

# Migration in the Mediterranean

Mechanisms of  
International Cooperation

Edited by Francesca Ippolito  
and Seline Trevisanut



# Migration In The Mediterranean Mechanisms Of International Cooperation

**Andrea Gattini, Rosana  
Garciaandia, Philippa Webb**



## **Migration In The Mediterranean Mechanisms Of International Cooperation:**

Migration in the Mediterranean Francesca Ippolito, Seline Trevisanut, 2016 The Mediterranean Sea has always been a route for migration For centuries caravans have crossed its waters for the most diverse reasons commerce war pilgrimage cultural exchange etc In the last decades these same waters constitute the scenery of what appears as a never ending tragedy irregular migration and the thousands of related deaths According to the United Nations High Commissioner for Refugees UNHCR and the International Organization for Migration IOM 2014 has been so far the deadliest year for the Mediterranean with nearly 1 900 migrants lost their lives compared to the 700 recorded in 2013 and about 500 recorded in 2012 *Die EUNAVFOR MED Operation Sophia zur Bekämpfung des Migrantenschmuggels auf Hoher See im Mittelmeer* Karolina Vogel, 2019-04-17 Im Jahr 2015 erreichten über eine Million Menschen Europa über den Seeweg Mit der großen Zahl an Menschen die ihre Heimatländer über das Mittelmeer verlassen steigt die Zahl der Schlepperbanden die aus dieser Situation Profit schlagen möchten Die Europäische Union hat im gleichen Jahr mit einer multinationalen Militäroperation reagiert Die EUNAVFOR MED Operation Sophia zur Bekämpfung des Migrantenschmuggels auf Hoher See im Mittelmeer hat seitdem große mediale Aufmerksamkeit erregt Schon im Vorfeld des Einsatzes wurden Zweifel an dessen Rechtmäßigkeit vorgebracht Durfte der Sicherheitsrat der Vereinten Nationen die Staatengemeinschaft auf Grundlage von Art 39 UN Charta zu einer Militäroperation ermächtigen Hält die Militäroperation internationale Menschenrechtsstandards ein und gelten diese extra territorial auf Hoher See Darf sich die Bundeswehr an einem polizeilich geprägten Einsatz beteiligen Müssen sich die deutschen Streitkräfte auf Hoher See an Grundrechte halten Die Autorin untersucht diese und weitere Fragen zur Rechtmäßigkeit der Operation Sophia auf den drei Ebenen des Völker Europa und Verfassungsrechts Im Hauptteil der Arbeit werden vor diesem Hintergrund sowohl die Voraussetzungen für das Einleiten der Militäroperation als auch die rechtlichen Schranken während des Einsatzes aufgezeigt und analysiert **Die doppelt codierte Grenze und der Nationalstaat in Europa** Isabel Hilpert, 2020-03-04 Für die moderne Nationalstaatlichkeit gilt so einfach wie scheinbar unveränderbar Nationalstaaten haben Staatsgrenzen In den letzten Jahrzehnten hat sich in der Europäischen Union allerdings ein Grenzregime herausgebildet das den Fortbestand dieser exklusiven Verbindung grundsätzlich infrage stellt Die doppelte Codierung der Grenzen steht im Zentrum dieser Entwicklung Was bedeutet die doppelt codierte Grenze nun für den Nationalstaat und das Verständnis von nationaler Souveränität Das Buch beantwortet diese Frage über die Untersuchung der Perspektive des Nationalstaates auf das europäische Grenzregime und integriert zentrale empirische Befunde in theoretische Analysen über die Dynamik zwischen Zentrum und Peripherie der Europäischen Union Als Fallbeispiel dient die Republik Italien Die Grenz- und Asylpolitik der Europäischen Union Domenica Dreyer-Plum, 2020-05-11 Was ist 2015 in der sogenannten Migrationskrise passiert Wie ist die darauf anwortende Politik zu bewerten Wer sind die entscheidenden Akteure in der europäischen Grenz und Asylpolitik Und was sind die gesellschaftlichen und politischen Gründe dafür dass das Politikfeld seit

den späten 1990er Jahren zunehmend auf europäischer Ebene gestaltet wird. Dieses Lehrbuch liefert ausgewogene Antworten, indem zum einen die Genese des Politikfeldes vor dem Hintergrund der Schengen Kooperation historisch und politisch aufgearbeitet wird. Zum anderen erläutert die Autorin detailliert, wie die Institutionen ihr Mandat genutzt haben und welche Standards bei der Einreise, Visavergabe und in Asylverfahren laut europäischem Recht gelten. Dabei werden auch die Schwachstellen beleuchtet, die den andauernden Streit um die Ausrichtung der europäischen Grenz- und Asylpolitik prägen.

*Bilateral Relations in the Mediterranean* Francesca Ippolito, Gianluca Borzoni, Federico Casolari, 2020-08-28. This timely book assesses national and supranational bilateral approaches to dealing with the rising tide of migration into the European Union via the Mediterranean Sea. International law and EU migration law specialists critically assess the legal tools adopted to engage with the refugee crisis. While the EU works to develop a unified approach to Mediterranean transit and origin countries, the authors argue that a crucial role should be accorded to individual states in finding a solution to this complex and sensitive situation.

The EU's External Governance of Migration Michela Ceccorulli, Enrico Fassi, 2021-11-14. This book examines migration as a key element of the European Union's EU's foreign policy and thus a critical domain for understanding and evaluating EU external action. It documents, explains and assesses the implementation of EU migration policies, especially after the crisis of 2015, providing a much-needed overall evaluation and comparison in different geographic contexts. Applying a composite approach to global political justice, it affords a normative assessment of EU's action and shows the tensions between the justice claims of the many actors involved in the EU migration system of governance. This book will be of key interest to scholars, students and policymakers in European Union external foreign policy, migration and refugee studies, global justice ethics and more broadly to European studies, politics and international relations.

**International Migration Law** Vincent Chetail, 2019-03-29. International Migration Law provides a detailed and comprehensive overview of the international legal framework applicable to the movement of persons across borders. The role of international law in this field is complex and often ambiguous; there is no single source for the international law governing migration. The current framework is scattered throughout a wide array of rules belonging to numerous fields of international law, including refugee law, human rights law, humanitarian law, labour law, trade law, maritime law, criminal law and consular law. This textbook therefore cuts through this complexity by clearly demonstrating what the current international law is and assessing how it operates. The book offers a unique and comprehensive mapping of this growing field of international law. It brings together and critically analyses the disparate conventional, customary and soft law on a broad variety of issues, such as irregular migration, human trafficking, refugee protection, labour migration, non-discrimination, regional free movement schemes and global migration governance. It also offers a particular focus on important groups of migrants, namely migrant workers, refugees and smuggled migrants. It maps the current status of the law governing their movement, providing a thorough critical analysis of the various strands of international law which apply to them, suggesting how the law may continue to

develop in the future This book provides the perfect introduction to all aspects of migration and international law **Causes of International Migration** Bob Vandererf, Liesbeth Heering, 1996 Reviews the current state of the art in research on the causes of international migration data availability modeling international migration economic Turkish migration to Western Europe Sub Saharan Africa Migrations in Lithuania Poland the future of East West Migration more *Frontex and Non-Refoulement* Roberta Mungianu, 2016-08-18 Since the Frontex Border Agency's establishment in 2004 its activities have foregrounded the complexity and difficulty of protecting the human rights of those seeking access to the European Union In this connection protection from refoulement should be paramount in the Agency's work By navigating through the intricacies of Frontex's structure and working methods this book answers abiding questions which circumstances would trigger European Union responsibility if violations were to occur in Frontex's joint operations What is the legal standing of the principle of non refoulement in relation to Frontex's activities Can Frontex be entrusted with an exclusive search and rescue mandate This book offers a theoretical and practical insight into the legislative intricacies of Frontex's work examining the responsibility of the EU and scrutinising the interaction of international law and EU law with a focus on the principle of non refoulement

Inclusive Solidarity and Citizenship along Migratory Routes in Europe and the Americas Helge Schwiertz, Helen Schwenken, 2021-08-19 Inclusive Solidarity and Citizenship along Migratory Routes in Europe and the Americas links non essentialist concepts of solidarity and citizenship to migration in different empirical contexts The chapters in this edited volume analyse how civil society initiatives renegotiate societal structures in solidarity with people on the move noncitizens and racialized individuals and in doing so advance theorizing and contribute to current debates about citizenship and solidarity Focusing on solidarity among members of the so called majority society in Europe and the Americas this book offers a compendium of chapters that analyses particular practices of solidarity both material and symbolic as well as the mindsets discourses and broader societal contexts that provide the fundament of these practices As these empirical cases demonstrate the main argument of the book is that solidarity is not necessarily based on a pre established and exclusive community but that more inclusive solidarities arise through collective practices the emergence of new subjectivities and the mediation of differences Furthermore the book argues that it is analytically fruitful to associate concepts of citizenship with solidarity by proposing the concept of solidarity citizenship in order to bring into view societal modes of relating that are constitutive of collective as well as individual subjectivities The chapters in this book were originally published as a special issue of the journal Citizenship Studies **Human Trafficking Under International and Tanzanian Law** Nicksoni

Filbert Kahimba, 2021-03-13 This book deals with the problem of human trafficking in Tanzania in the light of international law and considers human trafficking as both a criminal offence in Tanzania and a human rights violation within international law in general The book broadens the reader's understanding of the subject of human trafficking and Tanzania's legal approach to the issue and allows the reader to grasp Tanzania's anti trafficking piecemeal efforts from the 1970s onwards

the reasons that made Tanzania ratify the Protocol to Prevent Suppress and Punish Trafficking in Persons Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime and Tanzania's National Assembly's deliberations regarding the enactment of the Anti Trafficking in Persons Act of 2008 and the impact those deliberations have had on the current legal framework of Tanzania It provides a firsthand critical analysis of the Tanzania anti trafficking law pointing out its strengths weaknesses and areas for improvement in a comprehensive manner such as has never been attempted before The book shares many tips and even insights on how to read and apply Tanzania's 2015 Anti Trafficking Regulations in relation to the main law harmoniously It also offers complete instructions for common law practitioners court personnel researchers and other anti trafficking personnel on how to investigate and prosecute human trafficking prevent trafficking both lawfully and from occurring as well as assist victims of human trafficking and protect their human rights Nicksoni Filbert Kahimba is a doctoral researcher in the Faculty of Law of the Humboldt University in Berlin in Berlin Germany The author also lectures at the School of Law of the University of Dar es Salaam in Tanzania

Specific to this book Contains the only up to date critical analysis of the Tanzanian anti trafficking law in light of international law Equips common law practitioners court personnel researchers and other anti trafficking personnel with basic principles on how to combat human trafficking effectively while also protecting the victims thereof Simplifies a complicated picture of human trafficking and its myriad aspects in respect to the Tanzanian anti trafficking legal and institutional framework This is Volume 27 in the International Criminal Justice Series

**Revisiting EU-Africa Relations in a Changing World** Fargion, Valeria, Gazibo, Mamoudou, 2021-09-07 This timely book explores the current state of EU Africa relations from a multidisciplinary perspective placing emphasis on recent developments in five areas that are crucial for EU Africa relations development cooperation trade migration security and democratization It considers how Africa's dependence on the EU has decreased due to the declining importance of development cooperation and increasing cooperation with emerging powers notably the BRIC nations

**Migration Law and the Externalization of Border Controls** Anna Liguori, 2019-03-27 Over the last few decades both the European Union and European States have been implementing various strategies to externalize border controls with the declared intent of saving human lives and countering smuggling but with the actual end result of shifting borders circumventing international obligations and ultimately preventing access to Europe What has been principally deplored is the fact that externalizing border controls risks creating legal black holes Furthermore what is particularly worrying in the current European debate is the intensification of this practice by multiple arrangements with unsafe third countries exposing migrants and asylum seekers to serious human rights violations This book explores whether European States can succeed in shifting their responsibility onto Third States in cases of human rights violations Focusing in particular on the 2017 Italy Libya Memorandum of Understanding the book investigates the possible basis for triggering the responsibility of outsourcing States The second part of the book examines how the Italy Libya MoU is only a small part of a

broader scenario exploring EU policies of externalization A brief overview of the recent decisions of the EU Court vis vis two aspects of externalization the EU Turkey statement and the issue of humanitarian visas will pave the way for the conclusions since in the author s view the current attitude of the Luxembourg Court confirms the importance of focusing on the responsibility of European States and the urgent need to investigate the possibility of bringing a claim against the outsourcing States before the Court of Strasbourg Offering a new perspective on an extremely topical subject this book will appeal to students scholars and practitioners with an interest in European Law International Law Migration and Human Rights

**Migrants' Rights, Populism and Legal Resilience in Europe** Vladislava Stoyanova,Stijn Smet,2022-06-02 Bringing together scholars of migration and constitutional law this volume analyses the problematic relationship between the rise of populism restrictions of migrants rights and democratic decay in Europe By offering both constructive and critical accounts it creates a nuanced debate on the possibilities for and limitations of legal resilience against populist erosion of migrants rights Crucially it does not merely diagnose the causes of restrictions of migrants rights but also proposes how the law might be used as a solution In this volume the law is considered as both a source of resilience and part of the problem at three distinct levels the legal theoretical the European and the national level It is a major contribution to the literature on migrants rights offering a nuanced account of how legal resilience might be used to safeguard migrants rights against further erosion in populist times This book is available as Open Access

*Postcolonial African Migration to the West* Belachew Gebrewold,2024-07-04 Postcolonial African migration to the West is not only a spatial movement in search of material and physical security but also an expression of the mimetic desire for being by imitating the West or whitening oneself against the background of the dehumanizing historical legacies of slavery colonialism and Western dominance It is a flight from oneself from perceived inadequacies To migrate to the West is an expression of the desire for being not through detachment from the fascinating West but rather through adoration and imitation of its lifestyle beauty ideals and soft and hard power and by living in the West The model the West builds ubiquitous anti migrant physical and virtual fences which the imitator tries to overcome The more the model re strengthens these fences the more the imitator tries to scale them The anti migrant fences are the meeting point of the model s perceived superiority admirability and desirability on the one hand and on the other hand the imitator s inferiority complex and inner tension between the paradoxical desire for detachment from the model and its passionate imitation at the same time This book argues that African migration to the West will continue even in the absence of poverty conflicts and climate change because it is also about the mimetic desire for being

**Frontex and Human Rights** Melanie Fink,2018-12-20 This book analyses the allocation of responsibility for human rights violations that occur in the context of border control or return operations coordinated by Frontex The analysis is conducted in three parts The first part examines the detailed roles and powers of Frontex and the states involved during joint operations focussing on the decision making processes and chains of command The second and third parts develop general rules that

govern the allocation of responsibility under public international law ECHR law and EU non contractual liability law in order to apply them to Frontex operations To illustrate the practical implications of the findings the study uses four hypothetical scenarios that are based on situations that have in the past given rise to human rights concerns The book concludes that whilst responsibility for most human rights violations lies with the host state of an operation it often shares this responsibility with participating states who contribute large assets as well as Frontex However the book also exposes how difficult it is for individuals to find a place for bringing complaints against violations of their human rights suffered at the EU s external borders This casts doubts on whether the current legal framework offers them an effective remedy

**Research Handbook on Transnational Crime** Valsamis Mitsilegas,Saskia Hufnagel,Anton Moiseienko,2019-12-27 This Research Handbook on Transnational Crime is an interdisciplinary up to date guide to this growing field written by an international cohort of leading scholars and experts It covers all the major areas of transnational crime providing a well rounded detailed discussion of each topic and includes chapters focusing on responses to transnational crime in specific regions

**'Boat Refugees' and Migrants at Sea: A Comprehensive Approach** Violeta Moreno-Lax,Efthymios Papastavridis,2016-11-21 This book aims to address boat migration with a holistic approach The different chapters consider the multiple facets of the phenomenon and the complex challenges they pose bringing together knowledge from several disciplines and regions of the world within a single collection Together they provide an integrated picture of transnational movements of people by sea with a view to making a decisive contribution to our understanding of current trends and future perspectives and their treatment from legal doctrinal legal theoretical and non legal angles The final goal is to unpack the tension that exists between security concerns and individual rights in this context and identify tools and strategies to adequately manage its various components garnering an inter regional multi disciplinary dialogue including input from international law law of the sea maritime security migration and refugee studies and human rights to address the position of migrants at sea thoroughly

**Human Dignity and International Law** Andrea Gattini,Rosana Garciandia,Philippa Webb,2020-12-15 Human dignity is a classical concept in public international law and a core element of the human rights machinery built after the Second World War This book reflects on the past present and future of the concept of human dignity focusing on the role of international lawyers in shaping the idea and their potential and actual role in protecting the rights of certain vulnerable groups of contemporary societies such as migrant women at risk of domestic servitude the LGB community and indigenous peoples

**The Duty of the Shipmaster to Render Assistance at Sea under International Law** Felicity G. Attard,2020-08-25 In The Shipmaster s Duty to Render Assistance at Sea under International Law Felicity G Attard examines the web of applicable international rules regulating one of the most fundamental obligations at sea The study explores the shipmaster s duty to render assistance at sea under treaty law customary international law and other international instruments It focuses on an assessment of the duty in light of contemporary challenges posed by the phenomenon of irregular migration by sea a problem which has intensified

in recent years Whilst Article 98 of the 1982 United Nations Convention on the Law of the Sea provides the basis for the regime regulating the duty the study addresses other relevant rules adopted by the International Maritime Organization and the International Labour Organization Due to the humanitarian ramifications of the rendering of assistance at sea the book considers further obligations imposed under human rights law and refugee law The study presents a comprehensive analysis of shipmaster s responsibilities in rescue operations and their role in the fulfilment of States international obligations in the rendering of assistance

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