



Workshop on Human Rights and the Law of the Sea

IMO International Maritime Law Institute
Stockton Center for International Law, U.S. Naval War College

13-14 February 2018

Purpose: To generate a stronger and shared understanding of human rights and the law of the sea; develop the rule of law and respect for human rights in the maritime domain, and strengthen collaboration between the Stockton Center and IMO IMLI.

Workshop Theme: “Human Rights and Law of the Sea”: The workshop focuses 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, and standards for the use of force at sea.

Format: Unlike a conference, this workshop is designed to facilitate interaction and engagement and to generate a deeper discussion.

Outcome: The proceedings of the workshop will be submitted by Professor David Attard and Professor James Kraska to the Routledge series, [IMLI Studies in International Maritime Law](#). Selected participants will be invited to submit an article for peer-review publication in [International Law Studies](#), published at the Naval War College since 1895.

Participation: Participation is by invitation only and include students, scholars and practitioners from or sponsored by the NWC SCIL and IMO IMLI.

Issues for consideration

- Conflicting interests of
 - Human rights
 - Maritime security
 - State sovereignty
 - Border control
- Law of the Sea, article 98 duty to render assistance
 - What constitutes distress?
 - How is the obligation enforced, especially against stateless vessels?
 - Post-rescue obligations
 - Commercial vessels rescuing; untrained crew
 - Humane treatment of rescuees
 - Vessel rendered unseaworthy;
 - Human rights of ship master, crew
 - Right to private property (ship owner)
- Humanitarian principles
 - Obligation to rescue and disembark
 - Refugee law and *non refoulement*
 - Jurisdictional reach of ECHR (Malta, Cyprus, Greece are parties)
 - What constitutes the exercise of 'jurisdiction' in ECHR?
 - Ramification of *Hirsi* Judgment
 - Human rights violations at sea and migrants in unseaworthy vessels
 - Preservation of life at sea and the right to life
 - Post-rescue human rights and disembarkation
 - Libyan vessels intercepting migrant vessels in Libyan Territorial Sea?
 - Where to disembark rescuees?
 - What is a place of safety?
- Additional instruments
 - SOLAS Convention
 - Smuggling Protocol
 - SAR Convention
- Piracy and the use of force

Day 1: 13 February 2018 (Tuesday)

Opening Session and welcoming remarks

1000-1015 Prof. David Attard and Prof. James Kraska (15 mins.)

Administrative remarks

1015-1025 Prof. Catherine Panaguiton (10 mins.)

Session 1: Maritime Migration: Maritime Law

e.g. UNCLOS, SOLAS, SAR, IMO instruments

1030-1100 (a) Introductory presentation by Prof. Patricia Vella de Fremeaux (30 mins.)

1100-1130 (b) Introductory presentation by LCDR Peter Barker, Royal Navy (30 mins.)

1130-1230 Session 1 Discussion: Maritime Migration: Maritime Law (1 hour)

Lunch

1230-1400 Lunch (on your own)

Session 2: Maritime Migration: Human Rights Law

e.g. ICCPR, ECHR, ICESCR

1400-1430 (a) Introductory presentation for Session 2 by Dr. Jean-Pierre Gauci (30 mins.)

1430-1500 (b) Introductory presentation for Session 2 by Prof. Irini Papanicopolulu (30 mins.)

1500-1530 Break (30 mins.)

1530-1630 Session 2 Discussion: Maritime Migration: Human Rights Law (1 hour)

1630 Adjourn day 1

Day 2: 14 February (Wednesday)

Session 3: Fishing

- 1000-1030 Introductory presentation by Prof. Stefan Kirchner (30 mins.)
- 1030-1100 Introductory presentation by Ms. Elena Bernini (30 mins.)
- 1100-1145 Session 3 Discussion: IUU Fishing (45 mins.)

Lunch

- 1145-1300 Lunch (on your own)

Session 4: Piracy and the use of force

- 1300-1345 Introductory presentation by Prof. Wolff Heintschel von Heinegg (45 mins.)
- 1345-1400 Break (15 mins.)
- 1400-1500 Discussion session 4: piracy and the use of force (1 hour)
- 1500-1530 Break (30 mins.)

Session 5: Closing Panel: Identifying and Filling Gaps in the Law

- 1530-1630 Moderator: Prof. James Kraska (1 hour; 10 mins. each panelist)
- Prof. Patricia Vella de Fremeaux
Prof. Irini Papanicolopulu
Prof. Stefan Kirchner
Dr. Jean-Pierre Gauci
Prof. Wolff Heintschel von Heinegg

Closing remarks

- 1630-1645 Prof. David Attard and Prof. James Kraska