

Introductory remarks

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The impetus for this volume emerged from a series of collaborative engagements undertaken between 2022 and 2023 with colleagues from *Law for Palestine*,¹ in which legal analysis intersected with pressing political realities to foreground a frequently overlooked dimension of international law: the structural relationship between the governance of maritime spaces and the realisation of human rights. Initially centred on the legal implications of maritime access in the context of the ongoing occupation of Palestine, these exchanges soon evolved into a broader inquiry – one that interrogates how the legal regulation of ocean spaces and resources not merely reflects, but actively shapes, the conditions under which rights are enabled or denied.

This line of inquiry aims to complement the prevailing discourse on *human rights at sea*, which has primarily centred on the protection of in-

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1. Notably, in the context of the First High-Level Training on the Law of the Sea and Palestine-Israel. The event was co-organized by the Ankara University National Center for the Sea and Maritime Law, Law for Palestine, and ASCOMARE in July–August 2023.

dividuals – particularly seafarers and migrants – through the application of established legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS).²

Although UNCLOS is not a human rights instrument per se, it nonetheless incorporates essential “human rights considerations... in its normative infrastructure.”³ These embedded considerations have been increasingly developed through the jurisprudence of international courts and tribunals – most notably the International Tribunal for the Law of the Sea (ITLOS) – as part of a broader effort to bridge the normative divide between the law of the sea and international human rights law.⁴ As early as 2010, former ITLOS Judge Treves described this process of cross-fertilisation as being “just at a beginning phase”⁵ – a jurisprudential evolution that continues to unfold and which this volume seeks both to critically examine and further advance.

The fourth volume of the *ASCOMARE Yearbook on the Law of the Sea* – “Humanity across the waves: Rethinking the law of the sea through a human rights lens” – seeks to move beyond traditional paradigms by adopting a holistic and critically engaged approach to the evolving relationship between human rights and the law of the sea. It addresses not only how human rights apply *at sea*, but also how the legal use of maritime spaces and resources may shape, disrupt, or transform human rights frameworks and obligations more broadly, including those with far-reaching implications on land.

2. United Nations Convention on the Law of the Sea (Montego Bay, 10 December 1982, in force, 16 November 1994) 1833 UNTS 397.

3. Tafsir Malick Ndiaye, ‘Human Rights at Sea and the Law of the Sea’ (2019) *Beijing Law Review*, 10, 261-277, 269.

4. E.g., Anna Petrig and Marta Bo, ‘12 – The International Tribunal for the Law of the Sea and Human Rights’, in Martin Scheinin, *Human Rights Norms in ‘Other’ International Courts* (CUP 2019).

5. Tullio Treves, ‘Human Rights and the Law of the Sea’ (2010) *Berkeley Journal of International Law*, Vol. 28:1, 1-14, 6.

The volume opens with three distinguished contributions by ITLOS Judge Marciniak, ITLOS Judge Lijnzaad, and Professor Papanicolopulu. Together, these contributions bring judicial and academic perspectives into dialogue, offering thoughtful and timely reflections on the evolving integration of human rights considerations into the interpretation and application of the law of the sea.

The main body of the volume is organised into two thematic parts, each addressing critical dimensions of the inquiry (introduced in greater detail below). Part I, *Human rights in a shifting maritime landscape*, engages with normative, jurisprudential, and procedural challenges associated with integrating human rights considerations into the law of the sea. Part II, *Tides of change: Climate impacts, human rights, and maritime legal frameworks*, explores the intricate and evolving interplay between climate change and human rights within the legal regimes governing the use of maritime spaces and resources, drawing particularly on scholarly contributions fostered by the Sea and Climate Change (MCC) Programme, established at Jean Moulin Lyon 3 University. The *Concluding remarks* synthesise the volume's principal insights, offering reflections on emerging trends and ongoing tensions at the intersection of ocean governance and human rights protection.

An Annex complements the main text, by presenting a Legal Opinion prepared by a group of legal experts coordinated by ASCOMARE at the request of the Palestinian BDS (Boycott, Divestment and Sanctions) National Committee. This Opinion contributes to the volume's discourse by critically examining the legal regime of innocent passage and the due diligence obligations of flag States under international law, with particular emphasis on their duty to prevent the transport and transit of arms and related material intended for use in the commission of genocide, apartheid, or other grave human rights violations.

Readers may find themselves navigating unfamiliar terrain – an intentional feature of this volume. It deliberately engages with issues not tradi-

tionally associated with the law of the sea, including settler colonialism, Indigenous rights, genocide, intellectual property, coltan supply chains, and artificial intelligence. The underlying premise is clear: if oceans are vital to human life, the law of the sea must more meaningfully contend with the political, social, and ethical realities that shape that life. We invite readers to embark on this interdisciplinary journey with curiosity, critical reflection, and an openness to rethinking familiar legal boundaries.