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**The ‘left to die’ boat: responsibility and blame for migrant deaths in the Mediterranean**

Just who is responsible for saving – or not saving – the lives of the hundreds of migrants who perish each year while trying to cross the Mediterranean in search of a better life in Europe is the focus of a new study in the *Journal of Human Rights*.

Karolina S. Follis explores the issue through the lens of the sad case of what’s come to be known as the ‘left to die’ boat: a rubber dinghy in which 63 of its 72 Libyan passengers died, left to drift for two weeks ‘in the middle of the busiest sea in the world’, despite its desperate state being known to military vessels and the authorities on land.

As a result of the 2011 tragedy, brought to the world’s attention by the *Guardian*, the Dutch socialist Senator Tineke Strik was tasked with conducting an enquiry for the Council of Europe. It is this final report, accepted by the Council, that Follis analyses and finds unsatisfactory. In her view, the report merely identifies ‘failures’ – of the Rome Maritime Rescue Coordination Centre, the Libyan authorities, the United Nations, NATO and even the people smugglers themselves – rather than apportions blame.

Key to Follis’ criticism is the understanding of ‘responsibility’ as two separate concepts: ‘duty’ and ‘guilt’. She writes: “While it is unsurprising that no one wants to accept any blame, the rapporteur is likewise not eager to cast it. In the report, responsibility is instead proposed as a duty, one that extends to a range of different actors and agencies. On the particular occasion under investigation, these responsibilities went unmet, but the account stops short of direct attribution of fault. Instead, ample use is made of the concept of ‘failure’.”

She concludes: ‘Failure … suggests that something just broke down, rather than that there is a guilty part, or parties, that could be held to account in a court of law or another comparable forum.’

For Follis, this lack of accountability poses huge problems for human rights and for dealing with similar tragedies in future. ‘The language of “omissions” and failures may be diplomatic, but ultimately it perpetuates ideas of collective responsibility, that is, obligations distributed so widely that no one agent can be held to account,’ she writes. ‘Without a clear naming of those who failed in their duties, it is difficult to pinpoint who exactly is responsible for implementing “lessons for the future”, or to see how anybody could be held to account if the report’s goals do not materialise.’

The fate of the increasing number of desperate migrants at sea is set to remain uncertain for some time to come.

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