



International Migration Law (IML)
NGO Learning Initiative

Session Six

International Migration Law: Migration and the law of the sea

Objective of the session: This session will consider the extent to which the law does and/or inadequately protects the rights of migrants, including through the obligation to render assistance to those in distress and obligations to ensure arrangement for distress communication and coordination in their area of responsibility and for the rescue of persons in distress at sea and around their coasts.

- ⇒ Introduction: Ian Kysel (5')
- ⇒ Speakers: **Charles Heller**, Researcher & Filmmaker and Co-President, Migreurop; **Itamar Mann**, Senior lecturer, University of Haifa, Faculty of Law, and legal advisor at the Global Legal Action Network (GLAN)

Joint intervention by both speakers (40')

- *Hirsi Jamma and others v. Italy*
- The rise of “pushback by proxy”
- The duty of rescue in the Central Mediterranean
- The November 6, 2017 Seawatch Incident
- *SS and others v Italy* – Jurisdictional challenges
- Future advocacy and litigation
- Trends worldwide

⇒ Questions and Answers (Q&A) session (40')

⇒ Closing remarks: Ian Kysel (5')

Further reading:

- UNHCR High Commissioner’s Dialogue on Protection Challenges, 2014 – Key Documents available at <https://www.unhcr.org/en-us/protection/migration/53c3a51d9/high-commissioners-dialogue-protection-challenges-2014-key-documents.html>
- Charles Heller and Lorenzo Pezzani, *Liquid Traces: Investigating the Deaths of Migrants at the EU’s Maritime Frontier* in THE BORDERS OF “EUROPE” : AUTONOMY OF MIGRATION, TACTICS OF BORDERING (Nicholas De Genova, Ed.) <https://read.dukeupress.edu/books/book/2363/chapter-abstract/956118/Liquid-TracesInvestigating-the-Deaths-of-Migrants?redirectedFrom=fulltext>
- Charles Heller and Lorenzo Pezzani, *Forensic Oceanography: Tracing Violence Within and Against the Mediterranean Frontier’s Aesthetic Regime* available at



https://www.dropbox.com/s/csr2fc5rhvhyx/Heller_Pezzani_The%20Mediterranean%20Frontier%E2%80%99s%20Aesthetic%20Regime.pdf?dl=0

- Cathryn Costello and Itamar Mann, *Border Justice: Migration and Accountability for Human Rights Violations*, 21 German Law Journal (2020) available at <https://www.cambridge.org/core/journals/german-law-journal/article/border-justice-migration-and-accountability-for-human-rights-violations/F43189E2B5EA3801157277E8C80F8623>
- Itamar Mann, *Maritime Black Holes: Migration and Rightlessness in International Law*, 29 Eur. J. Int'l. L. 347 (2018) available at <https://academic.oup.com/ejil/article/29/2/347/5057079>
- Itamar Mann, *The Right to Perform Rescue at Sea: Jurisprudence and Drowning*, 21 German Law Journal (2020), available at <https://www.cambridge.org/core/journals/german-law-journal/article/right-to-perform-rescue-at-sea-jurisprudence-and-drowning/3A9213ACE54457D8AC3D125BBA820EFD>
- Violeta Moreno-Lax, *The Architecture of Functional Jurisdiction: Unpacking Contactless Control – On Public Powers, S.S. and Others v. Italy, and the “Operational Model”*, 21 German Law Journal (2020), available at <https://www.cambridge.org/core/journals/german-law-journal/article/architecture-of-functional-jurisdiction-unpacking-contactless-control-on-public-powers-ss-and-others-v-italy-and-the-operational-model/AA2DADF2F1DCDD19E8F9E6E316D7C110>