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Playing with maritime lines and migrant lives: SARs* and Australian extraterritorial bordering practices at sea

Manipulando linhas marítimas e vidas migrantes: SARs as práticas de fronteirização extraterritorial australianas no mar*

Manipulando líneas marítimas y vidas migrantes: SAR y las prácticas de fronterización extraterritorial australianas en el mar*

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* The acronym "SARs" refers here to "Search and Rescue regions", as they are internationally conceived within the international regime established by the 1974 Convention on Maritime Search and Rescue. We will further comment SARs throughout this article.

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Abstract

This article examines how Australia's maritime migration control practices reveal the strategic manipulation of Search and Rescue (SAR) regions for extraterritorial border enforcement. Whilst SAR zones were originally conceived as humanitarian mechanisms, they have been transformed into instruments of migration control and sovereign bordering practices. Despite international human rights and refugee regimes, the protection of migrants at sea remains contingent upon sovereign discretion rather than universal rights. The article argues that the legalisation of maritime spaces has not led to accountability but rather enabled a 'sovereign game' in which states strategically navigate jurisdictional boundaries, manipulate rescue protocols, and circumvent responsibilities, thereby enacting juridical limbo at sea. These practices exemplify necropolitical dynamics where human lives are subjected to strategic bordering practices and, not uncommonly, abandoned to die at sea.

Keywords: Maritime migration control, Extraterritoriality, Sovereignty, Sea, Mobility.

Resumo

Este artigo examina como as práticas australianas de controle de migração marítima revelam a manipulação estratégica das regiões de Busca e Salvamento (SAR) para fiscalização extraterritorial de fronteiras. Embora as zonas SAR tenham sido originalmente concebidas como mecanismos humanitários, foram transformadas em instrumentos de controle migratório e práticas de fronteirização soberana. Apesar dos regimes internacionais de direitos humanos e de refugiados, a proteção de migrantes no mar permanece contingente à discricionariedade soberana, em vez de direitos universais. O artigo argumenta que a legalização dos espaços marítimos não resultou em responsabilização, mas sim permitiu um 'jogo soberano' em que os Estados navegam estrategicamente por limites jurisdicionais, manipulam protocolos de resgate e evadem responsabilidades, instituindo limbos jurídicos no mar. Estas práticas exemplificam dinâmicas necropolíticas em que vidas humanas são submetidas a estratégias de fronteirização e, não raramente, abandonadas para morrerem no mar.

Palavras-chave: Controle migratório marítimo, Extraterritorialidade, Soberania, Mar, mobilidade.

Resumen

Este artículo examina cómo las prácticas australianas de control migratorio marítimo evidencian la manipulación estratégica de las regiones de Búsqueda y Salvamento (SAR) para el control fronterizo extraterritorial. Aunque las zonas SAR fueron originalmente concebidas como mecanismos humanitarios, han sido transformadas en instrumentos de control migratorio y en prácticas de fronterización soberana. A pesar de los regímenes internacionales de derechos humanos y, en lugar de a derechos universales. El artículo

argumenta que la legalización de los espacios marítimos no ha resultado en rendición de cuentas, sino que ha habilitado un 'juego soberano' en el que los Estados navegan estratégicamente por los límites jurisdiccionales, manipulan protocolos de rescate y evaden responsabilidades, creando limbos jurídicos en el mar. Estas prácticas ejemplifican dinámicas necropolíticas en las que vidas humanas son sometidas a estrategias de fronterización y, no raramente, abandonadas para morir en el mar.

Palabras clave: Control migratorio marítimo, Extraterritorialidad, Soberanía, Mar, Movilidad.

Introduction

Australia's maritime migration control practices, particularly Operation Sovereign Borders (OSB), exemplify the "sovereign game" of nation-states operating in extraterritorial maritime spaces. This sovereign exercise involves intercepting vessels carrying migrants and refugees within Search and Rescue (SAR) zones—spaces of international responsibility rather than Australian sovereign territory. Such practices extend state sovereignty at sea, transforming SARs, originally intended to protect life, into de facto border-control checkpoints. By examining Australia's extraterritorial bordering and migration control in international waters, this article critically interrogates the limitations of international law and policy in contemporary global governance.

Historically, state sovereignty has been anchored in terrestrial territory. In the maritime domain, however, states strategically project this sovereignty onto international seas, exploiting the imprecision of maritime boundaries to evade responsibility and redefine what is "inside" and "outside" the national territory. The modern international system continues to operate under a state-centric territorial logic that legitimises a renewed sovereign game. Consequently, the protection of migrants and refugees at sea becomes contingent on the strategic sovereign practices of nation-states, which manipulate SAR rules to achieve border control objectives, leaving individuals vulnerable and abandoned (Salter 2012; Vaughan-Williams 2015).

Even following the emergence of international human rights and refugee protection regimes, these frameworks operate within an international legal and political grammar fundamentally anchored to a state-centric, terrestrial logic. The recognition of universal human rights and crimes against humanity constitutes a

systemic challenge to state sovereignty (Lauterpacht 1968; Donnelly 2007; Reus-Smit 2001). Yet the premise that terrestrial space is the "mythological mother" of international law and order endures (Schmitt 2003). Critical thinking about sovereignty at sea reveals how extraterritorial bordering and migration control exemplify the "sovereign game" in maritime spaces (Parker and Vaughan-Williams et al. 2009; Parker and Vaughan-Williams 2012).

SAR zones, established under conventions such as SOLAS and SAR, assign coastal states primary responsibility for responding to distress calls. While designed to protect life, these zones are susceptible to strategic appropriation for extraterritorial border control. In this environment, the international protection of migrants and refugees depends on the sovereign manoeuvres of nation-states. Legalised infrastructures allow states to navigate, exploit, or avoid international responsibilities, often leaving migrants abandoned at sea (Agamben 1998 ; Vaughan-Williams 2015; Salter 2012; Minca and Vaughan-Williams 2012; Gammeltoft-Hansen and Aalberts 2018; Aalberts and Gammeltoft-Hansen 2018).

SAR zones exemplify a sovereign game of legalised international politics, combining legalisation and politicisation. States exercise authority through sovereign vessels and extraterritorial operations, operationalising border control at sea. In Australia, these practices displace national border management to extraterritorial maritime spaces, demonstrating the infrastructural capacity of the international system to enable sovereign strategies while maintaining the illusion of legality (Schmitt 2003; Parker and Vaughan-Williams 2012).

The international constitution of SAR regions does not guarantee the protection of migrants or refugees. Instead, it establishes a legalised political arena in which states can exercise extraterritorial sovereignty, strategically navigating maritime boundaries while leaving lives at risk (Vaughan-Williams 2015; Salter 2012). This is evident in the Mediterranean context: in 2023, UNHCR and IOM reported over 200,000 attempted crossings from Algeria, Libya, and Tunisia to Europe, with more than 3,155 fatalities or disappearances at sea (UNHCR and IOM 2023).

In the Australian context, Operation Sovereign Borders illustrates the sovereign stakes in maritime migration control. According to the Refugee Council of Australia, between 2013 and February 2024,[5] OSB led to 23 boats with 1,309 arrivals, 47 boats with 1,121 people intercepted and returned, and 112 boats with 3,651 individuals disrupted in cooperation with foreign states. These figures underscore

5 Information available at: https://www.refugeecouncil.org.au/asylum-boats-statistics/, last accessed on December 04, 2024.

the extraterritorial dimension of sovereign power over maritime crossings and the human consequences of strategic border management.

The MV Tampa incident and OSB further demonstrate how sovereignty is performatively extended beyond land through legal, spatial, and institutional mechanisms. Maritime rescue regimes, designed to save lives, are transformed into instruments of border governance, revealing the persistence of a terrestrial logic within international law. Cartographically, this is reinforced by the 2022 UN Map of the World (Figure 2), where land—continents and islands—is delimited and named as loci of political authority, while oceans appear undifferentiated, symbolising ungoverned spaces (Walker 2010; Schmitt 2003). Such representations perpetuate a land-centric international imagination, rendering the sea politically invisible. Examining empirical cases such as OSB and Tampa reveals the sea as a contested space of sovereignty, authority, and life.

This article is organised into four main sections. The first analyses Australia's extraterritorial maritime practices through the cases of the MV Tampa and Operation Sovereign Borders. The second examines the conceptual and cartographic dimensions, interrogating the terrestrial bias of international political imagination. The third addresses the legal architecture of SAR zones and their instrumentalisation for sovereign border control. The final section synthesises the argument, connecting empirical and theoretical insights to the broader problems of sovereignty, international law, and human rights protection at sea.

By focusing on the maritime dimension, this article challenges assumptions of state sovereignty tied exclusively to land. It demonstrates that international law, while appearing universal, is mediated through state-centric and territorial logics that can enable the strategic manipulation of extraterritorial spaces. Australia's practices at sea, alongside Mediterranean migration crises, illustrate that the protection of human life remains contingent upon sovereign interests rather than legal obligations. Consequently, examining maritime sovereignty and bordering practices provides critical insight into the enduring gaps between legal norms, human rights, and the lived realities of migrants and refugees.

In conclusion, the Australian case highlights how the modern international order operationalises state-centric sovereignty through extraterritorial maritime spaces. SAR zones, intended for rescue, are transformed into instruments of border control, leaving migrants vulnerable and exposed. The terrestrial bias of international law and political imagination obscures the political significance of the sea, permitting states to "play" their sovereign game while circumventing accountability. Addressing these challenges requires rethinking maritime sovereignty, the conceptualisation

of international territory, and the protection of human rights beyond land-based frameworks, recognising the sea as a vital site of power, law, and life.

Australian extraterritorial bordering practices at sea

In 2001, the Norwegian-flagged MV Tampa responded to Australian search and rescue authorities' request to investigate a distress call from an Indonesian vessel carrying 433 Afghan refugees. The Tampa rescued them approximately 75 nautical miles off Christmas Island, an Australian territory. Initially heading for Indonesia, the ship's captain, Rinnan, changed course under pressure from the refugees, who were in precarious health and demanded to reach Australian territory. He sent distress calls and decided to sail to Christmas Island's harbour. When Captain Rinnan requested entry to Australian territorial waters, authorities immediately denied permission. He proceeded regardless, only to be intercepted by Australian armed forces who seized control of the ship. The 433 Afghan refugees were eventually transferred to New Zealand and Nauru through an agreement with the Australian government (Barnes, 2004; Gammeltoft-Hansen, 2008). This incident precipitated Australia's "Pacific Solution", a policy aimed at intercepting maritime migrants and refugees and transferring them to offshore island states for migration control and asylum processing (Willheim 2003 ; Barnes 2004; Pugh 2004; Kneebone 2006 , Gammeltoft-Hansen and Aalberts 2018).

Australia's migration control apparatus represents a paradigmatic case of how states strategically externalise their international maritime borders and obligations. This involves the systematic deployment of legal, spatial, and institutional mechanisms to perform sovereign bordering practices (Parker and Vaughan-Williams et al., 2009; 2012). Scholars such as Mountz (2011) and Walters (2006) contend that border control is increasingly detached from territorial limits, effectively relocating sovereignty to offshore and extraterritorial zones. The "Pacific Solution" (2001) and its subsequent, militarised reconfiguration as "Operation Sovereign Borders" (OSB) (2013) embody this shift. These policies established offshore detention regimes on Nauru and Manus Island—sites deliberately excised from Australia's legal migration zone. This political and legal manoeuvre was engineered to decouple physical arrival from legal entry, thereby preventing asylum seekers arriving by sea from lodging claims under Australian law and, crucially, from circumventing both domestic and international obligations. This approach mirrors a broader global trend towards outsourcing migration control, evidenced by similar deterrence and

containment mechanisms adopted by the European Union (Scarpello, 2019) and replicated by the United Kingdom's "stop the boats" policy.

"Operation Sovereign Borders" introduced a militarised, whole-of-government approach to irregular maritime migration, reflecting what Vaughan-Williams (2015) describes as the "everywhere border"—a dispersed, mobile, and deterritorialised assemblage of control. Key instruments included naval forces to intercept and forcibly return vessels ("turnbacks"), strategic secrecy to withhold information from public scrutiny, and robust communication campaigns reinforcing zero-tolerance stances. Following Mountz's (2010) analysis of offshore carceral geographies, this approach transformed international maritime space into zones of containment, exclusion, and bordering practices (Parker and Vaughan-Williams 2012; Salter, 2012; Vaughan-Williams 2015), where state power operates in legally ambiguous international contexts, shielded from judicial oversight. Read alongside broader global trends identified by Menjívar (2014), Australia's policies reveal an evolving architecture of migration deterrence that blurs distinctions between international humanitarian protection and national security. Sovereignty, in this framework, is no longer confined to territorial national borders but continuously rearticulated across mobile, fragmented, and outsourced legalised international spatial regimes.

In 2014, an Australian military vessel was captured on ABC News television towing a small lifeboat back into Indonesian waters (ABC News Australia 2014 a; 2014b). The dinghy was towed for three hours before drifting into a bay near Kebumen village. Refugees aboard were compelled to jump into treacherous riptides and swim nearly thirty metres to shore (Coddington 2018). This occurred a year after the establishment of Operation Sovereign Borders, a military border control programme designed to reduce the number of migrants and refugees arriving by boat.[6] Particularly noteworthy were the towing operations of intercepted boats returned to Indonesian waters without a clear delineation of whether interception occurred within Australian territorial or extraterritorial space. These bordering operations (Parker and Vaughan-Williams 2012) are performed variably in accordance with maritime boundaries established by the United Nations Convention on the Law of the Sea (UNCLOS) and subsequently by the International Convention for the Safety of Life at Sea (SOLAS) and the Convention on Maritime Search and Rescue (SAR).

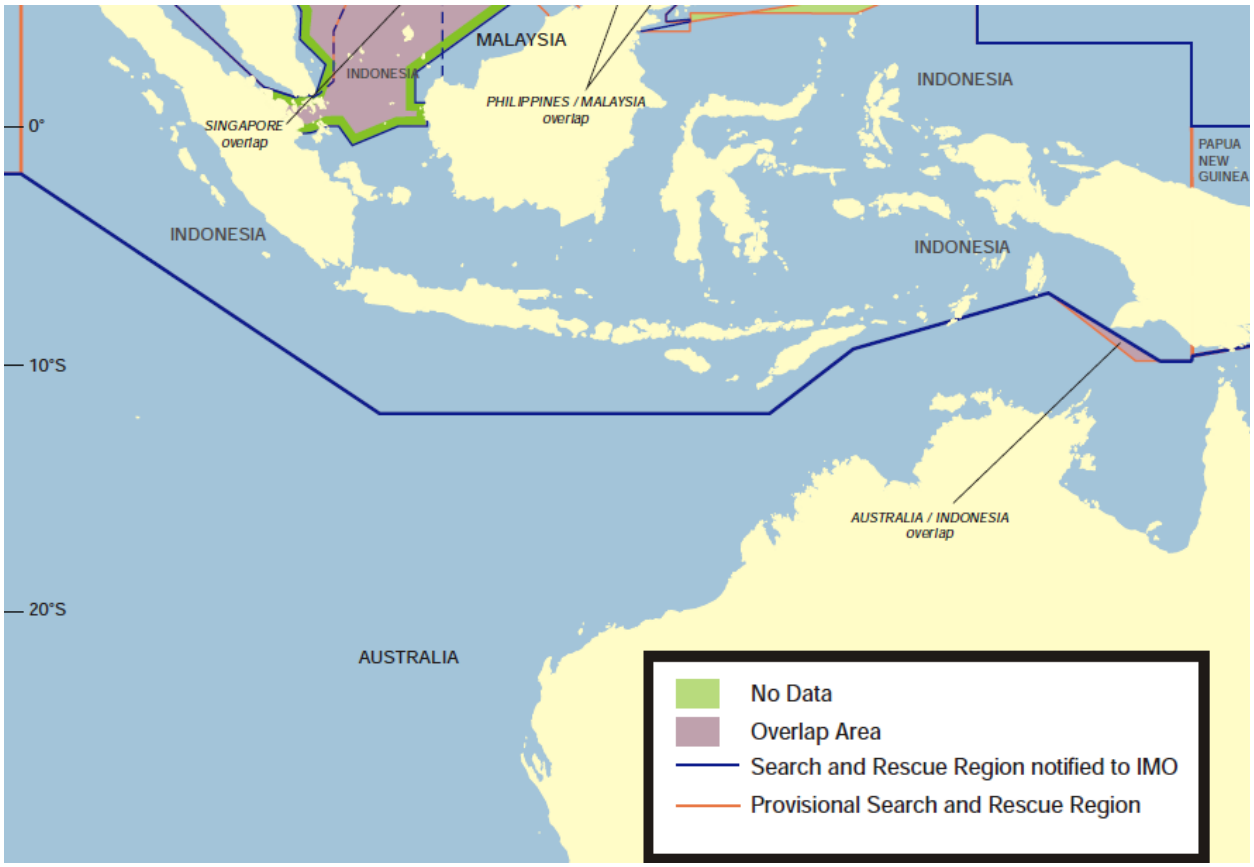
Australia's policy of non-disclosure of interception locations creates critical hurdles for legal experts attempting to assess compliance with international law. This calculated ambiguity, alongside complex decision-making regarding distress

6 For more (detailed) information, see the Refugee Council of Australia's webpage available at: https://www.refugeecouncil.org.au/asylum-boats-statistics/, last accessed on December 04, 2024.

declarations, suggests that the interdiction of migrants' vessels serves as a form of strategic, legally sanctioned political action. However, if migrant vessels are deemed to be in danger, they fall under the strictures of the SAR Convention (Coddington 2008). Therefore, any Australian-flagged vessel claiming to operate within SAR-governed waters, or asserting a dinghy is in danger, is legally bound by international maritime law to deliver all rescued individuals from the high seas to a certified place of safety.

The SAR Convention grants Australia the authority to intercept vessels deemed to be in distress within its SAR region. By patrolling and conducting searches along the border with Indonesia's SAR region (Parker and Vaughan-Williams 2012), Australia performatively engages in "borderwork" (Rumford 2012) to disrupt migrant vessels. Furthermore, under SOLAS and SAR, rescued individuals must be disembarked at the nearest coastal port. Given the proximity of the SAR boundary to Indonesian ports (see Figure 1), Australia strategically anticipates its migration control by extraterritorially returning or reorienting migrant boats to Indonesian territory.

Figure 1: IMO Maritime SAR Regions[7]



7 Available at: https://www.dco.uscg.mil/Portals/9/CG-5R/nsarc/IMO%20Maritime%20SAR%20Regions.pdf.

The 2001 Tampa case offers a paradigmatic illustration of the strategic manipulation inherent in contemporary border governance. This incident unfolded amid Australia's implementation of the "Pacific Solution", a policy designed to deter irregular maritime arrivals by relocating asylum processing to offshore facilities. A central feature of this policy was a significant legalised political manoeuvre: the excision of specific Australian islands—and subsequently, the entire Australian territory—from the national "migration zone". This spatial-legal reconfiguration meant that individuals arriving on excised islands without valid visas were not legally deemed to have "arrived" in Australia under immigration law. Consequently, these persons became ineligible to claim protection onshore and were subjected to detention and processing in extraterritorial facilities, primarily on Nauru and Manus Island. This strategic severance of the link between physical presence and legal arrival produced an international juridical limbo—or space of a-legality (Lindahl 2013)—at sea.[8]

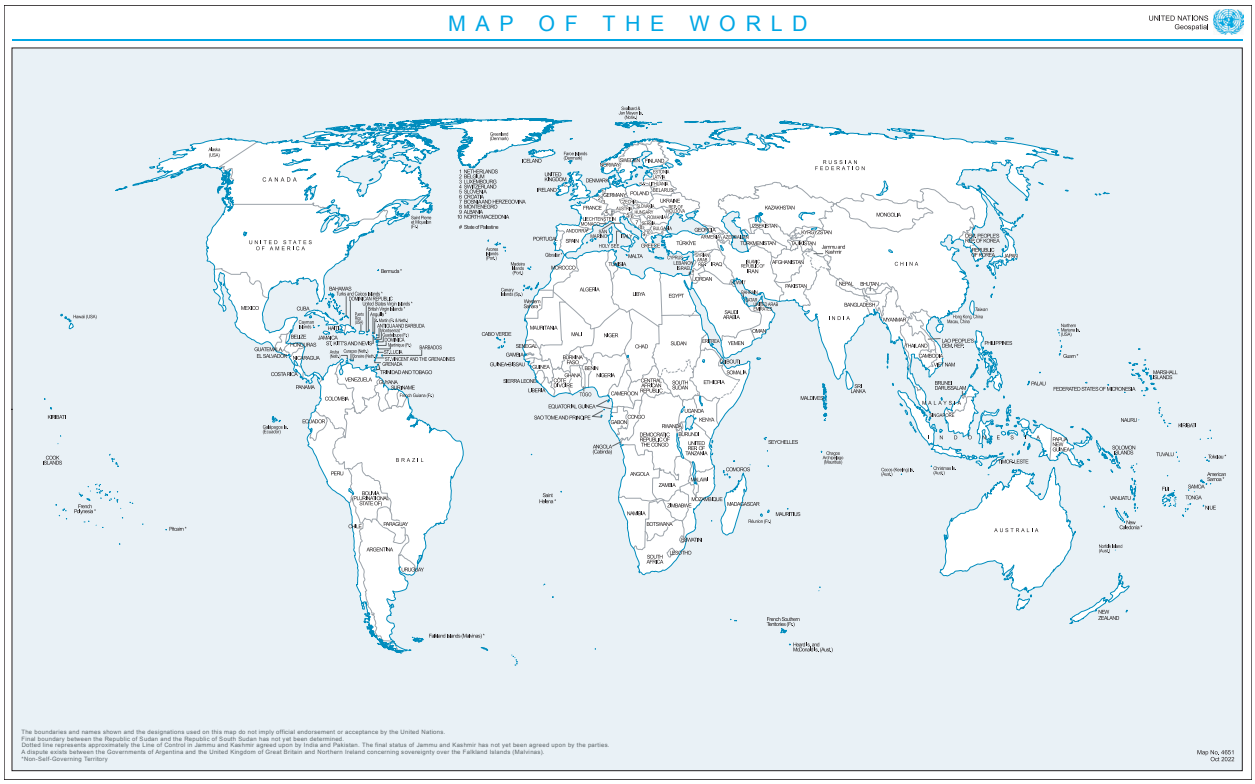
The Tampa case demonstrates the state's sovereign capacity to deploy law as a spatial technology of power. By creatively reinterpreting concepts of territory and sovereignty, the state systematically evaded international obligations, particularly those associated with the 1951 Refugee Convention, while simultaneously performing bordering practices and maintaining effective control over extraterritorial migration flows. It underscores how international maritime and terrestrial national borders are intricately interwoven in contemporary statecraft. Borders are revealed not as mere fixed geographical demarcations, or 'lines in the sand' (Parker and Vaughan-Williams et al., 2009), but as a plastic construct involving numerous international bordering practices (Parker and Vaughan-Williams 2012; Minca and Vaughan-Williams 2012; Salter, 2012) and borderwork (Rumford, 2012). This plasticity allows borders to be performatively extended, enabling states to play the international sovereign game strategically.

8 For Hans Lindahl (2013: 43), *a-legality* insinuates that every concrete legal order is fundamentally (de)limited in spatial, temporal, subjective and material terms, insinuating, moreover, the *limits* and *fault lines* of a legal order. In other words, it insinuates that legal order has an *outside* – which is not only constitutive, but also *strange* and *indeterminate*. For him, the *politics of a-legality* is a politics that responds to that which belongs "to an outside that must be protected as an outside" (Lindahl, 2013, p. 254). Our suggestion in this article is that the Australian case provides traces of this politics of abandoning (Agamben, 1998; Salter, 2012) migrant lives at sea to the outside of the international protection of human rights.

Displacing the telluric international political imagination

The UN Geospatial (2022) world map (Figure 2) reinforces two correlated assumptions of the modern international political world and imagination. Firstly, it corroborates the telluric, land-based character of the modern international nomos of the earth, as Carl Schmitt (2003, 2015) has mythologically articulated. Secondly, it naturalises the nation-state form (Walker 1993, 2010) and its accompanying assumptions about fundamental articulations between the sovereign state, the nation, and the national population and territory. As Hedley Bull (2002) would have it, this is the world map of the global(ised) society of states. According to Bull (2002, 8), each state possesses a government and asserts sovereignty over a particular portion of the earth's surface and a particular segment of the human population. Thus, despite its invisibility in the UN's map, there is yet another correlated assumption of the modern international political imagination accompanying that picture of the world: the proper space of and for the individual human being.

Figure 2: Map of the World, UN Geospatial (2022)[9]



9 Map of the world, UN Geospatial (2022), available at: https://www.un.org/geospatial/content/map-world, last accessed on 28/11/2024.

As Walker (1993) argues, the inside of the state is fundamentally naturalised as the proper space for the individual within the modern international political world. This world constitutes a scalar, onto-political formation comprising an international system of nation-states, which are themselves composed of citizen-subjects (Walker 2010). The modern international political world enacts a 'triple exceptionalism' (Walker 2004, 248), managing the tension between universality and particularity, unity and plurality. This exceptionalism negatively (Fitzpatrick 2001; Yamato 2014) normalises the spatial, temporal, and subjective properties of the modern international system, the nation-state, and the individual citizen-subject (Walker 2010). Within this multi-scalar architecture of divided subjectivities (Walker 2018), a core international rule (Schmitt 2005) dictates that the individual must be a national citizen of one of the system's constituent nation-states (Walker 2010).

The crucial implication is that the modern international political world architectonically naturalises a system-society of sovereign nation-states, composed, in turn, of individual national citizens. This presupposes that the proper space for the individual is within their particular nation-state, positioning internal state-citizen relations as a non-international issue. This historical conditioning led to a pervasive methodological nationalism in the conventional history of human rights. Following Hannah Arendt's famous formulation (2012), a fundamental correlation exists between the sovereign nation-state form and the effective protection of individual human rights. Consequently, the decline or failure of the sovereign nation-state is correlated with the decline, failure, or, indeed, the end of individual human rights (Arendt 2012). Problems such as denationalisation, statelessness, genocide, and forced migration are not only interconnected. Still, they are fundamentally linked to the rupture of domestic relations between the sovereign nation-state and its individual national citizens.

Indeed, the international human rights and refugee regimes were correlated responses to these grave problems, which seriously challenged the constitutional architecture of international society during the Second World War (Arendt 2012; Donnelly 2007; Haddad 2008). As Monica Herz and Roberto Yamato (2018) observed, the emergence of those international regimes marked a profound transformation of international society's constitutional structure (Reus-Smit 1999, 2001) and its laws governing violence. In close articulation with the emergence of international criminal law and international tribunals, the reconstruction of international humanitarian law, and the new international regime of the use of

force based on the UN Charter, the international regimes of human rights and refugee protection formally recognised the individual human being as both a proper object and proper subject of international law and international relations (Herz and Yamato, 2018). Even if only complementarily, the international community had now become an appropriate space for the individual human being and her (inter)national protection (Teitel 2011; Ferris 2011).

The international recognition of crimes against humanity and universal human rights entailed a fundamental revision of the traditional concept of state sovereignty and related assumptions about non-intervention, domestic jurisdiction, and how a sovereign nation-state must legally and legitimately treat its own national citizens within its territory (Donnelly 2007; Yamato 2014). Conversely, the international regime establishing the non-refoulement (non-return) rule and the international protection of refugees and their fundamental human rights meant that the sovereign nation-state had to (inter)nationally reconsider how it would control its borders and receive and protect forced international migrants—that is, non-national-citizens, refugees, and stateless individual human beings fleeing persecution and grave human rights violations elsewhere and coming into its sovereign territory and domestic jurisdiction (Haddad 2008; Jubilut 2007).

However, despite these significant and profound transformations, a particular assumption and characteristic of the modern international order —its land-based character—remains naturalised and unproblematised. After all, paraphrasing Schmitt (2003), the terrestrial space of the earth is the mythological mother of (inter)national law and order. Indissociable from the modern international political world and its accompanying nation-state form, the telluric nature of this globalised political order still provides the naturalised ground and condition of possibility for the lines, borders, and names internationally conditioning and framing that Map of the World (Figure 2) drawn by the UN Geospatial (2022). But what would happen if we moved from the delimited and named white continents and islands of that world map towards its light-blue, unnamed, and undelimited 'wet ontologies' (Steinberg and Peters 2015) and spaces? What would happen if we displaced critical thinking on international human rights and international protection of migrants and refugees towards the extraterritorial maritime spaces of the globe?

Moving from land to sea, this article aims to draw attention to and rethink the limits and fault lines (Lindahl 2013) of international protection for migrants and refugees in the maritime spaces of the earth. For this purpose, we draw attention

to particular cases involving Australia and its sovereign bordering practices and mobility controls in the Indian Ocean and the Timor Sea. By focusing on these cases, where the intensity of such international displacements is amplified by the provisions of the 1974 International Convention for the Safety of Life at Sea and the 1979 Convention on Maritime Search and Rescue, this article seeks to illuminate the international legal and political infrastructure and the dynamics of sovereign strategies (Gammeltoft-Hansen and Aalberts 2018), bordering practices (Parker and Vaughan-Williams 2012), and mobility control enabled by maritime Search and Rescue Regions (SARs) and its accompanying assumptions about the modern international political world.

More specifically, we examine Australian extraterritorial strategies, bordering practices, and migration control within the sovereign game (Gammeltoft-Hansen and Aalberts 2018), enabled by the international playboard composed of maritime SARs. These issues generally fall within the broader framework of the 1982 United Nations Convention on the Law of the Sea, which governs a wide range of ocean-based activities. However, examining the human rights abuses documented in those Australian cases reveals a disturbing trend: the international protection of migrants' and refugees' human rights at the high seas is contingent upon the arbitrary will of sovereign nation-states. Moreover, historical evidence suggests that there is no effective international obligation, institution, or mechanism to uphold those (alleged) universal rights in such extraterritorial maritime environments, leaving individual human beings at the mercy of governmental discretion.

SARs and the international sovereign game at sea

In 1956, the first UN Conference on the Law of the Sea (UNCLOS I) took place, resulting in four international conventions (1958-1960).[10] In 1960, with no new agreements in place, the second UN Conference on the Law of the Sea (UNCLOS II) excluded developing nations from participating in the discussions. In 1962, the Convention on the High Seas entered into force. In 1964, the Convention on the Territorial Sea and Contiguous Zone and the Continental Shelf entered into force. In 1966, the Convention on Fishing and Conservation of Living Resources

10 One on the Territorial Sea and Contiguous Zone; a second one on the Continental Shelf; a third on the High Seas and Fishing; and a fourth on the Conservation of Living Resources of the High Seas.

of the High Seas entered into force (Schoolmeester and Baker 2008). In 1973, the third UN Conference on the Law of the Sea (UNCLOS III) initiated a lengthy process that culminated in 1982 with the adoption of the UN Convention on the Law of the Sea (UNCLOS), which superseded the four 1958-1960 treaties and entered into force in 1994. Currently, 160 states and the European Union are parties to the UNCLOS. In addition, 18 states have signed but not yet ratified the Convention.[11]

The regulation of maritime mobility gained significant traction after the Second World War, coinciding with the onset of the Cold War and the establishment of the UN. Crucially, the sea has since been organised based on a territorial, telluric international political imagination. This historical context is fundamental to interpreting the sovereign strategies observed in the Australian cases of migrants and refugees traversing the Indian Ocean and Timor Sea. The inhospitable maritime spaces migrants cross are geometrically delimited by sovereign international lines that enable nation-states to engage in various strategic practices in accordance with international conventions and laws.

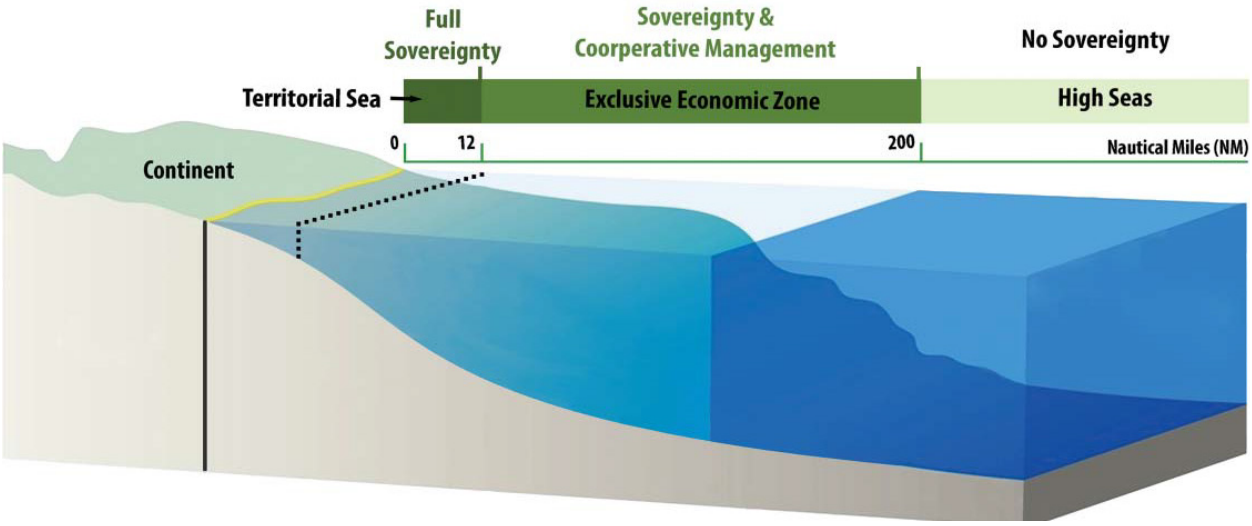
Paraphrasing Gammeltoft-Hansen and Aalberts (2018), the legalisation of maritime spaces established a new international legalised political game. This game also facilitated a form of politicisation in which sovereign states are authorised (or at least not explicitly prohibited) to enact creatively and strategically extraterritorial bordering practices at sea (Parker and Vaughan-Williams 2012). These practices substantiate the phenomenon of border externalisation critically analysed by Cobarrubias et al. (2023), who contend that states project their migration control power far beyond their geographic boundaries, thereby transforming the sea into a diffuse zone of control.

Maritime regions exhibit diverse legalised political frameworks, jurisdictional regimes and state practices. The picture below (Figure 3), borrowed from Elizabeth Havice (2018), illustrates how these legal regions are internationally delimited and organised. According to the UNCLOS, for instance, internal waters are defined as those waters situated landward of the baseline from which the breadth of the territorial sea is measured. Coastal states exercise complete sovereignty over their internal waters, treating them as an extension of their land territory. Concerning the territorial sea, coastal states may claim a maritime zone extending up to twelve nautical miles from their baselines. The coastal state exercises sovereignty over

11 Schoolmeester & Baker. 2008.

the sea, airspace, seabed, and subsoil within this zone. In contrast, the Exclusive Economic Zone (EEZ), a novel concept codified by UNCLOS, starkly contrasts with other maritime zones that have historical roots in earlier international law. Coastal states are empowered to claim an EEZ extending 200 nautical miles from their baselines. Within this zone, the coastal state exercises exclusive rights to exploit or conserve all resources, both living (e.g., fish) and non-living (e.g., oil and natural gas), located within the water column on the seabed or beneath it (Schoolmeester and Baker 2008). Beyond the EEZ, paraphrasing Schmitt (2003), there is *no* sovereignty on the High Seas.

Figure 3. Ocean zones and features of sovereignty over highly migratory species



Source: Modified from Schoolmeester et al. (2011), original figure available at: https://www.grida.no/publications/206. (The colour figure is available online.) In Havice (2018).

The international legal framework governing maritime spaces worldwide establishes a complex map of legal, political, and even negatively defined sovereign areas. The high seas, for instance, are legally defined as a space beyond the territorial seas of sovereign states, devoid of national sovereignty (Aalberts and Gammeltoft-Hansen 2014). However, the legal regime governing the high seas imposes several critical obligations, ranging from authorising universal jurisdiction for combating piracy to upholding the fundamental ethical principle of providing assistance to individuals in distress at sea (Aalberts and Gammeltoft-Hansen 2014). Crucially, a specific search and rescue protocol was established for the high seas through two key 1974 International Conventions: the International Convention for the Safety of Life at Sea (SOLAS) and the Convention on Maritime

Search and Rescue (SAR Convention). These instruments aimed to establish mechanisms for identifying the coastal state responsible for authorising landings following search and rescue operations. However, significant amendments to these conventions did not come into force until 2006.

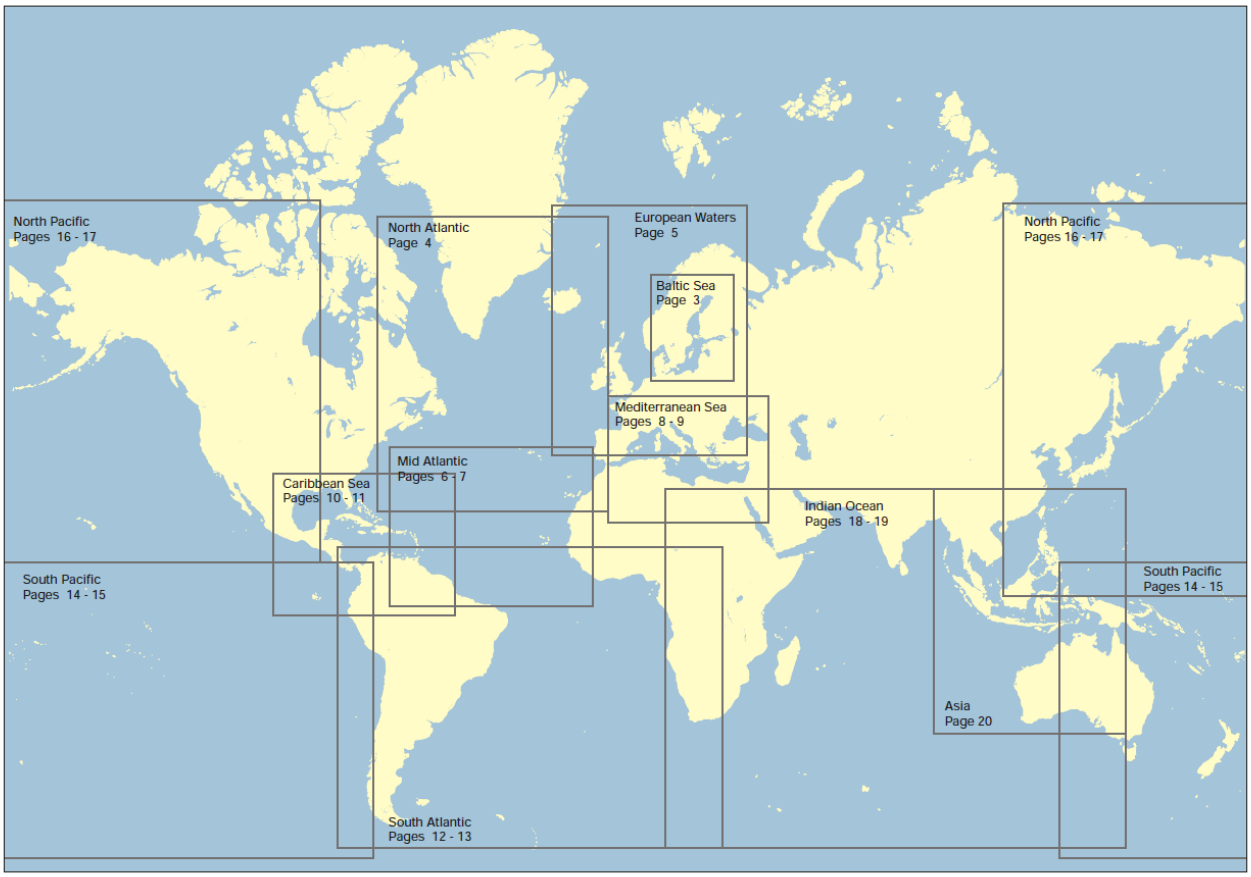
SOLAS serves as the primary instrument governing ship safety. Under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), every state is obligated to require the master of its flag vessels to "render assistance to any person in danger of being lost at sea" and to "rescue persons in distress at sea as soon as possible upon being informed of their need for assistance"[12]. SOLAS subsequently underwent amendments to enhance specificity regarding the rescue of individuals on the high seas and their requisite disembarkation. In this context, coastal states must assist both official and private vessels in distress and must maintain search-and-rescue services. As Aalberts and Gammeltoft-Hansen (2014, 442) emphasise, SOLAS establishes "the legal duty to render assistance to migrants and others lost at sea and for coastal states to disembark those rescued at a place of safety". This international obligation to assist is extensive, applying not only within the territorial sea or the Exclusive Economic Zone (EEZ) but also, critically, on the High Seas. Nevertheless, the precise contours of this international obligation on the High Seas remain complex and ambiguous. This inherent ambiguity deliberately leaves considerable space for sovereign, creative, and strategic practices by states, even when these are enacted in extraterritorial maritime spaces. It is precisely this strategic use of legal ambiguity that constitutes the focus of our critical enquiry.

The SAR Convention regulates global maritime spaces by dividing the world's oceans into International Search and Rescue Regions (SARs), as depicted in the map (Figure 4). Within these non-territorial, international waters, each coastal state assumes primary jurisdiction and responsibility for receiving and responding to distress calls (Aalberts and Gammeltoft-Hansen 2014, 441). The Convention mandates that assistance must be provided irrespective of the rescued person's nationality, status, or circumstances (Barnes 2004). Rescue is defined as the recovery of individuals in distress, addressing their immediate needs, and transporting them to a place of safety (Barnes 2004). These international bordering practices (Parker and Vaughan-Williams 2012; Minca and Vaughan-

12 1982 United Nations Convention on the Law of the Sea (UNCLOS). Art. 98(1) and 1974 International Convention on the Safety of Life af Sea (SOLAS), Chapter V, Regulations 10(a) and 33.

Williams 2012; Salter 2012) and borderwork (Rumford 2012), which establish jurisdictional regions in extraterritorial spaces, corroborate Yuval-Davis, Wemyss, and Cassidy's (2019) concept of de/reterritorialisation. This framework views borders as ongoing processes of 'frontierisation' that extend beyond physical lines to classify and govern populations.

Figure 4: IMO Maritime SAR regions[13]



One of the anomic or a-legal 'gaps' (Lindahl 2013) in the international legal framework is the determination of a 'safe place' for the disembarkation of individuals rescued at sea. The challenge is twofold: identifying a safe place and determining the specific location for landing on dry land. The question remains: where should these individuals, irrespective of nationality or migratory status, be disembarked? The 2004 Amendments to SOLAS and SAR stipulate that rescued individuals must be disembarked at the nearest safe port of call (Aalberts and Gammeltoft-Hansen 2014, 441). This issue is acutely complex when coastal states with the closest ports are also the intended destination states for uninvited

13 Imagine available at: https://l1nq.com/TpIcf, last accessed on November 23, 2024.

migrants and refugees. This dynamic contributes to the creation of confinement spaces, analogous to the carceral 'archipelagos' described by Loyd and Mountz (2018) and Mountz (2011), where individuals are held in a form of legal limbo at sea, away from formal detention centres.

From the perspective of these destination states, the situation is problematic. Aalberts and Gammeltoft-Hansen (2014, 449) argue that the search-and-rescue procedure has been significantly hindered by the absence of clearly defined requirements for nation-states to permit disembarkation, coupled with a lack of specific guidelines for determining where rescued individuals should be landed ashore. Consequently, confrontations frequently arise between coastal nation-states, flag states of rescuing vessels, and the governments of the next national port of call, with all parties often seeking to avoid individual responsibility (Aalberts and Gammeltoft-Hansen 2014, 449).

In 2009, the International Maritime Organisation (IMO) Facilitation Committee attempted to resolve this jurisdictional dispute. It proposed that the government responsible for the SAR region should accept the disembarkation of rescued individuals if alternative arrangements could not be promptly organised (Aalberts and Gammeltoft-Hansen 2014: 449). However, this measure failed to resolve the ongoing disputes. The sustained ambiguity within the rescue regime in SAR regions—specifically regarding the distribution of obligations for disembarkation following high-seas rescues—continues to facilitate the strategic evasion of responsibilities by coastal states, particularly those that are destination points for migrants and refugees.

Contemporary global maritime dynamics reinforce this strategic evasion. The newly extended continental shelf limits are profoundly altering the global map, simultaneously driving migration control further away from territorial borders. This trend reveals a discernible shift towards bordering practices without the need for territorialisation. The international legalised composition of SARs actively facilitates the shift in migration governmentality and border control. It moves from a fixed, telluric line drawn in the sand (Parker and Vaughan-Williams et al., 2009; Parker and Vaughan-Williams 2012) to a mobile drawing of the line and the governing of (im)mobility at the extraterritorial sea. In this context, Aalberts and Gammeltoft-Hansen (2014, 441) identify a key issue as being 'the interplay between the traditional functional logic underpinning the law of the seas and a territorial logic increasingly superimposed to address politically sensitive issues relating to the search and rescue regime'. In this article, we

conceive the High Seas not as an anomic, anarchical space devoid of sovereignty and normativity, and without 'character' (Schmitt 2003: 43),[14] but, rather, as a significantly legalized, politicized, and internationalized maritime space of the globe, within which states can play an international sovereign game enabled by both the legalization and the politicization of those maritime parts of the world, creatively and strategically claiming or disclaiming sovereignty, disputing jurisdictional plays, and/or evoking or evading responsibility (Aalberts and Gammeltoft-Hansen 2014, 2018; Gammeltoft-Hansen and Aalberts 2018). Thus, we argue that territorialisation is not inherently linked to bordering, although the two can certainly coexist. The crucial aspect for us is the ability to draw sovereign lines at sea and define the type of governance within each region. While SARs are not sovereign state territories, they are subject to bordering practices and the governmentality of (im)mobility, operating either under the auspices of the customary ethics of the sea, as translated into international spatial-legal terms, or under the discretionary will of sovereign nation-states.

Confronted with the international spatial-legal reorganisation of the sea, migrants and refugees are subjected to a complex field of governance. States strategically evade international obligations by claiming or denying sovereignty as expediency dictates (Aalberts and Gammeltoft-Hansen 2014, 2018; Gammeltoft-Hansen and Aalberts 2018). Consequently, international bordering practices and the governmentality of (im)mobility at sea involve more than a mere realist exercise of power. Rather, they entail an ongoing struggle between the extraterritorial bordering strategies of states, the constraints of international normative and jurisdictional regimes, the resilient, transgressive movements of migrants and refugees, the resistances of activists, and the mobile, fluid ontological materiality of the sea itself.

Despite the complexity and contingent nature of this contestation, sovereign states continually readapt and strategically rethink their plays within the spatial-legal game enacted by SARs and correlated maritime regimes. States employ sovereign tactics to relocate search-and-rescue operations to other designated SAR regions, thereby reinforcing the argument that disembarkation responsibility lies with a different sovereign state. Alternatively, they initiate operations precisely at the border between two SAR regions, ensuring the nearest port is not that of the

14 Schmitt (2003: 43) derives the word "character" from the Greek *charassein*, meaning 'to engrave' or 'imprint'. His mythological point is that, unlike the terrestrial land, the sea resists demarcation and delimitation, rendering it fundamentally un-political and an-archical.

destination state. This manoeuvre epitomises the 'sovereign game' of extraterritorial evasion of responsibility. These actions demonstrate states' relentless attempts to maintain control over space and migration flows at sea, even when challenged by maritime forms of ontological materialities, transgressions, and resistances that occur outside their traditional territorial jurisdictions.

Conclusion: playing with maritime lines and migrant lives

The complex interplay among state sovereignty, international law, and human rights in the maritime domain reveals a deeply contested space where nations engage in creative and often exclusionary practices. The Australian experience illustrates how the maritime Search and Rescue (SAR) framework—originally conceived as a humanitarian mechanism—has been transformed into a legal and political tool for migration control. This instrumentalisation has inspired similar developments elsewhere, providing the conceptual and operational blueprint for institutional arrangements in the Mediterranean, such as Frontex's joint operations and Italy's bilateral agreements with Libya, as well as for UK-France cooperation in the Channel. States have exploited the spatial reorganisation of the sea enabled by UNCLOS, SOLAS, and SAR conventions to manipulate jurisdictional boundaries, outsource responsibility, and reshape mobility governance, co-opting humanitarian frameworks to legitimise exclusionary border regimes under the guise of rescue and protection.

A critical re-evaluation of the classical liberal and positivist assumption that greater legalisation leads to better regulation and enhanced protection for migrants and refugees is necessary. Concrete cases of SAR operations, particularly those conducted outside the territorial sea and the EEZ, reveal a stark disregard for the human rights of individuals migrating by sea. The regulation of SARs has not resulted in the re-territorialisation of the high seas nor in sovereign states' accountability. Instead, the high seas remain a domain where sovereign practices are exercised, exceptions are made, and the search-and-rescue protocol is used to circumvent states' responsibilities to protect individual migrants, refugees, and their allegedly universal human rights. Search and rescue operations can be understood as a form of bordering practice and migration control, not only because the legalisation of the high seas creates opportunities to enforce control over (im)mobility, but also because it enables an extraterritorial, legalised

politics of bordering and the redrawing of sovereign (inter)national lines at sea (Walker 2010).

The strategic manipulation of SARs by states, as exemplified by Australian bordering cases,[15] transforms these regions into extraterritorial bordering zones involving different forms of legalisation, politicisation, borderwork (Rumford, 2012) and bordering practices (Parker and Vaughan-Williams 2012). It represents a sophisticated international technique of sovereign bordering and boundary-drawing, a form of governing (im)mobility, and a discriminatory practice by the sovereign state. When one considers that the individuals affected are migrants and refugees adrift on the high seas, these maritime bordering zones become all the more violent, abject, and dehumanising (Vaughan-Williams, 2015; Salter,012; Minca and Vaughan-Williams 2012).

Within this legalised yet extraterritorial domain, SARs function as arenas for a sovereign game, in which the fate of vulnerable individuals is contingent on the discretionary decisions of coastal and flag states. The 2001 Tampa case serves as a paradigmatic example of the complex legal and political strategies at play. A Norwegian vessel, having rescued 433 Afghan refugees, sought to disembark them at Christmas Island, an Australian territory. However, Australia refused entry and had its armed forces take control of the ship. This event catalysed the 'Pacific Solution', a policy designed to intercept maritime migrants and transfer them to offshore island states for processing. A key part of this strategy was the legal excision of certain Australian islands, and eventually all Australian territory, from its 'migration zone'. This legalised political manoeuvre ensured that anyone arriving in these excised territories without a visa would not be considered to have 'arrived' in Australia, thus rendering them ineligible to claim protection onshore and subjecting them to extraterritorial offshore detention.

Australian search and rescue operations, particularly under 'Operation Sovereign Borders', showcase how bordering practices and migration control are enacted within this border extension. A compelling example is the 2014 incident where an Australian military vessel towed a small boat carrying refugees back into Indonesian waters. These ships operate within the limits of other coastal states' SARs with the mission of, under the guise of complying with a distress call, returning shipwrecked individuals—categorised as irregular migrants, asylum

15 And, one could add, numerous incidents in the Mediterranean. For a critical, more in-depth analysis of (some of) these incidents in the Mediterranean, most specially in relation to Europe's maritime borders, see, for instance, Vaughan-Williams (2015).

seekers, or refugees—to coastal states that may not be their intended destination or even their point of origin. This sovereign play, practised by Australia and legally enabled by SOLAS and the SAR Convention, has reverberations across all oceans and seas. The Tampa incident and the practice of towing boats exemplify the necropolitical dynamics (Vaughan-Williams, 2015; Minca and Vaughan-Williams 2012; Salter 2012) that underpin this game, in which human lives are subjected to strategic bordering practices and, not uncommonly, left to die at sea.

Through the establishment of SARs, a form of internationalism has not territorialised the entire globe's maritime spaces. Instead, it has established a legalised international border game within which sovereign states can play strategically across the planet's non-territorial maritime spaces. These sovereign bordering plays precede sovereign territory at sea, yet they do not prevent sovereign discrimination, governmentality of (im)mobility, and abject forms of violence from occurring. Thus, contrary to Schmitt's (2003) mythological international political imagination, the sea—especially the sea delimited and ordered by the SAR Convention—is not an anomic space of lawlessness and exception. It has become a legalised international political field within which states engage in their modern sovereign game, strategically navigating legalised waters through the renewed politicisation of bordering practices and exceptional sovereign decisions, including playing with maritime lines and the lives of migrants and refugees at sea.

In this legalised and politicised extraterritorial maritime context, the international protection of migrants' and refugees' human rights is jeopardised by this sovereign bordering game. The conditions created by SARs enable states, through their flag vessels, to decide the fate of shipwrecked individuals. Suppose the individual is an irregular migrant, asylum seeker, or refugee. In that case, the outcome is likely to be the most violent and abject possible, including serious human rights violations and the sheer impossibility of international mobility. Regardless of their condition, these individuals are often returned to the nearest coastal state port. In the 2014 Australian case, they were towed and abandoned on an island far beyond the limits of Australian territorial waters, where no jurisdiction was applicable and no refugee convention obligated Australia to process their asylum applications.

The international composition of SAR regions does not inherently promote the protection of human rights for individuals xenophobically dismissed as 'unwanted' migrants or refugees. As Aalberts and Gammeltoft-Hansen (2014, 439) assert, 'legal solutions to these problems have resulted in a re-spatialisation

of the high seas, extending states' obligations in the international public domain based on geography rather than traditional functionalist principles that operated in the open seas'. The customary international law of the sea has given way to spatial sovereignty solutions within this maritime international game. Although this game is not territorialised, it is subject to strategic bordering practices and plays. Rather than being a space of non-sovereignty, anarchy, and exception, SARs and the legalised maritime spaces have become the venue for a complex game between sovereignty, law, and politics. A complex web of overlapping legal systems offers an added advantage for manipulating sovereignty and circumventing sovereign responsibility, even at the cost of migrant lives.

These practices not only perpetuate violence and insecurity for migrants and refugees but also expose the profound limitations and contradictions of the modern international order. Legal frameworks and infrastructures, rather than offering protection, can be wielded as legitimising tools for bordering practices, migration control, and necropolitical legalised exceptions, reinforcing the global international system of nation-states and its inherent inequalities and lines of discrimination (Walker 2010). The disconnect between the stated purpose of these legal frameworks and their practical implementation highlights a pressing need for reform. To ensure accountability and strengthen the international protection of human rights at sea, a fundamental re-evaluation of the current legal and political infrastructures is required.

The sea, once idealised as a space of freedom and cooperation, has become a battleground for sovereign interests and exclusionary policies. States seeking to impose land-based logics of control on the fluid and dynamic environment of the ocean are central to this conflict. However, the perspective of 'wet ontology' reminds us that the sea possesses its own ontological materiality and agency, with tides and currents that can both enable and destabilise state control. In this context, the practices of rescue activists, guided by seamanship and an ethics of solidarity, emerge as a form of resistance. They challenge the 'earth-centric' logic of states, using the sea itself as an ally in contesting state authority and destabilising the borders and lines established by international law. Their actions demonstrate that alternative forms of governance, which prioritise the dignity and safety of all, are not only possible but essential. The persistent failure to address these systemic issues means that the promise of universal human rights remains unfulfilled, and the high seas will continue to be a theatre of discrimination, injustice, and abjection.

References

Aalberts, Tanja, and Thomas Gammeltoft-Hansen. 2014. "Sovereignty at Sea: The Law and Politics of Saving Lives in the Mare Liberum." *Journal of International Relations and Development* 17: 439–68.

Aalberts, Tanja, and Wouter G. W. Aalberts. 2008. "Sovereignty Beyond Borders: Sovereignty, Self-Defence and the Disciplining of States." In *Sovereignty Games: Instrumentalising State Sovereignty in Europe and Beyond*, edited by R. Adler-Nissen and Thomas Gammeltoft-Hansen, 129–50. Houndmills: Palgrave.

Aalberts, Tanja, and Wouter G. W. Aalberts. 2014. "Mastering the Globe: Law, Sovereignty, and the Commons of Mankind." Paper presented at the workshop *Assembling the Planet: The Politics of Globality since 1945*, Danish Institute for International Studies, Copenhagen.

Aalberts, Tanja, and Thomas Gammeltoft-Hansen. 2018. "Sovereignty Games, International Law and Politics." In *The Changing Practices of International Law*, edited by Tanja Aalberts and Thomas Gammeltoft-Hansen, 26–44. Cambridge: Cambridge University Press.

ABC News Australia. 2014a. "Video Appears to Show a Lifeboat Being Towed by an Australian."

ABC News Australia. 2014b. "Asylum Seekers Towed Back in the Lifeboat: New Video Emerges as Defence Minister Criticises ABC." February 7. https://www.abc.net.au/news/2014-02-07/video-emerges-of-lifeboat-towback-operation/5245280 (accessed September 17, 2023).

ABC Radio Australia. 2001. "Fiji Loses Bid to Control Tonga, Samoa Airspace." Australian Broadcasting Corporation, November 29. https://goo.gl/nm25Fd (accessed September 17, 2023).

Agamben, Giorgio. 1998. *Homo Sacer: sovereign power and bare life*. Stanford: Stanford University.

Arendt, Hannah. 2012. *Origens do Totalitarismo*. São Paulo: Companhia das Letras.

Barnes, Richard. 2004. "Refugee Law at Sea." *International and Comparative Law Quarterly* 53 (1): 47–77.

Bull, Hedley. 2002. *The Anarchical Society: A Study of Order in World Politics*. Basingstoke: Palgrave.

Cobarrubias, Sergio, Patrizia Cuttitta, Marta Casas-Cortés, Morten Lemberg-Pedersen, Najib El Qadim, Burak İşleyen, Sarah Fine, Chiara Giusa, and Christopher Heller. 2023. "Interventions on the Concept of Externalisation in Migration and Border Studies." *Political Geography* 105: 102911.

Coddington, Kimberley. 2018. "Boats. Settler Colonial Territorial Imaginaries: Maritime Mobilities and the 'Tow-Backs' of Asylum Seekers." In *Territory Beyond Terra*, edited by Kimberley Peters, Philip E. Steinberg, and Emma Stratford, 185–202. London; New York: Rowman & Littlefield International.

Donnelly, Jack. 2007. *International Human Rights*. Boulder: Westview Press.

Ferris, Elizabeth G. 2011. *The Politics of Protection: The Limits of Humanitarian Action*. Washington, DC: Brookings Institution Press.

Fitzpatrick, Peter. 2001. *Modernism and the Grounds of Law*. Cambridge: Cambridge University Press.

Gammeltoft-Hansen, Thomas. 2007. *The Extraterritorialisation of Asylum and the Advent of 'Protection Lite'*. Working Paper 2/2007. Copenhagen: Danish Institute for International Studies.

Gammeltoft-Hansen, Thomas. 2008. "The Refugee, the Sovereign and the Sea: EU Interdiction Policies in the Mediterranean." In *Sovereignty Games: Instrumentalising Sovereignty in Europe and Beyond*, edited by R. Adler-Nissen and Thomas Gammeltoft-Hansen. New York: Palgrave.

Gammeltoft-Hansen, Thomas. 2011. *Access to Asylum: International Refugee Law and the Globalisation of Migration Control*. Cambridge: Cambridge University Press.

Gammeltoft-Hansen, Thomas, and Tanja Aalberts. 2018. "Introduction: The Changing Practices of International Law." In *The Changing Practices of International Law*, edited by Tanja Aalberts and Thomas Gammeltoft-Hansen, 1–25. Cambridge: Cambridge University Press.

Haddad, Emma. 2008. *The Refugee in International Society: Between Sovereigns*. Cambridge: Cambridge University Press.

Havice, Eric. 2018. "Unsettled Sovereignty and the Sea: Mobilities and More-Than-Territorial Configurations of State Power." *Annals of the American Association of Geographers*.

Herz, Monica, and Roberto Vilchez Yamato. 2018. "As Transformações das Regras Internacionais sobre Violência na Ordem Mundial Contemporânea." *DADOS – Revista de Ciências Sociais* 61 (1): 3–45.

International Maritime Organisation. *Maritime SAR Regions*. https://www.dco.uscg.mil/Portals/9/CG-5R/nsarc/IMO%20Maritime%20SAR%20Regions.pdf (accessed September 22, 2023).

Jubilut, Liliana Lyra. 2007. *O Direito Internacional dos Refugiados*. São Paulo: Editora Método.

Kneebone, S. (2006). *The Pacific Plan: The Provision of "Effective Protection"?* International Journal of Refugee Law, 18(3-4), 696-721.

Lauterpacht, Sir Hersh. 1968. *International Law and Human Rights*. USA: Archon Books.

Lindahl, Hans. 2013. *Fault Lines of Globalisation: Legal Order and the Politics of A-Legality*. Oxford: Oxford University Press.

Loyd, Jennifer, and Alison Mountz. 2018. *Boats, Borders, and Bases: Race, the Law, and the Production of Offshore Carceral Space*. Berkeley: University of California Press.

Menjívar, Cecilia. 2014. "Immigration Law Beyond Borders: Externalising and Internalising Border Controls in an Era of Securitisation." *Annual Review of Law and Social Science* 10: 353–69.

Minca, Claudio, and Nick Vaughan-Williams. 2012. "Carl Schmitt and the Concept of the Border." *Geopolitics* 17 (4): 756–72.

Mountz, Alison. 2010. *Seeking Asylum: Human Smuggling and Bureaucracy at the Border*. Minneapolis: University of Minnesota Press.

Mountz, Alison. 2011. "The Enforcement Archipelago: Detention, Haunting, and Asylum on Islands." *Political Geography* 30 (3): 118–28.

Parker, Noel, and Nick Vaughan-Williams. 2009. "Lines in the Sand? Towards an Agenda for Critical Border Studies." *Geopolitics* 14 (3): 582–87.

Parker, Noel, and Nick Vaughan-Williams. 2012. "Introduction: Critical Border Studies: Broadening and Deepening the 'Lines in the Sand' Agenda." *Geopolitics* 17 (4): 727–33.

Pugh, Michael. 2004. "Drowning Not Waving: Boat People and Humanitarianism at Sea." *Journal of Refugee Studies* 17 (1): 50–68.

Reus-Smit, Christian. 1999. *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*. Princeton: Princeton University Press.

Reus-Smit, Christian. 2001. "Human Rights and the Social Construction of Sovereignty." *Review of International Studies* 27: 519–38.

Rumford, Chris. 2012. "Towards a Multiperspectival Study of Borders." *Geopolitics* 17 (4): 887–902.

Salter, Mark B. 2012. "Theory of the /: The Suture and Critical Border Studies." *Geopolitics* 17 (4): 734–55.

Schmitt, Carl. 2003. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*. New York: Telos Press.

Schmitt, Carl. 2015. *Land and Sea: A World-Historical Meditation*. Translated by Samuel Garrett Zeitlin. Candor, NY: Telos Press Publishing.

Scarpello, Fabio. 2019. "The 'Australian Model' and Its Long-Term Consequences." *Reflections on Europe: Global Affairs* XX (YY): 221–33.

Schoolmeester, Thomas, and Elizabeth Baker, editors. 2008. *Continental Shelf, The Last Maritime Zone*. Published by UNEP/GRID-Arendal.

Steinberg, Philip, and Kimberley Peters. 2015. "Wet Ontologies, Fluid Spaces: Giving Depth to Volume through Oceanic Thinking." *Environment and Planning D: Society and Space* 33: 247–64.

Teitel, Ruti G. 2011. *Humanity's Law*. Oxford: Oxford University Press.

UNCLOS – United Nations Convention on the Law of the Sea. United Nations Publication No. E.97.V. Full text: http://www.un.org/Depts/los/convention_agreements/

UNHCR and IOM. 2023. "Migrant and Refugee Movements through the Central Mediterranean Sea in 2023." https://dtm.iom.int/reports/migrant-and-refugee-movements-through-central-mediterranean-sea-joint-annual-overview-2023

Vaughan-Williams, Nick. 2015. *Europe's Border Crisis: Biopolitical Security and Beyond*. Oxford: Oxford University Press.

Walker, R. B. J. 1993. *Inside/Outside: International Relations as Political Theory*. Cambridge: Cambridge University Press.

Walker, R. B. J. 2004. "Conclusion: Sovereignties, Exceptions, Worlds." In *Sovereign Lives*, edited by Jenny Edkins, Veronique Pin-Fat, and Michael J. Shapiro, 239–49. New York: Routledge.

Walker, R. B. J. 2010. *After the Globe, Before the World: Global Horizons*. London; New York: Routledge.

Walker, R. B. J. 2018. "The Modern International: A Scalar Politics of Divided Subjectivities." In *Theorising Global Order: The International, Culture and Governance*, edited by Gunther Hellmann, 13–36. Frankfurt; New York: Campus Verlag.

Walters, William. 2006. "Border/Control." *European Journal of Social Theory* 9 (2): 187–203.

Willheim, E. (2003). *MV Tampa: The Australian Response*. International Journal of Refugee Law, 15(2), 159–191.

Yamato, Roberto Vilchez. 2014. "Relendo a Construção (Negativa) dos Direitos Humanos Internacionais." *Carta International* 9 (2): 3–30.