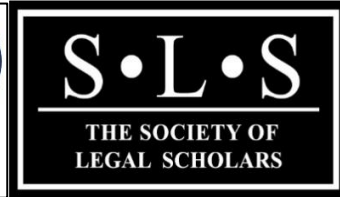




Institute of International
Shipping and Trade Law



Making waves in shipping and trade for 20 years

Call for Papers

The Protection of Vulnerable People at Sea

17-18 May 2023 (Swansea University)

We are inviting abstract submissions for a one-and-a-half-day in-person workshop, funded by the Society of Legal Scholars (SLS), that is to be held from Wednesday 17 May to Thursday 18 May 2023 at Swansea University, Wales.

Theme of the workshop

A large number of people is present at sea for different purposes. On one estimate, approximately 30 million people are at sea at any given time worldwide. No matter the exact number, what is clear, however, is that many of these people are in a vulnerable position and are not adequately protected by international law. Indeed, persons are faced with many hazards while being present at sea, including risks of violence. Furthermore, violations of their human and labour rights arise in a variety of contexts, and for which there often is little accountability. Fishermen and seafarers frequently have to work in poor conditions, making injury (or even death) more likely, and face risks of non-payment or abandonment. There are also risks of violence: not only caused by piracy, but by other (maritime) security threats as well. Even where these threats to persons at sea are countered by the use of private security, there have been reports of this leading to human rights abuses. Another source of worry is protecting persons in the context of migration by sea (including, for example, stowaways). Although States have obligations under international law concerning migrants at sea, not least the duty to render assistance, the practice of States often paints a different picture in that some States turn a blind eye to their plight.

Not all is right with the protection of vulnerable people at sea, which raises questions around the adequacy of the existing international legal framework. In this vein, some of the blame (rightly or wrongly) for the fact that abuses of people's rights at sea go undetected, unaddressed, or unpunished has been traced to the law of the sea, including the 1982 United Nations Convention on the Law of the Sea. Two key principles of the law of the sea have been especially cited to be blamed in this respect: the freedom of the high seas and the exclusive jurisdiction that the flag State possesses in relation to ships flying its flag.¹ A further (potential) issue is that the existing law dealing with the protection of vulnerable people at sea, which is composed primarily of human rights law and the law of the sea, is fragmented in nature and do not necessarily mesh well with each other, due to their different jurisdictional approaches.

¹ House of Lords International Relations and Defence Committee, *UNCLOS: the Law of the Sea in the 21st Century* (2022), pp. 19, 24-26, 50, 80-81.

A first aim of the workshop is to reflect on the existing international legal framework applicable to the protection of vulnerable people at sea, to identify any gaps and deficiencies contained therein. Connected to this, the workshop will explore how such gaps and weaknesses in the two main branches of the law relating to the protection of vulnerable people at sea (i.e., human rights law and the law of the sea) could be remedied. In this vein, the workshop particularly focuses on two interrelated issues. First, whether – in order to mitigate and improve the current situation at sea, where various threats to human life exist and human and labour rights violations occur – the law concerning the protection of people at sea perhaps should be considered as a self-standing area of law; and, second, whether, due to its importance, there is not a (greater) need to teach the law relating to the protection of vulnerable people at sea (potentially as a clearly distinguished area of law) within universities in the UK.

Without limiting the topics for this call for papers, we are interested in exploring the following themes:

- whether the blame for that (human and labour) rights abuses of vulnerable people at sea go undetected, unaddressed, or unpunished can be retraced to the modern law of the sea, especially the principles of the freedom of the high seas and the exclusive jurisdiction that the flag State possesses in relation to ships flying its flag;
- the role that the use of flags of convenience and the weakness of laws on flag State control play in that the human and labour rights of vulnerable people at sea may not be adequately protected;
- the variety of contexts in which hazards to vulnerable people at sea and their rights arise and the specific legal questions that this gives rise to, including (but not limited to) piracy and other security threats; private security at sea in order to counter security threats at sea; forced labour and human trafficking at sea; and immigration by sea;
- where the points of contact lie between human rights law and the law of the sea, including how human rights obligations apply to people at sea;
- whether the law relating to the protection of vulnerable people at sea, due to its importance, is not deserving of greater attention, including in the curriculum in higher legal education, and how this can be achieved;
- (new) legal mechanisms and approaches to tackle and mitigate concerns over the protection of vulnerable people and their human and labour rights at sea, including the possibility of redress in case of a violation of rights.

Important information

The deadline for submitting abstracts (250 words maximum) is 20 March 2023. Decisions on who will be invited to present at the workshop will be made by 24 March 2023. Please submit your abstract and your CV to y.vanlogchem@swansea.ac.uk.

The workshop will be taking place *in-person*. There is no requirement to submit a draft paper before presenting. The successful presentations/papers might be considered for publication in an edited volume.

There is no fee to attend the workshop. We have some bursaries available to support with/cover the travel and accommodation costs of successful applicants.

For further information, please contact Dr Youri van Logchem at y.vanlogchem@swansea.ac.uk.