



Jean Monnet Module EU-GLOBACT



Transnational Crime and EU Law: towards **Global Action** against **Cross-border** Threats to common security, rule of law, and human rights

1st Roundtable Debate

TRANSNATIONAL CRIME AT SEA, MARITIME CROSS-BORDER SECURITY AND EU GOVERNANCE FOR THE PROTECTION OF EU CITIZENS, VALUES AND INTERESTS

April 12, 2024

Chair

ROBERTO VIRZO

Full Professor of International Law, University of Messina

BIOGRAPHY

ROBERTO VIRZO is Full Professor of International Law at the University of Messina; member of the Doctoral Research College in Public Administration Sciences of the same University and adjunct professor of International Law at LUISS. He is the author of the monographs “*Il regolamento delle controversie nel diritto del mare: rapporti tra procedimenti*” e “*La confisca nell’azione internazionale di contrasto ad attività criminali*”, as well as numerous essays on international law published in qualified legal journals and in collective volumes. Since 2021 he has collaborated, as a legal expert, with the Service for Legal Affairs, Diplomatic Litigation and Treaties of the Ministry of Foreign Affairs and International Cooperation. He, among other things, participated in the negotiations *dell’Accordo tra la Repubblica Italiana e la Repubblica Croata sulla delimitazione della zona economica esclusiva* (Rome, 24 maggio 2022) and presented an *Oral statement* presso il Tribunale internazionale del diritto del mare nel caso No. 31, *Request for an Advisory Opinion Submitted by the Commission of Small Islands States on Climate Change and International Law* (Amburgo, 25 settembre 2023).

Introductory Speakers

ANNA ORIOLO

Associate Professor of International Law and EU Law, University of Salerno, JMM EU-GLOBACT Leader





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BIOGRAPHY

ANNA ORIOLO, Scientific Coordinator of the EU-GLOBACT Project, is Associate Professor of International Law and of European Union Law and European and International Criminal Law at the Department of Legal Sciences, University of Salerno. She is Founder and Director of the “*International and European Criminal Law*” on Cultural Issues, Human Rights, and Security (IECLO), based at the same University, where she is also Lecturer in Institutions of International Law and *Diplomatic and Consular Law* at the Department of Business Sciences - Management and Innovation Systems (DISAMIS). She has also been Lecturer in International Law and European Union Law at the University of Cagliari, at the Université Lumière Lyon 2, at the School of Specialisation for Legal Professions at the University of Salerno and is currently Visiting Professor at the University of Aix-Marseille. She is Scientific Coordinator for several research programmes funded by the University of Salerno (2006-2023) and her works (in Italian, English and French) covers a wide range of topics in the field of international and EU law, e.g. international criminal law and *crimina juris gentium*, human rights and fundamental freedoms, *cross-fertilisation*, cybersecurity, environmental and water protection, global law and policies, cultural heritage, ethics in international and EU law, corporate social responsibility.

Keynote Speakers

LIVIO SCIROCCO

Lieutenant Commander (ITCG), Senior Officer of the Italian Coast Guard, Naples

PRESENTATION TITLE

FRONTEX and Italy's Role in the EU Border Security

BIOGRAPHY

Lieutenant Commander (ITCG) LIVIO SCIROCCO is Senior Officer of the Italian Coast Guard at the Naples Coast Guard. He carried out his studies at the Italian Naval Academy in Livorno and graduated in "Nautical Sciences and Maritime and Aerial Technologies" at the Parthenope University of Naples. He is currently employed at the Maritime Safety Department of the Naples Coast Guard. He specializes as a Port State Control Officer, Duly Authorized Maritime Safety Officer, and Coordinator of Search and Rescue Operations. In the past he was Technical Officer of the Port of Salerno and Head of the Search and Rescue Department at the local Coast Guard offices of Molfetta and Salerno. He was also National Officer and Liason Officer of Frontex's joint operation Themis. Furthermore, he is National President





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of the Representative Body of the Italian Coast Guard. In recent years he has been involved in international missions for maritime security (China, Japan, Australia, Brazil, Korea, Europe, etc.) and in national operations as liaison officer for the port of Salerno during "Mare Nostrum". He has experience working with international teams, in particular with the European Maritime Safety Agency (EMSA). In May he will be engaged, as staff officer, in the IRINI - EUNAVFOR MED operation.

ABSTRACT

With EU Regulation n.2007/2004 of 26.10.2004 replaced, ultimately, by Regulation 2019/1896 of 13.11.2019, Frontex, i.e., the "European Border and Coast Guard Agency" was born.

The Agency is responsible for coordination and operational cooperation between Member States in the field of maritime border management and is also responsible for assisting Member States in circumstances requiring increased technical assistance at external borders, taking into account that certain situations may lead to humanitarian emergencies and, indeed, rescue at sea. As regards the surveillance of maritime borders, European Regulation no. 656/2014 defines the Union's policy in the sector of its external borders, namely that of ensuring the efficient control of border crossings while contributing to protecting and saving lives. This type of surveillance serves to prevent unauthorized border crossings, combat cross-border crime and stop people who have entered illegally, also including initiatives such as the interception of vessels suspected of wanting to enter the Union without submitting to prior border checks. The current main maritime joint operations under the aegis of Frontex, in which Italy participates with its own men and air and naval assets, are: Operation POSEIDON, Operation THEMIS and Operation INDALO.

MAURO MENICUCCI

Associate Professor of Maritime Law, University of Salerno

PRESENTATION TITLE

Safety at Sea and Migration Flows Between International, EU and National Law

BIOGRAPHY

MAURO MENICUCCI is Associate Professor of Navigation Law at the Department of Legal Sciences of the University of Salerno. At the same University, he was a member of the Academic Council of the PhD in International Law and Internal Law in International Matters and a member of the Academic Council of the PhD in Legal Sciences. He has been also a member of the Bar Association of the Court of Salerno since 2004. Furthermore, carrying out study and research activities, he visited the headquarters





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of the BAFIN (Bundesanstalt für Finanzdienstleistungsaufsicht - Federal Financial Supervision Authority) in Frankfurt/Bonn, the Court of Justice of the Union Tribunal in Luxembourg and the International Tribunal for the Law of the Sea in Hamburg.

ABSTRACT

This presentation concerns the international, EU and national legislation in force on the subject of migrants, state powers and rescue at sea. I will deal, in particular, with the issue of the territorial sovereignty of the State (and the related powers of intervention on ships transiting the coastal sea), also in light of the principle of non-refoulement, to be analysed, also, in consideration of recent regulatory and jurisprudential developments of the notion of "safe country", to which to repatriate irregular migrants. I will also deal with rescue in internal and international waters, with the connected and correlated powers of intervention in Search and Rescue (SAR) areas. In particular, specific attention will be dedicated to the notion of safe port and nearby port, both in relation to international conventions and domestic law. As for the latter, I will focus on the interventions of the Italian legislator regarding the powers of control of the port state of the ship (so-called "Port State Control"), also in consideration of the principles expressed in a recent intervention by the EU Court of Justice.

PANAGIOTA MANOLI

Associate Professor in Political Economy of International Relations, University of Peloponnese

PRESENTATION TITLE

The European Neighbourhood Policy as an External Governance Tool of the EU

BIOGRAPHY

PANAGIOTA MANOLI is Assistant Professor in Political Economy of International Relations at the Department of Political Science and International Relations, University of Peloponnese. She graduated from the Department of Political Science and Public Administration at the University of Athens and holds a PhD in International Relations from the University of Warwick (UK) where she studied as an A. Onassis Scholar. She has been Visiting Research Fellow at the Hellenic Observatory (LSE, 2018), Visiting Professor at the European Studies Center, University of Pittsburgh (2016), Policy Scholar at the Woodrow Wilson International Center for Scholars (Southeast Europe Project), Washington D.C. (2010). She taught at the Department of Mediterranean Studies, University of the Aegean (Rhodes, 2007- 2019) and worked as the Director of Studies and Research at the International Center for Black Sea Studies – ICBSS (Athens, 2005-2009) and in the Economic Affairs Committee of the Parliamentary Assembly of Black Sea Economic Cooperation (Istanbul, 2000-2004). She was also member of the Scientific Staff of





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Jean Monnet European Center of Excellence of the University of Athens. Currently, Professor Manoli is an Associate Editor of the Journal Southeast European and Black Sea Studies (Routledge/Taylor and Francis) and an Associate Researcher at the Hellenic Foundation for European and Foreign Policy. She was also member of Scientific Staff of Jean Monnet European Center of Excellence of the University of Athens.

ABSTRACT

This presentation analyzes the EU's action in the European neighbourhood. In doing so, the paper focuses on the EU's external governance efforts in the eastern region of the European neighbourhood, the Black Sea area. Key issues to be addressed include the existence of a coherent EU approach to regional governance and the how the EU seeks to address maritime challenges in the Eastern European neighbourhood.

Scheduled Speeches

ROBERTO ARREGHINI

Honorary Fellow in International Law and Diplomatic and Consular Law, University of Salerno

SPEECH TITLE

EU, Houty and International Piracy

BIOGRAPHY

ROBERTO ANTONIO ARREGHINI is a Honorary Fellow in international law and diplomatic and consular law at the University of Salerno. He obtained, with honours, a degree in Economics and Commerce with a thesis in International Organization and a degree in Law, with a thesis in International Law at the Federico II University of Naples. At the same University he obtained a specialization in Criminal Law and Procedure. PhD in "International Law and Internal Law in International Matters" at the University of Salerno, he also obtained a specialization in Legal Professions from the same university and two master's degrees in Legal Professions from the Orientale University of Naples. His research interests range from the repression of international crimes to the protection of human rights in the international and European context.

ABSTRACT





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To examine the situation in the Red Sea and the related NATO mission, it must first of all be noted that, while the pirates of Somalia do not raise significant problems of international criminal law because they are peacefully criminal gangs and piracy in international waters has always been subject to the jurisdiction universal, the situation of the Houthis in Yemen is much more complex: it is a question of establishing whether they are a subject of international law, and possibly of what type, to what extent and under what conditions the attacked ships can exercise the right of defense and finally whether the flag state can exercise concrete criminal jurisdiction against the aggressors; it is clear that the safety of navigation in the Red Sea is of fundamental interest for the EU which includes eight Mediterranean states among its members. Furthermore, it must be assessed whether, in some particular cases, international crimes with the related consequences can be hypothesized.

EU-GLOBACT Students Topics

FRANCESCO FOCCILLO

Graduate Student in Global Studies and EU, University of Salerno

SPEECH TITLE

EU and the Italian Defence and Security Strategy in the Mediterranean

BIOGRAPHY

FRANCESCO FOCCILLO is Graduate in Political Science and International Relations at the University of Salerno with a thesis in History of political parties and labor unions on "The transition of the Republic: politics and financial recovery in Italy (1989-1994)". He is currently enrolled in the master's degree course in Global Studies and EU in International Relations at the University of Salerno. Furthermore, he is a member of the International & European Criminal Law Observatory (IECLO), at the Department of Legal Sciences at the same University.

ABSTRACT

Transnational crime finds fertile ground in regions where the security and stability of state institutions are insufficient. Italy's central position in the Mediterranean and the acceleration of security risks (internal, European and global) due to the recent Ukrainian crisis have oriented the national authorities towards policies to strengthen the military component; this approach, moreover, is widely shared between the partners of the European Union and the Atlantic Alliance. In this perspective, the Italian Ministry of Defense prepared a specific security and defense strategy for the Mediterranean in 2022, preceded, in





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2017, by the similar Italian strategy promoted by the Ministry of Foreign Affairs for crisis management and building positive agency.

The 2022 programmatic document places the so-called "Wider Mediterranean" in a position of centrality and relevance and outlines the guidelines and directions to protect strategic interests and national security, project stability in scenarios whose dynamics have repercussions on Europe and contribute to the security policy of the relevant international organizations (NATO, EU and UN).

Final Debate

