



THE INTERNATIONAL WORKSHOP ON HUMAN RIGHTS AND THE LAW OF THE SEA CONCLUDES

The International Workshop on Human Rights and the Law of the Sea, which began at IMLI on 13 February 2018, successfully concluded its deliberations today, 14 February 2018.



The Workshop participants

In today's first session, Ms. Elena Bernini (Founder and CEO, Oxford Omnia) and Dr. Stefan Kirchner (Associate Professor, Arctic Law, Arctic Centre of the University of Lapland, Rovaniemi, Finland), who joined the workshop on Skype from Finland, discussed the shared challenges in fishing, including the balance of rights and interests between the seafaring nations and the Coastal States. The Panel also discussed the challenges of Illegal Unregulated and Unreported (IUU) fishing, the counter measures adopted by the Coastal States, and the human rights approach to fishing.



Professor James Kraska (Chairman and Howard S. Levie Professor in the Stockton Center) and Ms. Elena Bernini (Founder and CEO, Oxford Omnia)

The Second Session, which was presented by Professor Wolff Heintschel von Heinegg, (Chairholder, Faculty of Law (Jura), European University Viadrina Frankfurt (Oder)) deliberated on piracy and the use of force. He discussed the distinction between the use of force under Article 2 (4) of the Charter of the United Nations and the use of force pursuant to national law enforcement and emphasized that the former does not apply to law enforcement measures adopted by coastal States.



Professor James Kraska (Chairman and Howard S. Levie Professor in the Stockton Center) and Professor Wolff Heintschel von Heinegg, (Chairholder, Faculty of Law (Jura), European University Viadrina Frankfurt (Oder))

During the closing session, the speakers, drawing from the discussions held over the two days, addressed some final points. The deliberations concluded that human rights norms apply at sea and thus the need to integrate human right considerations into maritime activities in order to attain a comprehensive treatment of the issues that may arise.

When asked to comment on the greater value of the workshop to the current discourse on the law of the sea and human rights, Professor Kraska had this to say:

“The workshop was an opportunity to broaden our understanding of the relationship between two important bodies of law: the international law of the sea and the law of human rights. These rules come into contact in myriad ways, affecting the interests of seafarers, shipowners and masters and maritime security authorities. Balancing among these often concurrent but sometimes competing interests is critical to an effective global maritime transportation system. Likewise, protection of fundamental human rights is a critical value for IMO Member States. We exchanged views and explored how states and nongovernmental organizations can better implement existing legal obligations, and took up the call from the IMO to identify ambiguities, inconsistencies or gaps in the legal architecture. The Stockton Center for the Study of International Law at the US Naval War College served as our cosponsor to bring together a high-level group of leading government, academic and civil society experts to work through these issues. Because we had globally influential scholars in both the law of the sea and human rights law, including persons with operational experience in maritime security and in protecting the rights of vulnerable populations at sea, the workshop was unique in providing a forum for thoughtful discussion. The graduate law students at IMO IMLI observed the two-day event, and had opportunities to engage with the experts. Given that Malta is the largest flag registry in Europe and a key maritime state with important search and rescue responsibilities, the venue provided an ideal backdrop to think through these issues.”



(L-R) Professor Patricia Vella de Fremeaux (Head, Department of International Law, University of Malta), Professor Irini Papanicolopulu (Associate Professor of International Law, Università di Milano-Bicocca) Dr. Jean-Pierre Gauci (Associate Senior Research Fellow, British Institute of International & Comparative Law) and Professor James Kraska (Chairman and Howard S. Levie Professor in the Stockton Center)

In his closing remarks, Professor Attard expressed his profound appreciation of what, in his opinion, was a very fruitful and stimulating workshop. He noted with gratitude, the participation of all the distinguished speakers who addressed such an important topic and shared their expertise with the attendees and especially the IMLI students who have greatly benefited from the discussions that took place.



Professor David Attard (Director, IMLI) and Professor James Kraska (Chairman and Howard S. Levie Professor in the Stockton Center)

Professor David Attard, Director IMO IMLI and Professor James Kraska, Chairman and Howard S. Levie Professor in the Stockton Center, presided over the workshop. Professor Wolff Heintschel von Heinegg delivered remarks on piracy and considerations of human rights in maritime law enforcement. Dr. Patricia Vella de Fremeaux, Professor Dr. Wolff Heintschel von Heinegg, Dr. Jean-Pierre Gauci and Dr. Stefan Kirchner discussed the law of human rights in the context of mixed maritime migration. The faculty of IMO IMLI also participated in the discussions, as did representatives from human rights organizations and law schools throughout Europe.

** If you do not want to receive IMLI e-News in future, please return this message to the above address with request to DELETE in the subject field.*

*** For further information please contact Mr. Buba Bojang at publications@imli.org*