

Sea level rise and port infrastructure

CALLS

Dear Colleagues,

This call is particularly addressed to all maritime law/law of the sea laboratories and to any colleague making maritime/sea law the subject of his research. The objective is to collect enough contributions for the publication of a collective work.

Presentation of the theme of this collective work:

Seaports with an international dimension are asserting themselves as elements of networks and logistics, which actively participate in the flow of trade in the world economy. Saturated maritime traffic (bottlenecks), health incidents (diseases and/or quarantine measures) or maritime accidents (grounding of shipping container) can block their access, disrupting the entire economy of a country or a continent.

If the hazards of navigation (accidents of the sea and damage) have always counted in this sector, climate change is now taken into consideration by the actors of the maritime sector, who are now committed to innovative approaches, both for ships and ports. According to scientific expertise, climate change is likely to cause a rise in global sea levels and to increase the intensity of storms, due to stronger wind speeds, bigger waves and precipitation intensity. Several examples of the impact of storm-related losses on the shipping industry and seaports have been documented and studied in recent years.

All seaports, regardless of their size or the volume passing through them, are or will be affected by one or more of these events. The diversity of situations leads to reflection on the very notion of ports and their infrastructures. Indeed, the legal texts, national and international, make it possible to identify the ports mainly around quantitative criteria (material manifestation, tonnage, the extent of the infrastructures ...), even though the current trend is pushing for the extension of these facilities, in an overall trend of privatization of the maritime domain. However, seaports are areas of economic and industrial activity, generating economic benefits well beyond, specially in the hinterland areas depending on them.

The vulnerability of ports to sea level rise inevitably raises questions on how to deal with the damage caused and, consequently, on the responsibilities towards maritime traffic, the environment and the coastal zones, as well as for the surrounding populations and biodiversity.

Beyond the port sector being impacted by a rise in water levels (temporary or permanent), the repercussions also extend to the entire supply chain, and even to the economy of a region

or country. What mechanisms should be implemented, in contractual or insurance terms, to deal with these disruptions which could last several months ? More fundamentally, what will remain of the principle of freedom of movement ? To avoid or minimize losses due to dangerous events, will many ships be forced to take measures at sea to anticipate the trajectories of storms, eliminating stopovers if necessary? Will they need to adjust planned routes, using weather routing services for example? Beyond the essential innovation in the maritime sector, on the mode of transport itself or on the facilities for ships, avoidance measures will no doubt be led to develop sustainably and systematically. As these measures imply additional cost, in terms of fuel or delivery delays, they also imply thinking in contractual terms (force majeure, delay in delivery, etc.).

The legal analysis of impacts on industrial-port activities of this exposure of port infrastructures to sea level rise remains unresolved. Coastal states must already anticipate and provide for the impact of rising waters on port areas. How can local authorities and the state anticipate this systemic risk and conceive planning rules accordingly ? The purpose of this call for contributions is to participate in the development of scientific resources and doctrinal work, allowing public actors to manage these risks, before they occur and once they occur, by developing lines of thought, or even recommendations.

The impact of sea level rise on port infrastructure is elaborated around 4 axes:

1. Concepts of “ports and maritime infrastructures” and privatization of the sea
2. Environmental risks and responsibilities
3. Industrial, logistical and economic risks
4. Role of public actors in risk prevention and management in ports

Method :

Proposals for papers, in French or in English, must be submitted no later than May 31, 2023, in .doc, .docx or .odt format.

The deposit address is : ports.submersion@gmail.com

These proposals must respect the following instructions : 2500 characters, spaces included, in Times New Roman, 12 points, with a list of six keywords maximum. They must be accompanied by the author's title, function, home university, as well as a list of his main previous publications in the maritime field.

The authors of the selected proposals will be notified by email no later than Thursday 31, August 2023. They undertake to submit their final contribution (35,000 characters, references included) no later than at the end of December 2023.

The study of the proposals will be done by the following scientific committee:

- Sandrine DRAPIER, Associate Professor in Private law, Le Mans University
- Nathalie ROS, Professor of Public Law, University of Tours

- Sylvain MERCOLI, Associate Professor in Private law, University of Angers
- Marel KATSIVELA, Associate Professor, University of Ottawa
- André BRAEN, Emeritus Professor, University of Ottawa
- Gaëtan BALAN, Associate Professor of Public Law, Catholic University of Lyon