

# Sea rescue organisations mobilising the law: The Central Mediterranean scenario

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# Introduction

Within the European Union (EU) migration politics, the Mediterranean Sea has shifted from being seen as a humanitarian space between 2013 and 2016, to a political and legal battleground from 2017 to the present day. This shift has been extensively documented and analysed across multiple disciplines. In particular, scholarship has focused on the increasing politicisation and contentiousness of migratory flows, search and rescue (SAR) operations carried out by civil society organisations (CSOs) <sup>1</sup> and the broader migration domain. Accordingly, the Mediterranean Sea has been framed as a contentious space where humanitarian concerns and political interests intersect in various complex ways<sup>2</sup>.

This article, situated at the intersection of migration, socio-legal and contentious politics studies, aims to add a new layer of complexity to the Mediterranean battleground by exploring and reflecting on its socio-legal dimension. Rather than focusing on the active role of state actors, it highlights how CSOs mobilise the law in their efforts to support migration-related causes. In doing so, the article analyses the legal mobilisation undertaken by sea rescue organisations operating in the Mediterranean.

Legal mobilisation, as defined here, refers to ‘the use of law in an explicit, self-conscious way through the invocation of a formal institutional mechanism [...] The invocation of a formal institutional mechanism refers to the use of a venue within the state to file a claim against another actor. This can be done through administrative procedures, quasi-judicial procedures, and litigation’<sup>3</sup>. This approach to legal mobilisation has become an increasingly important form of collective action within pro-migrant activism worldwide<sup>4</sup>. However, it remains a relatively recent development, particularly when compared to more established experiences in areas like civil rights and environmentalism<sup>5</sup>. As a result, scholarly interest in the legal strategies employed by pro-migrant activists began to gain traction primarily in the 2010s, though literature remains marked by significant gaps<sup>6</sup>.

One notable gap is the limited attention given to the use of legal mobilisation in border regions. Borders have often been overlooked in the broader literature on legal mobilisation, which has tended to focus on border regimes from a policy perspective<sup>7</sup>, neglecting the specific geographical and social dynamics of border areas. As a result, the distinct characteristics of legal mobilisation in borderlands, despite their significance, remain underexplored. This oversight is also partly due to the limited interest in legal mobilisation from migration and contentious politics scholars working on collective action in border areas. With only a few exceptions<sup>8</sup>, research has predominantly concentrated on other repertoires of border activism,

such as protests and forms of direct social action<sup>9</sup>.

Nevertheless, the role of borderlands in the contentious politics of migration – and, specifically, in the use of legal strategies – deserves closer attention (see *Introduction* to this special issue). While critical political geographers have long argued that bordering dynamics have replaced traditional borderlines as simple demarcation boundaries<sup>10</sup>, borderlands continue to represent geographically specific social systems<sup>11</sup>. These areas present unique opportunities and constraints for various actors, including CSOs. Thus, borderlands can be conceptualised as distinct and intricate spaces of social interaction within the contested governance of migration<sup>12</sup>.

Building on this conceptualisation of legal mobilisation and borderlands, this article offers insights into the scope, chronology and nature of legal mobilisation in the Central Mediterranean borderland, addressing *how much*, *when* and *what* key questions respectively<sup>13</sup>. Specifically, I will provide empirical observations and analytical reflections derived from two distinct research projects conducted in recent years. The first project, *Migrant Smuggling and the Criminalisation of Migration in the EU* (2016–2019), primarily focused on topics other than legal mobilisation, but uncovered several valuable insights regarding the use of legal strategies, which helped to shape the research field and identify emerging trends and key actors. The second, and more central to this article, is the *PoLitig: The Politics of Litigation of Migrant Solidarity Initiatives* project, which began in 2023 and is still ongoing at the time of writing.

Both projects involved the use of qualitative and quantitative data, and namely: documentary sources, semi-structured interviews and secondary literature desk research. Documentary sources included parliamentary proceedings, judicial acts and policy documents produced by the European Commission, the European Parliament, the European Council, the Council of the European Union, national ministries, EU agencies, international organisations and civil society organisations. Twenty-six semi-structured interviews were conducted with high-level officials and decision-makers in the European Union and in Italian institutions, international organisation officers, CSO representatives, members of the judiciary, (former) members of local governments, law enforcement officers and lawyers<sup>14</sup>.

Of particular importance to this article is the quantitative media analysis conducted during the preliminary stages of the *PoLitig* project. This analysis identified 35 cases of legal mobilisation, summarised in Table 1. The media analysis involved tracking instances of legal mobilisation around migration in the borderlands of Italy, Spain and Greece, with at least one non-legal organisation involved. For each country considered in *PoLitig*, I consulted one major national newspaper (*Corriere della Sera* for Italy, *El Mundo* for Spain and the English edition of *eKathimerini* for Greece), as well as two specialised online news outlets

(InfoMigrants and The New Humanitarian) and one news repository (Google News). A range of keyword combinations were used in the search process.

Table 1. Cases of legal mobilisation around migration in Euro-Mediterranean borderlands (2013- April 2024)

	<b>CSA</b>	<b>Year</b>	<b>Court or Quasi-judicial body</b>	<b>Jurisdiction</b>	<b>Case ref.</b>	<b>Issue</b>	<b>Country</b>	<b>Border</b>
1	Greek Council for Ref. et al.	2014	(unclear)	Criminal	-	Shipwreck and death of 11 people	Greece	Aegean
2	Greek Council for Refugees	2017	Council of State	Administrative	Case no. 2348/2017	Turkey as a safe country	Greece	GR-TK
3	Amnesty Int., MSF et al.	2018	Court of Nice	Administrative	Decision no. 1800714/2018	Pushback of 19 minors	Italy/France	IT-FR
4	Greek Council for Refugees	2018	Council of State	Administrative	Decision no. 805/2018	Free mobility of refugee across Greece	Greece	GR-TK
5	Team Humanity + GLAN	2019	European Court of Human Rights	Human rights	Application no. 21759/19. Kamal-Aldeen v. Greece	Facilitators Package	Greece	Aegean
6	Open Arms	2019	Court of Palermo, Court of Agrigento	Criminal	RGNC no. 18138/2019	Accused Salvini of kidnapping for imp	Italy	C-Med

CSA	Year	Court or Quasi-judicial body	Jurisdiction	Case ref.	Issue	Country	Border
7	Open Arms	2019	Court of Palermo	Juvenile -	Request for disembarkation of minors	Italy	C-Med
8	Open Arms	2019	Lazio Regional Administrative Court	Administrative	Decision no. 5479/2019	Italy	C-Med
9	Sea-Watch	2019	European Court of Human Rights	Human rights	Application no. 32969/19	Italy	C-Med
10	Mediterranean Saving Humans	2019	Court of Rome	Criminal	Case no. 21925/2019 RGNR	Italy	C-Med
11	Sea-Watch	2019	Court of Rome, Court of Syracuse,	Criminal	Case no. n. 2/2019 R. G. Trib. Ministri	Italy	C-Med

CSA	Year	Court or Quasi-judicial body	Jurisdiction	Case ref.	Issue	Country	Border
12	Sea-Watch	2019	Court of Catania	Juvenile -	Violations of laws on disembarkation of minors	Italy	C-Med
13	Sea-Watch	2019	Court of Agrigento	Criminal -	Disembarkation ban in Lampedusa	Italy	C-Med
14	Greek Council for Refugees	2019	Court of Athens, Supreme Court	Criminal -	Pushbacks to TK	Greece	GR-TK
15	Greek Council for Ref. et al.	2019	(unclear)	Criminal -	Violence over asylum seekers	Greece	GR-TK
16	Sea-Watch	2020	Sicily Regional Administrative Court, Court of Justice of the European Union	Administrative/EU -	Joined Cases C-14/21 and C-15/21 Legitimacy of ships' systematic inspection	Italy	C-Med

	<b>CSA</b>	<b>Year</b>	<b>Court or Quasi-judicial body</b>	<b>Jurisdiction</b>	<b>Case ref.</b>	<b>Issue</b>	<b>Country</b>	<b>Border</b>
17	Camina ndo Fronteras et al.	2020	Court of Ceuta	Criminal	-	Return of minors to Morocco	Spain	Ceuta
18	Camina ndo Fronteras et al.	2020	(unclear)	Criminal	-	Illegal pushback of 42 migrants	Spain	Canary Isl.
19	L'Escola + Red Esp. de inmigr.	2021	Court of Ceuta	Criminal	-	Return of minors to Morocco	Spain	Ceuta
20	Coord. de Barrios + F. Raíces	2021	Court of Ceuta	Administrative	Case no.139/2021	Return of minors to Morocco	Spain	Ceuta
21	SOS Humanity	2022	Court of Catania	Civil	Case no. 14232/2022 R.G.	Violation of the asylum rights of rescued people	Italy	C-Med
22	SOS Humanity	2022	Lazio Regional Administrative Court	Administrative	-	Piantedosi inter-ministerial decree and disembarkation ban	Italy	C-Med

	<b>CSA</b>	<b>Year</b>	<b>Court or Quasi-judicial body</b>	<b>Jurisdiction</b>	<b>Case ref.</b>	<b>Issue</b>	<b>Country</b>	<b>Border</b>
23	Sea-Watch	2022	Court of Justice of the European Union	EU	-	Frontex's push backs in Maltese SAR	EU	C-Med
24	Sea-Watch	2022	Court of Justice of the European Union	EU	Case T-205/22	Frontex's denial to release photos of aerial surveillance	EU	C-Med
25	Médecins Sans Frontières	2023	Lazio Regional Administrative Court	Administrative	Decision no. 10402/2023	Legitimacy of 'distant port' policy	Italy	C-Med
26	Emergency	2023	Lazio Regional Administrative Court	Administrative	Decision no. 7395/2023	Public access to documents on POS allocation (Brindisi)	Italy	C-Med
27	SAR organisations et al.	2023	Court of Crotona	Criminal	-	Collective complaint after Cutro shipwreck	Italy	C-Med
28	Camina ndo Fronteras	2023	Canary Islands Prosecution	Criminal	-	Death of 39 people at	Spain	Canary Isl.

	CSA	Year	Court or Quasi-judicial body	Jurisdiction	Case ref.	Issue	Country	Border
29	Alarm Phone	2023	European Court of Human Rights	Human rights	Application no. 29970/23	Failure to provide food, water and medical help at Evros border	Greece	GR-TK
30	Emergency	2023	Lazio Regional Administrative Court	Administrative	-	Public access to documents on POS allocation (Ortona and Livorno)	Italy	C-Med
31	Emergency; SOS Hum.; MSF	2023	European Commission	EU	-	Legitimacy of 'distant port' policy	Italy	C-Med
32	SOS Mediterranean	2024	Court of Brindisi	Civil	-	Impoundment <i>Ocean Viking</i>	Italy	C-Med
33	SOS Humanity	2024	Court of Crotona	Civil	Case no.348/2024 R.G.	Impoundment <i>Humanity 1</i>	Italy	C-Med
34	Sea-Watch	2024	Court of Ragusa	Civil	-	Impoundment <i>SW5</i>	Italy	C-Med
35	Mediterranean	2024	Lazio Regional Administrative Court	Administrative	-	Legitimacy	Italy	C-Med

CSA	Year	Court or Quasi-judicial body	Jurisdiction	Case ref.	Issue	Country	Border
Mediterranean S. Human Rights et al.		Regional Administrative Court	Administrative		Agency of Migration of boats to Tunisia		

The article is structured as follows. I will separately address three characteristics and patterns in the use of legal mobilisation in the Mediterranean borderland, each of them associated with the *how much*, *when* and *what* questions mentioned above. First, I will examine the significance of the Central Mediterranean route within the broader landscape of legal mobilisation in EU borderlands. Second, I will explore the temporal distribution of instances of legal mobilisation from 2014 to 2024. Third, I will propose the existence of three distinct phases in the use of law by civil society actors operating along the Central Mediterranean route. In the last section, I will wrap up these different observations, pointing out what this article overall suggests for the study of legal mobilisation in border areas. In doing so, I will briefly discuss empirical data against the broader context of legal and political opportunity structures<sup>15</sup>.

# *How much* legal mobilisation? The significance of the Central Mediterranean borderland

The lack of comprehensive empirical data on legal mobilisation in borderland contexts – particularly along the Central Mediterranean route – poses significant analytical challenges. It hampers efforts to assess not only the scale of legal mobilisation, but also to identify the specific border areas and actors involved and to understand the broader dynamics that emerge from these patterns.

As part of my ongoing work within the *PoLitig* project, one of my primary objectives has been to map the instances of legal mobilisation along the Central Mediterranean route and to assess their significance relative to other EU borders. At the time of writing, I am nearing the conclusion of the data collection phase, which employs quantitative techniques, namely surveys distributed to border solidarity organisations active across various EU borders. Although the full dataset is still being finalised, I am able to share some preliminary figures based on the initial quantitative analysis conducted in the early stages of the project (cf. above) with a view to delineating the overall framework and fine-tuning my research approach and methods. These figures provide an initial understanding of how legal mobilisation cases are distributed across EU borderlands in the Mediterranean region and beyond, encompassing the Canary Islands as part of Spain.

A closer examination of the different types of borders reveals that legal mobilisation is overwhelmingly concentrated in sea borderlands, particularly along the Central Mediterranean route. Of the 35 legal mobilisation cases identified over the period under consideration, 26 occurred at sea borders, with only 9 cases taking place at land borders. Among the sea borders, the Central Mediterranean (i.e., Italy) accounted for the largest share, with 22 cases. This was followed by the Greek Aegean Sea border and the Spanish Canary Islands border, each with two cases. The land border cases were more evenly distributed, with five cases on the Greek-Turkish border, three on the border between Ceuta and Morocco, and one along the border between Italy and France (see Figure 1).

*[Figure 1. Distribution of legal mobilisation cases across different borders about here. Source: Author, forthcoming\*]\**

While these preliminary findings should be approached with caution due to the inherent methodological limitations, they nonetheless reveal a distinct trend. Most notably, the data collected during the second phase of the *PoLitig* project further corroborates these initial results, reinforcing the centrality of sea borders – particularly the Central Mediterranean – in the context of legal mobilisation. These

findings point to two significant conclusions. First, from a methodological standpoint, the data underscores the importance of focusing attention on this specific borderland. There is a clear need to collect more data and refine research questions and hypotheses based on the empirical richness that this borderland offers. Second, from a theoretical perspective, the findings raise a crucial question: is there something unique about sea borders, and the Central Mediterranean in particular, that makes them especially conducive to legal mobilisation? This question will be revisited in the discussion section, where it will also be situated within broader scholarly debates. Nonetheless, it remains unresolved and calls for further investigation through additional research.

## When have sea rescue organisations mobilised the law? The time frame of legal mobilisation

A second key aspect emerging from the preliminary quantitative analysis discussed earlier concerns the temporal distribution of legal mobilisation cases. To situate the cases in time, I refer to the date in which the proceedings were initiated. By examining when the 35 cases of legal mobilisation in EU borderlands occurred, several important trends become apparent. Firstly, it is evident that the number of cases increased over time. Between 2013 and 2015, only one legal mobilisation case was recorded. However, from 2016 onwards, there was a clear upward trajectory, culminating in a peak in 2019 with 10 cases. A second peak is observed towards the end of the period, with 11 cases in 2023–2024 (7 in 2023 and 4 in 2024). Figure 2 below provides a graphical representation of this temporal distribution. It is important to note that the data for 2024 only covers the first four months of the year, and it is reasonable to expect another peak as the analysis of the rest of the year progresses. Indeed, this expectation is supported by preliminary data currently being collected as part of the second phase of the *PoLitig* project.

*[Figure 2. Time distribution of legal mobilisation cases about here. Source: Author, forthcoming\*]\**

Drawing from these data, some reflections and hypotheses regarding the temporal distribution of legal mobilisation can be drawn. A starting point for these considerations is the observation that the majority of the recorded legal mobilisation episodes occurred in the Central Mediterranean borderlands, corresponding to the Italian jurisdiction, as discussed above. When looking at the development of migration policies in Italy, a clear relationship can be discerned between the intensification of repressive and criminalising migration policies and the increase in legal mobilisation efforts. Specifically, one can observe that peaks in legal mobilisation tend to follow closely after the intensification of state repression and criminalisation of migration-related activities, particularly targeting sea rescue organisations. For example, one notable peak in 2019 followed the severe policies implemented by Italy's first government led by Giuseppe Conte (2018–2019), including the “closed-ports” policy instituted by then Interior Minister Matteo Salvini. Another peak in 2023–2024 can be linked to the ongoing government led by Giorgia Meloni, with measures that include compelling CSOs conducting sea rescues to cooperate with state authorities (such as the so-called Libyan coast guard), assigning distant ports to civil fleet vessels, and prohibiting multiple rescues<sup>16</sup>. These policies, which significantly restricted the operational space of civil society organisations, also served as a catalyst for the legal

mobilisation that followed.

This preliminary finding suggests several methodological and theoretical considerations. From a methodological standpoint, it highlights the need for research designs that can establish causal relationships between the increasing repression and criminalisation and the rising use of legal mobilisation. While a direct relationship is apparent from the data collected so far - and is further strengthened by ongoing data gathering - this finding does not fully explain the causal mechanisms behind this trend. To address this, in-depth qualitative research and processual approaches will be essential. Such approaches will allow researchers to examine the specific events, decisions, and interactions that link political developments with the mobilising of legal resources.

Theoretically, should a causal relationship between repression and legal mobilisation be substantiated, it would be worth exploring the specific mechanisms that drive this dynamic. Two particularly relevant hypotheses warrant further investigation: (a) the emergence of new political opportunities following the closure of existing political spaces due to the harshening of migration policies, with new opportunities opening through partnerships with lawyers and legal activist organisations; and (b) the role of prior socialisation to the law, where SAR CSOs, faced with legal repression, are forced to hire lawyers and engage with legal systems of resistance, thus equipping them with the knowledge and strategies necessary to capitalise on new legal opportunities as they arose.

## *What* venues, what proceedings? The three phases of legal mobilisation in the Central Mediterranean

A third crucial aspect in understanding the legal mobilisation of sea rescue organisations in the Central Mediterranean pertains to the characteristics of the legal processes themselves. This section, addressing *what* questions, summarises the various goals pursued by civil society actors, the venues and jurisdictions they engage with and the types of law mobilised throughout the different phases of legal mobilisation. By examining the instances of legal mobilisation collected in the dataset in Table 1 and integrating them with previous research, we can identify three distinct, yet overlapping phases of legal mobilisation. Each phase is characterised by specific features regarding: (a) the goals pursued by civil society actors through legal mobilisation (e.g., resisting a particular instance of repression or seeking changes in migration policy); (b) the legal venues and jurisdictions utilised to achieve these goals (e.g., criminal, civil or administrative courts); and © the types of law invoked by civil society actors (e.g., national, EU or international law)<sup>17</sup>.

The first phase, which began in 2017 and continues to the present, can be described as passive defence from criminalisation. During this phase, the primary goal of sea rescue organisations was to secure acquittal from criminal charges. This phase emerged as a direct response to criminalisation efforts, where repression was executed through the application of criminal law. Although this type of mobilisation diverges from the more traditional notion of litigation, it still fits within our broader understanding of legal mobilisation as “the use of law in an explicit, self-conscious way through the invocation of a formal institutional mechanism<sup>18</sup>”. Key examples of this phase include the *Iuventa* and *Mare Jonio* cases, which represent the first and most recent instances of sea rescue CSOs’ passive defence from criminalisation respectively. In this phase, the criminal jurisdiction was predominantly engaged, alongside the invocation of international law of the seas as a basis for civil society’s claims<sup>19</sup>.

The second phase, which unfolded mainly in 2018 and 2019, can be characterised as reactive legal mobilisation. During this period, sea rescue organisations primarily sought to challenge the restrictions imposed on search and rescue activities by state actors, particularly using legal instruments other than criminal law. A case in point is the response to the “closed-ports” policy implemented by Matteo Salvini during his tenure as Interior Minister, which was challenged on multiple occasions. As illustrated by the cases listed in Table 1, organisations such as Open Arms and Sea-Watch submitted legal requests to allow the disembarkation of minors on board or to overturn the blanket entry ban into Italian territorial

waters.

In this phase, organisations also concentrated on holding policy-makers accountable for actions that hindered humanitarian assistance at sea. As can be seen in several of the cases listed in Table 1, sea rescue activists from *Mediterranea Saving Humans*, *Sea-Watch* and *Open Arms*, among others, brought forward allegations of abuse of office and/or kidnapping against Salvini in various circumstances. While the goal was to challenge non-criminal forms of repression, this phase heavily relied on criminal jurisdiction as the primary venue for legal action. Specifically, SAR organisations initiated criminal proceedings against policy-makers, often citing violations of international law, including the international law of the seas and international human rights law, as the basis for their claims<sup>20</sup>.

The third phase, which began in 2020 and persists to the present day, represents a co-existence of active and reactive legal mobilisation. In this phase, while organisations have continued to challenge restrictions on SAR activities, they have also expanded their focus to target broader migration and border control policies. Further examples from Table 1 include the case brought by *Sea-Watch* before the Court of Justice of the European Union against Frontex, challenging its refusal to release aerial surveillance images. Another significant case was led by *Mediterranea Saving Humans*, alongside several other organisations, before the Lazio Regional Administrative Court in Rome, contesting the legitimacy of the Italian government’s transfer of patrol boats to Tunisia.

A significant innovation in this phase is the shift in the legal venues used. Whereas earlier phases had been predominantly centred around criminal law, this phase saw a noticeable shift towards the use of civil and administrative jurisdictions. In addition, sea rescue organisations began invoking EU law and constitutional law alongside international law<sup>21</sup>. This shift reflects a broader strategic evolution in the way CSOs approached legal mobilisation, expanding the legal framework within which they operated. Table 2 offers a summary of these three distinct phases.

*Table 2. The three phases of CSOs’ legal mobilisations*

	<b>Goal</b>	<b>Main jurisdiction</b>	<b>Type of law mobilized</b>
<b>Passive defense from criminalization</b>	Acquittal from indictments	Criminal	International law (of the sea)
<b>Reactive legal mobilization</b>	Challenging restrictions on SAR Holding accountable those	Criminal	International law (of the sea)

	<b>Goal</b>	<b>Main jurisdiction</b>	<b>Type of law mobilized</b>
<b>Re/active legal mobilization</b>	responsible Challenging restrictions on SAR Challenging broader border enforcement and asylum policies	Administrative and civil	International law (of the sea) EU law Constitutional law

While these findings clearly demonstrate the existence of different phases in legal mobilisation and highlight the distinctive patterns associated with each phase, they do not, at this stage, explain why this evolution occurred. Therefore, several important methodological and theoretical considerations for future research arise from these observations. From a methodological standpoint, these findings further emphasise the need for in-depth qualitative research that can explore the causes behind the observed shifts in legal strategies. As already mentioned above, such research could adopt processual approaches that can trace the key events, decisions, and interactions that underpinned these changes in legal mobilisation.

From a theoretical perspective, two main aspects seem particularly relevant for further investigation of this evolution and its causes. First, the evolution of legal mobilisation strategies might be linked to the perception of varying levels of success across the different phases. This could involve not only legal victories but also broader societal and political successes<sup>22</sup>, motivating CSOs to refine their legal strategies and explore new legal venues. The shifting strategies may reflect the organisations' evolving understanding of the political and social context in which they operate, prompting them to reassess their approach to litigation and legal activism. Second, the shift from criminal law to civil and administrative law – and the incorporation of EU and constitutional law – can be understood in terms of CSOs' growing awareness of the specific legal opportunities presented by different jurisdictions, judicial venues, and legal norms. This strategic shift suggests that legal actors may increasingly perceive civil and administrative venues, as well as EU and constitutional law, as offering more favourable opportunities for advancing their objectives. This latter aspect can, in turn, be linked to the shifting grounds of repression, which – as we have seen – moved from a predominantly criminal law framework to an increasing reliance on administrative sanctions, especially from the tenure of Luciana Lamorgese onwards.

## Discussion and conclusion

In this article, I have explored three fundamental characteristics and patterns in the use of legal mobilisation within the Mediterranean borderland, each corresponding to *how much*, *when* and *what* questions. Drawing from the understanding of legal mobilisation as a repertoire of contention, and considering borderlands as inherently contentious spaces, I have engaged with: (a) the significance of the Central Mediterranean route within the broader context of legal mobilisation in EU borderlands; (b) the temporal distribution of legal mobilisation instances from 2014 to 2024; and © the identification of three distinct phases in the use of the law by civil society actors operating in the Central Mediterranean. For each of these focal points, I have explored the most pertinent methodological and theoretical considerations involved. In this concluding section, I will synthesise these observations, highlighting what they suggest for the broader study of legal mobilisation in border areas.

Theoretically, this article firstly underscores the importance of reflecting on the political opportunity structure that shapes the use of legal mobilisation in sea borderlands in contrast to land borderlands. In doing so, it builds a bridge with the scholarship on contentious politics at borders, which has already examined how the political and institutional configurations of borders profoundly influence the strategies of civil society actors<sup>23</sup>.

Another key consideration related to POS theories is whether the closure of political spaces - resulting from intensified repression - creates new spaces for legal mobilisation, particularly through the mobilisation of lawyers and legal activist organisations. This dynamic, where political space narrows yet legal avenues expand, reconnects the findings presented in this article with the scholarship on shrinking civic space and authoritarian legalism, and their findings on the conditions that influence CSOs' decision to engage more actively in legal mobilisation<sup>24</sup>.

Additionally, previous socialisation to law warrants further investigation. In situations of legal repression, CSOs often find themselves compelled to hire legal professionals and explore legal avenues of resistance. This legal socialisation process - where organisations build legal literacy, develop litigation strategies and cultivate relationships with activist lawyers - can significantly influence their capacity to identify and exploit emerging legal opportunities<sup>25</sup>. The role of legal socialisation in shaping organisational strategies could thus be pivotal in understanding how CSOs respond to evolving political and legal landscapes.

Lastly from a theoretical perspective, we have seen how the legal opportunity structure plays a significant role, particularly in relation to the perceived success

of legal mobilisation strategies, as well as in the CSOs' understanding of the different legal opportunities attached to each jurisdiction, judicial venue and legal norms mobilised. This aspect clearly speaks to the broader literature on legal mobilisation and the interaction between social movements and courts<sup>26</sup>, which emphasises that legal action is not only shaped by legal institutions, but also by movement goals, identities and resources.

From a methodological standpoint, this article indicates the pressing need to focus greater attention on the Central Mediterranean borderland as a critical case study and to increase the collection of data, hypotheses and questions related to it. The empirical richness of this borderland offers valuable insights into the broader dynamics of legal mobilisation in the contentious politics of migration. However, to deepen our understanding, it is crucial to employ research designs and methods capable of investigating causal relationships - especially through in-depth qualitative research and processual approaches. These methods can provide the necessary tools to explore the underlying mechanisms driving legal mobilisation, offering insights into why certain legal strategies emerge in response to changing political and legal environments.

Ultimately, the bottom line of this whole approach is the need for more empirical data. The study of legal mobilisation in borderlands, particularly within the EU context, is still in its early stages, and it is essential to expand the empirical data available for future analysis. Collecting additional case studies, observing patterns of legal mobilisation across various borderlands and engaging with diverse legal contexts will significantly enrich the existing body of knowledge.

In conclusion, the study of legal mobilisation in Mediterranean borderlands presents both significant challenges and opportunities. While substantial strides have been made, there is still much work to be done to understand the evolving strategies of civil society actors and their (contentious) interactions with state institutions. Continued research in this area is crucial to understanding how law is used as a tool of resistance, how legal opportunities are perceived and exploited and how legal mobilisation contributes to the broader contestations over migration and border control in the EU.

Among other things, further inquiry is needed into the legal, social and political outcomes of legal mobilisation efforts - both intended and unintended - as these shape the long-term effectiveness and legitimacy of such strategies. Exploring these outcomes will provide a more comprehensive picture of the impact of legal mobilisation in contested border spaces and contribute to a more nuanced understanding of when and how legal action effectively fosters change.

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13. Some of the insights presented here are explored into depth in the following forthcoming articles: Alagna, F. (2025). 'Pro-migrant civil society organisations and the law: Patterns of legal mobilisation at EU borders. *International Migration Review*. <https://doi.org/10.1177/01979183251394002>'; and Alagna, F. & Cusumano, E. (forthcoming). 'Navigating the law: Migration to Europe, sea rescue organisations, and legal mobilisation'. However, the present contribution introduces significant innovations, especially insofar as it brings into dialogue elements that were originally examined in isolation, thereby enabling comparative reflections as well as a systemic understanding of legal mobilisation in the Central Mediterranean. To this end, the empirical material is systematised and analysed around three central research questions. In order to avoid excessive self-citation, references to the aforementioned articles are kept to a minimum. Nonetheless, I fully acknowledge and disclose the partial overlap and analytical continuity with the present work. ←
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