# Concluding Remarks

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This volume brings to a close an intellectual voyage through the dynamic interface of international human rights law and the law of the sea. Along the way, we have traced the enduring imprint of occupation and systematic rights violations along the Palestinian borders; followed flotillas navigating the disputed waters of the Spratly Archipelago; and traversed the lived realities of Indigenous communities across Latin America, the Seychelles, and the Pacific. We have examined extractive practices in the conflict-affected Kivu provinces and observed search and rescue operations over the Mediterranean, where the journeys of migrants often culminate in fatal neglect.

This volume has also interrogated the intersecting pressures of climate change on oceanic governance and human rights, explored the deploy-

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ment of machine learning and emerging technologies at sea, and reflected on the ethical and legal frameworks necessary to regulate these transformations. Through these contributions, a unifying thread emerges: maritime spaces are not legal voids but arenas of normative contestation and accountability. Human rights obligations extend beyond terrestrial borders and must inform – and be informed by – the ways in which States regulate maritime spaces and resources.

The conceptual foundation of this volume rests on the recognition that the rights of individuals and communities are not only applicable *at sea* as they are on land, but that their content and implementation are inextricably linked to the legal regimes through which States exercise jurisdiction, control, and regulatory authority over maritime spaces and resources. The absence of an integrated legal approach – one that bridges the artificial compartmentalisation between distinct regimes of international law – risks rendering international human rights law and the law of the sea normatively proximate yet functionally disjointed.

Judicial and scholarly efforts have played an instrumental role in addressing this fragmentation. The jurisprudence of international courts and tribunals, as well as academic-led initiatives such as the Geneva Declaration on Human Rights at Sea and the *BlueRights* COST Action, constitute emerging avenues for clarifying and operationalising human rights standards in maritime contexts. The foundational contributions to this volume by Judge Lijnzaad, Judge Marciniak, and Professor Papanicolopulu reflect the increasing recognition of the imperative to foster normative coherence between these bodies of law, particularly in a legal landscape that is progressively centring 'considerations of humanity' within the regulatory governance of maritime spaces and activities.

Building on these insights, this volume adopts a holistic and integrative perspective, treating the law of the sea not as an autonomous or self-referential regime, but as a dynamic and permeable body of international law – one that both shapes and is normatively shaped by

adjacent legal frameworks, including international human rights law. It is conceived not merely as a functional regime concerned with maritime navigation, fisheries management, and the delimitation of maritime zones, but as a structural legal order that operates as a determinant in the realisation and protection of human rights across diverse legal and geographic contexts.

This, in turn, raises the critical question of how such a normative shift may be operationalised within legal practice.

*First*, as explored throughout this volume, normative lacunae within the UN Convention on the Law of the Sea (UNCLOS) and the broader corpus of international law governing maritime affairs engender uncertainty regarding States' jurisdictional competence, rights, obligations, and accountability. The contributions to this volume converge almost unanimously in acknowledging the functional and evolutionary significance of 'considerations of humanity', as consistently invoked by international courts and tribunals – most notably the International Tribunal for the Law of the Sea (ITLOS) – as a pivotal interpretative medium for bridging the normative gap between human rights law and the law of the sea within the framework of UNCLOS. The precise content of 'humanity' for the purposes of interpreting and applying specific rights and obligations under the law of the sea remains open to debate; however, what is clear is that UNCLOS provisions – and the law of the sea more broadly – cannot be construed or applied in a manner that infringes upon the basic human rights and fundamental principles protecting individuals and communities, whether on land or at sea.

*Second*, the risks associated with the use of maritime spaces and resources in ways that are incompatible with the protection and full realisation of human rights are further exacerbated when the safeguarding of such rights is subordinated to, or distorted by, State political agendas, often shaped by enduring post-colonial legacies. Prevailing geopolitical dynamics and economic rivalries among super-powers materially influ-

ence the interpretation and application of the law of the sea and human rights norms, including by non-Parties to UNCLOS. In this regard, any constructive academic discourse on the subject must be grounded in a structural understanding of the geopolitical context within which maritime rights and obligations are embedded. Such an approach underscores that, in the absence of genuine political will, normative frameworks alone are insufficient to ensure the consistent protection of human rights at sea.

*Third*, equally significant is the internalisation of international human rights obligations – particularly those deriving from UNCLOS – through domestic legislative and regulatory frameworks. States, in their various capacities as flag, coastal, or port States, are thereby enjoined to adopt measures enabling them to discharge their responsibilities under international law. This process transcends mere technical compliance; it reflects a deeper alignment between the normative commitments of the international legal order and the practical mechanisms through which individual and collective rights – especially those of vulnerable or maritime-dependent communities – are recognised and safeguarded within national systems.

*Fourth*, there is a pressing need to reimagine legal frameworks in light of emerging and evolving challenges in ocean governance. The inadequacy of traditional legal silos – whether within human rights law, cultural heritage protection, climate law, or the law of the sea – is increasingly apparent. Instead, interdisciplinarity and normative flexibility are required: a vision of the ocean not merely as a resource but as a juridical space for the realisation of socio-environmental rights, particularly through the recognition of community-led and Indigenous claims. Contributions in this volume underscore the role of marine cultural heritage in reinforcing memory, identity, and resilience for communities whose ways of life are threatened by sea-level rise and ecological degradation. In this context, law is interrogated not only for its deficiencies but also

reimagined as a generative force – a vehicle for solidarity, resistance, and transformation.

*Fifth*, a salient domain is the delimitation of maritime boundaries, which carries significant implications for the effective enjoyment of human rights, both on land and at sea. Beyond ensuring legal certainty regarding the scope of coastal States' jurisdiction – which necessarily conditions the distribution and exercise of rights and obligations by adjacent communities – there is an emerging imperative to integrate human rights considerations into the delimitation process itself. In particular, the rights of Indigenous peoples and other vulnerable groups ought not to be treated as peripheral concerns but recognised as relevant, and potentially determinative, circumstances within the normative framework governing maritime delimitation. This approach requires a reorientation of traditional methodologies, incorporating socio-legal and human rights dimensions alongside geographic and geomorphological considerations.

*Sixth*, another key avenue of inquiry concerns the incorporation of human rights considerations into the due diligence obligations incumbent upon States, particularly in their capacity as flag States with respect to the conduct of vessels entitled to fly their flag. Pursuant to Article 94 UNCLOS and customary international law, the flag State bears primary responsibility for exercising effective jurisdiction and control over its vessels. When viewed through the prism of international human rights law, this obligation entails not only the establishment of adequate legislative and administrative frameworks but also the implementation of monitoring mechanisms and the adoption of corrective measures in the event of violations – proportionate to the degree of risk and the State's actual or constructive knowledge thereof. Such duties may be conceptualised as constitutive of the 'genuine link' requirement, situating flag State responsibility within the broader matrix of fundamental rights protection at sea. A normative intersection further elaborated in the Legal Opinion

commissioned by the BDS National Committee and prepared by an expert group coordinated by ASCOMARE, annexed to this volume.

*Seventh*, and finally, we would like to conclude with a forward-looking observation: the time may be approaching for the international community to contemplate the development of a fourth implementing agreement to UNCLOS, specifically addressing human rights issues arising in the management and use of maritime spaces and resources. Such an instrument could clarify and operationalise the human rights obligations of States and non-State actors in maritime contexts, particularly where legal ambiguities or jurisdictional gaps persist. It would also provide a formal mechanism for integrating evolving standards of environmental justice, cultural rights, and the protection of vulnerable categories into the legal fabric of ocean governance. Drawing inspiration from existing implementing agreements under UNCLOS, a dedicated agreement on human rights at sea would reinforce normative coherence between the law of the sea and international human rights law.

By grounding such an initiative in both doctrinal development and lived realities, the international legal order could take a meaningful step toward dismantling the long-standing conceptual and institutional silos that continue to obscure the indivisibility of rights, irrespective of whether they are exercised on land or at sea.