritime (or 'wet foot') migrants rendered neutral assistance impossible in the Florida Straits, and it therefore turned its back on this humanitarian principle. Instead, Hermanos embraced the politics that underpinned their rescue operations. This is why its pilots combined their rescue flights with two openly activist missions

– the first challenging American immigration policy and the second fighting the deeper roots of displacement in Castro's Cuba. Hermanos' shifting ideological trajectory highlighted the highly politicised nature of maritime humanitarianism. It showed how quickly aid efforts at sea could be drawn into the realm of foreign policy and migration control, this being the inevitable result of helping migrants reach national borders. However, it also revealed the willingness of maritime aid workers to embrace this reality, diving directly into debates over immigration, border control and political allegiance.

In Chapter 6, I looked at a question which followed on from this understanding. If maritime aid workers were no longer asking *whether* to embrace politics but *how* to do this in a way that would best reduce migrants' suffering, then where should they look for inspiration? Moving to the Central Mediterranean, I showed how humanitarians found an answer in advocacy. For members of the German NGO Sea-Watch, the intense politicisation of both displacement and rescue operations at sea meant that aid workers had to focus as much on campaigning as they did on practical care. Sea-Watch stood out because it highlighted the limitations of adhering to the principle of impartiality at sea. Following the deliberate shrinking of humanitarian space on the part of EU member states, Sea-Watch argued that it no longer made sense to provide care purely on the basis of need. Other concerns came to the foreground – most notably representing the struggles of migrants, holding the duty-bearers of rescue law to account and promoting longer-term changes to border policies. Such concerns took us back to the 1970s – when the argument that aid workers should speak-out, champion rights, and campaign for structural change was taken up by 'new humanitarians' – but Sea-Watch stood out for the way it specifically applied such claims to maritime contexts. At sea, arguments in favour of advocacy were seen as especially relevant. Not only was it technically harder to publicise suffering that occurred off land and outside borders, but the natural environment of the sea made it easy for certain actors to hide (or literally sink) infringements of international rescue law. For this reason, Sea-Watch turned campaigning into a central part of its operational armoury. The NGO promoted publicity as a core humanitarian activity, making sure that the securitised sea around state

borders was rendered visible to the public, and championing the rights of people on the move within this space.

## Rocking the Boat

Looking back at these examples, we can map out the three 'rebellious' features of maritime humanitarianism that I have talked about throughout the thesis: its resistance towards professionalisation, its embracing of politics and its promotion of advocacy. These rebellions have looked different depending on the time and location of humanitarian projects and they have also faded into one another at times – the notion of professionalism, as is clear in the above summaries, has often been linked to both the performance of neutrality and the toning down of advocacy, whilst speaking out at sea has frequently involved engaging in political debates and vice versa. Yet these approaches stand as distinct markers of rescue projects and together they build up a common picture of maritime humanitarianism. They show us that this kind of aid often resists both control and convention. The central argumentative thread here – and the core contribution of the thesis – is the idea that maritime humanitarianism 'rocks the boat'. Over the course of the past fifty years, maritime aid agencies have developed seditious arguments about assistance, questioning humanitarians' relationships with states, politics, borders, and migration. Crucially, they have also questioned the aid industry's understanding of itself, challenging some of the key contours of what humanitarians, whether at sea or not, count as emergency relief.

The provocations of maritime humanitarianism have sometimes stemmed from aid agencies' pre-existing alliances or backgrounds. However, they have also emerged out of the specific characteristics of sea-based care. The role of the sea, as opposed to other factors, in the 'rebellious' characterisation of maritime aid can be pinned down to the following dynamics. First, maritime humanitarians operate outside of landed borders, in a distinctive and contentious legal context where the open seas meet state territory. Second, maritime humanitarians assist refugees and migrants who

greatest 'need' is in fact mobility and transportation to safety on land. Third, and as a result of these issues, the activities of maritime humanitarians are subject to intense political scrutiny, making rescue a publicly controversial and contested activity. This is why there is a move to embrace politics – because rescuers' focus on transportation touches anxieties over cross-border movement in a way that annuls rhetorical appeals to apoliticism. It is also why campaigning becomes prevalent – so that humanitarians can fight back in public disputes and spotlight suffering in extraterritorial spaces. Finally, if more indirectly, it is why a resistance to professionalisation appears – because bureaucratisation is often seen to stultify these commitments to activism and advocacy. It is not that maritime humanitarians are sceptical of professionalism full stop – in fact, saving lives offshore where there is little state support requires very smooth and efficient rescue operations. However, they do worry about how professionalisation might affect their independence, spirit and freedom to intervene in borderless spaces. Maritime aid workers are often wary of processes that, in seeking status, donations, and support (often from states that are hostile to migration), might water down the struggle for free movement at sea.

When combined, these attributes pose some fundamental challenges to humanitarian practices and ideas. As Klaus Neumann has recently argued in the context of the Central Mediterranean, we are beginning to witness a 'new model of humanitarian engagement' at sea.[1] As Neumann describes, maritime NGOs that assist border crossers 'mark a departure from classical humanitarianism defined by the principles of humanity, impartiality, neutrality and independence'.[2] This is because the irregular nature of migrants' journeys at sea, produced by the enforcement of borders and the restriction of irregular movement across them, impacts humanitarians' understanding of what it means to provide relief in such a context. Essentially, rescue organisations are marked by a fierce commitment to upholding the rights of people on the move, drawing them into the spheres of

[1] Klaus Neumann, "Rights-Bearing Migrants and the Rightfulness of Their Rescue: The Emergence of a 'New Model of Humanitarian Engagement' at Europe's Borders," in *Amidst the Debris: Humanitarianism and the End of Liberal Order*, ed. Juliano Fiori et al. (London: Hurst & Company, 2021), 107.
[2] Neumann, "Rights-Bearing Migrants and the Rightfulness of Their Rescue", 107.

advocacy and activism and putting them in direct conflict with governments. The commitment to migrants' rights seems to be the crucial thing here since, when set against a standard approach to humanitarianism focused on needs, such attention really does create more oppositional forms of assistance. Perhaps what the story of maritime humanitarianism highlights more broadly is the injection of a rights-based approach to aid – not least since this story begins in the 1970s, when scholars like Samuel Moyn suggest the human rights movement was truly born, and then picks up again in the 1990s, when rights-based approaches to development and humanitarianism entered the mainstream.[3] Whilst this development unfolded on land too (NGOs like Alex de Waal's African Rights stand out clearly here), this thesis has shown the sea to be one of the key sites where rights-based frameworks took off. Seen in this light, the challenges which sea rescue poses to classical humanitarian principles are not as new as the likes of Neumann might suggest – what we are witnessing today outside Europe's borders is not really a 'new' model of humanitarian engagement, but one that has been unfolding for several decades.

**The Big Picture of Maritime Aid**

Since the 1970s, therefore, maritime humanitarianism has moved steadily away from some of the most iconic principles of relief, adopting some highly critical perspectives on sovereignty and border control. The big question for researchers, however, is what we can learn from this story. How does maritime humanitarianism change the way we think about the humanitarian sector and its history? Put in the simplest terms, maritime humanitarianism is important because it teaches us that aid is shaped in distinctive ways in different contexts. Relief operations on board rescue ships might share overarching interests with other aid efforts, such as the focus on rights described above, but these interests are conditioned by the specific political forces and operational dynamics which are present

[3] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010); Historians including Lasse Heerten, Celia Donert and Jan Eckel have contributed to a noteworthy volume focusing on Western engagement with human rights in this period: Samuel Moyn and Jan Eckel (eds) *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2013).

at sea. This means that maritime rescue projects often look different to humanitarian initiatives implemented in other settings, such as refugee camps or reception centres. The fact that aid looks different in different places might seem like a very basic observation, but it comes with some important implications for the way we look at and understand humanitarianism. Once we see emergency relief as something contextual, we begin to pay greater attention to the particular environment that it is delivered in. We are pushed to focus more intently on the distinctive historical conditions, geographical settings, and institutional cultures that shape humanitarian projects, recognising the real power that these forces have in shaping action and ideas. Recognising the contingent nature of care also prompts us to reconsider our definitions of relief. It shows us that new contexts for aid may redefine what we mean by the term 'humanitarianism' and can reshape the way we go about theorising it. Of course, there are overarching grounding points that tie humanitarian projects together, such as their focus on human welfare and their instigation in response to crisis and emergency. However, beyond such unifiers, aid can be remarkably chameleon-like, adapting to the specific needs of aid recipients and the particular circumstances of intervention. As I have highlighted throughout the thesis, humanitarianism can adapt, resist, reinvent and circumvent with remarkable speed and determination – in short, it can always surprise us. Looking at maritime rescue helps us to respect and address this versatility.

By raising such points, maritime aid forms a useful analytical gateway into other contexts of relief. It can shed light on other distinctive environments that are fast becoming commonplace arenas of humanitarian intervention. For instance, it can help us to explore the make-up of aid in remote terrestrial borderlands. The activities of contemporary NGOs that help migrants to survive the perilous US-Mexico border crossing (such as No More Deaths) form a fascinating counterpoint to maritime humanitarianism. Much like the operations of civil rescue ships, NGOs' land-based 'rescue' projects are highly politicised, have been heavily restrained by state criminalisation and are grounded in strong activist agendas. Again, in a similar vein to maritime ventures, these projects focus on making remote but popular crossing points, such as the Sonoran Desert, visible to the public and they protest

the erasure of migrant deaths in such spaces (like the sea, the harsh environment of the Sonoran Desert means that migrants' bodies quickly disappear, hiding the scale of border-induced suffering). At the same time, however, the desert environment creates some important differences to sea rescue operations. Often, the harsh, arid conditions of the desert, combined with the more vigorous enforcement of territorial border patrols, means that aid workers have to assist migrants through indirect means – by leaving food and water for them to pick up for example. This is of course different to the maritime context where aid workers directly move migrants across international borders.

We could also take such comparisons back in time and connect sea rescue to older 'migrant rescue' projects. For instance, we could examine the work of the Emergency Rescue Committee, an organisation established in 1940 by an American journalist, Varian Fry, to help anti-Nazi and Jewish refugees escape Vichy France.[4] The Emergency Rescue Committee assisted these refugees across land borders to Spain and Portugal before organising safe passage across the Atlantic to the United States. Of course, Fry was operating his 'rescue' scheme on land within state borders. In contrast to maritime aid workers, who encounter difficulties when moving people from sea to land, Fry faced difficulties moving refugees in the opposite direction. It was very difficult to plan refugees' journeys across occupied territories (in the midst of wartime restrictions on movement) to ensure that they could reach U.S.-bound ships safely. At the same time, however, the Emergency Rescue Committee also exhibited many of the characteristics shown by maritime rescue agencies. Fry's NGO valued flexibility and small-scale operations – a necessity if it wished to negotiate the complicated emigration regulations imposed by the Vichy authorities. And, once again, its activities proved controversial precisely because they equated humanitarian assistance with the facilitation of transit.

What we shine a light on through such comparisons are the specific dynamics of providing relief at borders, or to border crossers. When humanitarians assist people on the move, they often

[4] Anne Klein, *Flüchtlingspolitik und Flüchtlingshilfe 1940-1942 : Varian Fry und die Komitees zur Rettung politisch Verfolgter in New York und Marseille.* (Berlin: Metropol, 2007); The archives of the Emergency Rescue Committee are held at the University of Albany: https://archives.albany.edu/description/catalog/ger032 [accessed January 12, 2024].

have to travel to rather liminal and unfamiliar spaces. They operate in unusual environments in several senses. Geographically, they intervene in peripheral locations at the edge of (and often beyond) state boundaries. Legally, they intervene in grey zone areas where the normal, normative workings of protection mechanisms and other rights-affirming processes are frequently suspended and where certain rights are therefore emptied of meaning – these are the 'legal black holes' described in Chapter 6. Politically, they intervene in tense debates around migration and border regimes. In the public sphere, their work is often associated in a negative way with various forms of insecurity (criminality, overstretched public services, social unrest) and humanitarianism therefore becomes a polarising activity. So how do these dynamics condition aid? Might the distinctive circumstances of border-based projects mean that typical humanitarian principles are no longer effective – or no longer held sacrosanct?

We could certainly look at the whole thesis in this light, as connected to a much bigger puzzle surrounding humanitarianism and cross-border movement. As the above examples show, there is clearly a long history of aid workers directly transporting people to safety (we can also think here of initiatives like the Kindertransport), as well as facilitating movement by providing food, water and fuel in border zones. This prompts us to ask how human mobility presents humanitarians with unique challenges and opportunities, and how aid agencies' focus on movement and transportation might condition relief in specific ways. It might be useful to explore the idea of 'rebellious' relief in a wider range of environments and scenarios, all connected to the journeys of migrants and refugees. Might some – or even all – of the rebellious features of maritime humanitarianism apply to other migration-focused projects as well?[5] This is not to undercut to undercut the thesis' claims about the distinctive nature of maritime relief. There are still many features of sea rescue that make it stand out from other aid efforts, and which shape its rebellions in highly specific ways: its interaction with a

[5] William Walters, for example, has developed the concept of 'viapolitics to explore how the vehicles, roads and routes that migrants use on their journeys shape border controversies. See William Walters, "Migration, Vehicles, and Politics: Three Theses on Viapolitics," *European Journal of Social Theory* 18, no. 4 (2015): 469–88. Walters has recently expanded this research alongside Charles Heller and Lorenzo Pezzani: William Walters, Charles Heller, and Lorenzo Pezzani, *Viapolitics: Borders, Migration, and the Power of Locomotion* (Durham: Duke University Press, 2021).

very specific body of maritime law, for example, and its physical location outside state territory. I also suspect that, were we to find rebellious models of relief in other locations, these might still be less pronounced than at sea, where the tense move *towards* territorial borders, not just *across* them, makes the frictions of mobile care particularly acute and noticeable. Nonetheless, it would be interesting to see if similar arguments about assistance have arisen in other border zone contexts, and to explore where such arguments came from in these instances. There is therefore considerable value in connecting maritime relief to the wider question of humanitarian transportation and the support provided to moving populations. At sea, as the thesis has shown, the question of migration opens up possibilities for aid agencies to campaign for free movement, challenge border regimes and promote more activist strains of humanitarianism, but it also provokes disputes about whether these activities fit within a movement traditionally centred on the technical, apolitical provision of care. We can take these insights with us when we study humanitarian responses to other migration crises, asking what impact human movement and state bordering has had on the relief sector, and will have in years to come. What, in essence, does it mean to be a humanitarian in an increasingly mobile world?[6]

**The Future of Maritime Humanitarianism**

As well as asking where maritime humanitarianism might take scholars in the future, it is worth considering where this practice is headed itself. Where are humanitarian rescue operations going at this present moment, and what trends might shape their future trajectory? Here, I put forward three responses to such questions, each of which emerges out of a recent development in the field of maritime relief.

The first of these developments began in September 2022, when Sea-Watch announced the purchase of its newest rescue ship, the *Sea-Watch 5*. During this month, Giorgia Meloni and her far-right political party, Fratelli d'Italia, had surged to victory in Italy's national elections, pledging to

[6] Tom Scott-Smith, "Humanitarian Dilemmas in a Mobile World," *Refugee Survey Quarterly* 35, no. 2 (2016): 1–21.

further restrict both inbound migration from the Mediterranean and the activities of maritime NGOs. Concerned that Meloni's new government would completely impede its access to the sea, Sea-Watch decided to jump the gun and send a bigger, durable ship out to the Mediterranean. This choice clashed considerably with Sea-Watch's previous approach to rescue which, as we saw in the previous chapter, focused on 'watching', campaigning and deliberately limiting rescue capacities. Sea-Watch had upgraded its ships before this moment, but the purchase of the *Sea-Watch 5* marked a new kind of operation, leaping into the world of full-time, large scale and technical rescue. The reason behind this move was simple: in the face of escalating political hostility, Sea-Watch felt that it had to take certain precautions and instigate a more permanent rescue project. The move was seen very much as a forced choice, rather than a product of altered conviction. The decision to buy the *Sea-Watch 5* in fact caused considerable upset within the NGO, prompting several of Sea-Watch's association members to resign their posts in protest (this is a move which takes us right back to 1979 when Bernard Kouchner quit MSF). Many Sea-Watch members were concerned that humanitarians were being forced out of their activist stance in the Mediterranean and were, to quote one employee, getting 'stuck in a spiral' towards fixed rescue operations.[7] Yet the organisation felt it had to go with the upgrade, largely because it felt that no other strategy would work anymore. Of course, Sea-Watch has not completely halted its more outspoken operations – it is still flying its reconnaissance planes and its members continue to channel a lot of resources towards advocacy. However, the *Sea-Watch 5* transition has certainly marked a step towards a more conservative approach to rescue, made due to the tightening of humanitarian space at sea. As the same employee put it to me, Sea-Watch nowadays feels that it is impossible to be the same 'activist thing' that Harald Höppner started with the tiny *Sea-Watch 1* back in 2015.[8]

This story reveals a first, harsh truth about maritime humanitarianism: that its rebellions are currently running into difficulty. It was a major turnaround for Sea-Watch, always renowned for its

[7] Telephone interview with Sea-Watch Lawyer, July 20, 2022.
[8] Telephone interview with Sea-Watch Lawyer, July 20, 2022.

resistive outlook, to have caved into the pressure of state controls with its fifth ship. What this transition ultimately shows is that the political, legal and administrative burdens piled on maritime aid agencies are beginning to cause fractures and disputes as humanitarians confront a difficult operational choice: if there is a more efficient way to care for rescuees at sea during a time of mounting migration management, should NGOs chose it, even if this means bowing to political pressure and losing a more activist focus? As we saw above, Sea-Watch has now steered much closer to this concessive approach, despite the opposition of several members. Ultimately, the more that restrictions ramp up at sea, the more that maritime aid workers, even the most outspoken ones like Sea-Watch, will feel forced to take the safer approach. The *Sea-Watch 5* decision highlights the steady quashing of more recalcitrant operations – and I would argue that this is not a fleeting moment of dejection. Although aid agencies were restricted in the South China Sea and the Florida Straits, they were not deliberately targeted in the same way that Mediterranean NGOs have been: through the direct criminalisation of aid workers, the repeated impounding of humanitarian ships and the drafting of restrictive operational codes for rescuers. Likewise, when Sea-Watch started out in 2015, these obstructions did not exist – they have spiked rapidly and with considerable force in the current political climate of rising nationalism and with the electoral success of far-right-leaning political parties. What we really see through Sea-Watch's recent ship change is a mounting aggression towards rescue operations, and the impact of such aggression on humanitarian practice. The key message here is that we should not glamourise maritime aid or predict a glowing future for the defiant arguments that come with it. Instead, we need to recognise the huge struggle for survival that it now faces. I have talked throughout the thesis of maritime humanitarianism as a rebellious form of aid, but it is vital not to mix this characterisation up with romanticisation and misplaced optimism. It is becoming increasingly difficult for NGOs to provide the kind of care that they usually offer at sea, and even more difficult to promote the kinds of opinions they have garnered fame for.

The second development concerning maritime rescue unfolded in January 2023 in Florida. During this month, the state's Republican governor Ron DeSantis (who is tipped to be Donald

Trump's main rival during the 2024 election primaries) mobilised the national guard to respond to a new influx of Cuban migrants by sea. Declaring a state of emergency, DeSantis sent planes, helicopters and a large number of officers to support interdictions in the Florida Straits in an attempt to limit the number of migrants reaching American soil. This move directly echoed the events that I described in Chapter 5, when, thirty years earlier, Florida's former (and this time Democratic) governor, Lawton Chiles, had mobilised the same national guard to restrict Cubans' flight from Fidel Castro's regime. Chiles' decision in 1994 precipitated the launch of the 'wet foot, dry foot' rules that eventually wound down Hermanos al Rescate's rescue flights. Now, much later but in exactly the same setting, the rising rate of maritime migration was again driving up political hostility. From August 2022 to the time of the January influx, U.S. officials had intercepted over 8000 migrants between Cuba and the U.S. This worked out at about 50 per day, compared to 17 per day from 2021-2022 and 2 per day from 2020-21.[9] Boat landings had sparked fierce protests in Florida, climaxing over the 2023 New Year's holiday weekend, when over 400 Cubans landed on the island national park of Dry Tortugas, instigating a complete shutdown of the area. Reacting immediately to this new migratory surge, DeSantis leapt into action, vowing to 'prevent further migrant landings on Florida's shores'.[10] Having already set aside $12 million to transport unauthorised migrants out of Florida, he rapidly escalated efforts to turn back a new influx of 'boat people'.

These events drive home another important message about maritime humanitarianism – that the factors which both drive and aggravate it are ongoing. Almost twenty years after the 1994 surge in maritime migration, Cuban rafters are once again risking their lives in the Florida Straits. Living conditions in Cuba have long been precarious, but the country's new economic crisis (a function of

[9] Chris Kenning, "On the High Seas between Florida and Cuba, US Immigration Policy a Matter of Life and Death," *USA Today*, January 23, 2023, available at https://eu.usatoday.com/story/news/nation/2023/01/23/cubans-face-life-death-journey-u-s-immigration-policy-shifts/10994551002/ [accessed July 19, 2023].

[10] "Governor Ron DeSantis Signs Executive Order and Activates National Guard to Provide Support as Biden Administration Ignores Alarming Influx of Migrants to Florida Keys", January 6, 2023, available at https://www.flgov.com/2023/01/06/governor-ron-desantis-signs-executive-order-and-activates-national-guard-to-provide-support-as-biden-administration-ignores-alarming-influx-of-migrants-to-florida-keys/ [accessed July 6, 2023].

tighter U.S. sanctions and the Covid-19 pandemic) has set off the largest exodus from island since Castro rose to power in 1959. In short, the push factors that create the need for humanitarian action at sea are not temporary or isolated issues; they are pervasive, recurrent problems that will always float back up to the surface. This means that the demand for rescue operations will never really disappear.[11] Furthermore, just as maritime movement carries on, the political resistance to such movement also remains constant. As the reaction of Ron DeSantis shows, maritime migrants still sit under the magnifying glare of immigration policies. Their journeys by boat are viewed as a major threat to state sovereignty and are targeted with disproportionate force. This only exacerbates the need for humanitarian action, since border restrictions and interdictions seldom succeed in deterring sea crossings and instead make them more dangerous. To use Florida as an example again, in 2022, the IOM reported 256 migrant deaths in the Straits, up from 67 in 2021 and 18 in 2020.[12] Combined, the sustained nature of maritime crossings and their equally unrelenting suppression means that maritime humanitarianism will continue to be highly relevant and, sadly, much needed.

If the story of the *Sea-Watch 5* showed us that it is increasingly difficult to sustain rescue projects, but the story of Cuba's current exodus highlighted their continued demand, then the final development I recount here reveals what comes out of such a clash. Maritime ventures are facing unprecedented levels of opposition, but should we predict from this that they will completely disappear, in spite of their obvious relevance? To examine this question, we can turn to an event that unfolded just months ago in the Central Mediterranean. This was the launch of a new civil rescue ship named the *Mare*Go*. In June 2023, a German NGO called Zusammenland (Together Land) announced that it was sending this vessel out to sea in order to launch a new civil rescue project. The

[11] This is of course not only the case in the U.S. June 2023 saw a one of the deadliest Mediterranean shipwrecks of the coast of Greece, with over 80 migrants confirmed dead and over 500 reported 'missing'. The IOM continues to declare the Mediterranean the deadliest border in the world and has become increasingly concerned at the rise of maritime migration elsewhere, in the English Channel, the Bay of Bengal and Gulf of Aden to name just a few locations.

[12] IOM, "Missing Migrants Recorded in the Americas", available at https://missingmigrants.iom.int/region/americas [accessed July 18, 2023].

*Mare*Go* was painted bright yellow, and it sported a new logo on its hull, but to the beady-eyed observer it might have looked familiar. In fact, this ship was the same one that Harald Höppner had converted for Sea-Watch back in 2015. The small blue vessel that had first been broadcast on the 'Günther Jauch' show was back at sea where it was continuing to provide humanitarian support off Europe's southern border. Since its time with Sea-Watch, the ship had had some colourful experiences. In 2018, it had been transferred to Mare Liberum, a Berlin-based human rights organisation, where it had been used for a project monitoring human rights violations in the Aegean Sea. The ship had documented hundreds of pushback incidents in which refugees were forcibly driven back from Greece to Turkey – in this way, the vessel itself had followed a 'rebellious' trajectory, moving from rescue to full-time rights activism. This, of course, had come with a lot of difficulties. The ship had been stalled by detention orders from the German Ministry of Transport, by criminal investigations launched against its crew, and by the passing of a new law in Greece forcing the ship to follow the instructions of the Hellenic Coast Guard at all times. These changes eventually made its rights-monitoring forays impossible and Mare Liberum accordingly disbanded in May 2023, giving up ownership of the vessel. However, it was not left unused. Immediately, an announcement was made that the ship would be taken over and repurposed for rescues by Zusammenland. Zusammenland explained that it wanted to take over this ship because its previous projects with both Sea-Watch and Mare Liberum had turned it into a 'symbol of resistance against the racist border regime of the European Union'.[13] The aim of the new German NGO was to 'keep this symbol and bring it back into the active civil fleet'.[14]

The message that comes out of this story – and the final argument I would like to offer about maritime humanitarianism – is that it will keep going, in spite of the obstacles it faces. The story of the *Mare*Go* shows that need will almost always trump obstruction at sea. Undoubtedly, the pressures exerted on NGOs at sea are taking their toll on humanitarians' energy and defiance, forcing many

[13] Mare Liberum, "New Assignment for Ship *Mare Liberum*", available at https://mare-liberum.org/en/new-assignment-for-ship-mare-liberum/ [accessed July 7, 2023].
[14] Mare Liberum, "New Assignment for Ship *Mare Liberum*".

rescue agencies to disband and prompting others to water down their activism. Yet the undeniable demand for maritime assistance means that new organisations will emerge to take up the reigns for as long (and as rebelliously) as they can. The Mediterranean today is in fact filled with several of Sea-Watch's organisational 'children', each of which aims to keep up the momentum of maritime humanitarianism. Several rescue agencies, as in the case of Zusammenland, have taken Sea-Watch's former ships,[15] whilst other organisations were set up by former Sea-Watch volunteers – this is the case with new NGOs including Leave No One Behind and ResQShip. If the recent appearances of such organisations are anything to go by, then we will continue to witness the proliferation of humanitarian rescue projects well into the future. These projects may be short-lived, and they will certainly sail into difficulty (the *Mare*Go,* for example, has already run into conflict with Meloni's new far-right government, facing a fine of over €3000 for disembarking rescuees in an unauthorised port). Yet the fact that maritime NGOs are willing to face these odds makes their work all the more striking. Like a humanitarian hydra, rescue ships keep cropping up in places where they are needed, taking maritime assistance forwards in spite of rising hostility.

Looking back at these three vignettes – and, indeed, at the thesis' case studies as a whole – it is clear just how much maritime humanitarianism is shot through with political friction and opposition. Maritime humanitarianism has long been caught up in cycles of retaliation and renewal, with the restriction of care at sea driving a continued commitment to confrontation. Historically, the obstacles which humanitarians face at sea have provided the impetus for their more rebellious arguments about assistance. These arguments, in turn, have prompted other actors to create new obstacles, which are then resisted – and so on and so on. Put simply, for every person who risks their life at sea, there is someone who works harder and harder to stop their progress to land, and there is someone who works harder and harder to stop the suffering which this produces. Such clashes make it impossible for maritime humanitarians to steer clear of political disputes. Even when maritime humanitarians are not motivated by an interest in mobility, but by a more basic concern for preserving

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[15] This also happened to the *Sea-Watch 2* which was transferred to Mission Lifeline in 2017.

life at sea, they are still caught up in the politics of aid, borders and migration. No aid agency, in short, can will away the fact that sea rescue is an inherently political act. Ultimately, maritime humanitarianism comes down to the question of whose journeys are and aren't legitimate. At sea, aid workers join a much deeper battle between borders and movement in those spaces which lie beyond the direct reach of both migrants' safety and states' control. In the end, it is the combative nature of this clash that has the deepest impact on maritime aid, creating a model of relief that unsettles, challenges – and rebels.

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