

IMLI *e*-News

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IMLI AND US NAVAL WAR COLLEGE CONVENED THE SECOND INTERNATIONAL WORKSHOP ON HUMAN RIGHTS AND THE LAW OF THE SEA

The IMO International Maritime Law Institute, in conjunction with the Stockton Center for International Law, U.S. Naval War College held, at the Institute between 4 and 5 April 2019, the second International Workshop on Human Rights and the Law of the Sea.



Professor David Attard (Director, IMLI) delivering the Welcome Address (seated, Professor James Kraska (Chairman and Howard S. Levie Professor in the Stockton Center for International Law, U.S. Naval War College) and Professor Norman Martinez Gutierrez (IMLI)

Addressing the Workshop, Professor David Attard reiterated the importance of the theme of the Workshop and the need to give due considerations to the provisions in the law of the sea concerning the human element. He mentioned Article 98 of the UN Convention on the Law of the Sea (the duty to render assistance at sea) as one such area to be considered. Professor Attard further stressed on the need to consider those aspects of the Law of the Sea Convention so intimately linked to human rights and that scholars must understand that many provisions in UNCLOS can no longer be considered on a stand-alone basis. For example, Article 98 of UNCLOS has to be read in conjunction with IMO Conventions, such as the International Convention for Safety of Life at Sea (SOLAS) and the International Convention on Maritime Search and Rescue (SAR).



Professor James Kraska

Professor James Kraska said that it is an honour for his Institution to partner with IMLI on this very important aspect of international law. Referring to the realist school of thought, Professor Kraska explained that international law cannot be understood in a vacuum and that it has to accommodate or account for other elements of society such as human rights. He said that human rights law overlaps with other areas of law including the law of the sea. He described that workshop as a wonderful opportunity to reflect on this disciplinary approach.



The Workshop Speakers

The deliberations focused on legal aspects of the most pressing issues in human rights and law of the sea, including responses to irregular maritime migration, maritime piracy, IUU fishing, standards for the safe operation of fishing vessels and working conditions of fishermen, standards for the use of force at sea, and legal remedies among others.





Participants in syndicate groups brainstorming on courses of action for scenarios based on the theme of the Workshop

The Workshop Speakers included Professor Patricia Vella de Fremeaux (Head, Department of International Law, University of Malta), who presented on “Maritime Migration”; Dr. Ángeles Jiménez García-Carriazo (IMLI) on “Reception of Foreign Unaccompanied Minors When Migrating by Sea”; Mr. David Hammond (Founder Human Rights at Sea Charitable NGO & International Platform) on “Human Rights at Sea and Private Industry”; Ms. Elda Kazara Belja (IMLI) on “The Cape Town Agreement of 2012 and its relevance to the Safety of Fishing Vessels”; Ms. Sabina Dolić (IMLI) on “Work in Fishing Convention 2007”; Professor Anna Petrig (University of Basel, Switzerland) on “Maritime Law Enforcement”; Mr. Sanjeet Ruhel (IMLI) on “Arrest and Detention of Fishers in South Asia” , and Ms. Elena Bernini (Founder and CEO, Oxford Omnia) on “Criminal and Civil Remedies & Access to Justice”.

The Workshop 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 arising therefrom.



Professor David Attard delivering the closing remarks

In his closing remarks, Professor Attard expressed his profound appreciation to Professor Kraska and all the speakers and participants for what he described as a very interactive discussion on the important subject of human right and law of the sea.

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