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## A Review of the International Tribunal for the Law of the Sea from a Human Rights Perspective

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### Abstract

*The presence of ships and individuals at sea raises critical questions regarding the compliance of coastal and port states with fundamental human rights obligations, particularly in situations involving the detention of vessels or when individuals face peril at sea. Among the most significant domains of international law addressing these concerns is the law of the sea. Although the law of the sea has evolved alongside maritime activity for centuries, limited attention has historically been devoted to the applicability and enforcement of human rights norms in maritime contexts. Nevertheless, key instruments, most notably the United Nations Convention on the Law of the Sea (UNCLOS), explicitly recognize the relevance of human rights at sea.*

*Scholars and commentators have emphasized that certain provisions of UNCLOS embody human rights principles, yet these have often been underutilized in practice. While the identification and implementation of human rights obligations within the maritime legal framework remain complex and challenging, UNCLOS nevertheless affirms specific human rights duties in several of its provisions.*

*A fundamental question persists: do individuals at sea possess enforceable human rights, and do states bear an unequivocal duty to protect and ensure the realization of these rights? This article critically examines human rights considerations within UNCLOS and analyzes the jurisprudence of the International Tribunal for the Law of the Sea, elucidating the extent to which human rights obligations are recognized and enforced in maritime law.*

**Keywords:** International Law of the Sea, Human Rights, International Tribunal for the Law of the Sea, Obligation to Render Assistance, Duty to Rescue

## Introduction

Throughout history, individuals at sea have been subjected to severe human rights violations. Notably, these violations are not attributable to a lack of legal protection under international law; the rights of persons at sea are recognized across multiple legal regimes, including the law of the sea, international human rights law, and international labor law.

These violations often arise from the complex interaction between these legal regimes, which can undermine each other's effectiveness. Port restrictions, for instance, illustrate how states may legally exercise rights under the law of the sea while simultaneously evading other human rights obligations. This interplay underscores the urgent need to reassess the rights and duties of states under the international law of the sea, with a view toward developing a coherent approach that systematically safeguards human rights at sea.

Contemporary threats to maritime security and governance—including transportation and security challenges, drug trafficking, piracy, illegal and unregulated fishing, migrant drownings in the Mediterranean, refugee crises, and marine pollution—highlight the stakes for states. Despite these challenges, some states adopt a narrow interpretation of international human rights obligations, asserting that such norms do not extend beyond their territorial jurisdiction. This restrictive approach can lead to fundamental human rights violations, contrary to the principles enshrined in human rights treaties, which obligate states to uphold these rights in maritime contexts as well (Ndiaye, 2019:276).

The question of human rights is further complicated in relation to perpetrators of piracy. States often demonstrate limited willingness to extend procedural and substantive rights to these individuals. Human rights challenges in prosecuting piracy include ensuring reasonable detention periods, determining the authority competent to issue arrest warrants, and adjudicating piracy suspects in third-party jurisdictions (Kazemi, 2019:31).

The era of generality in international law has largely passed. Modern international law has become increasingly specialized, with distinct sub-branches such as the law of the sea, international economic law, international humanitarian law, and human rights law. Each sub-branch possesses its own sources, enforcement mechanisms, and judicial institutions, which can foster the perception that these regimes are autonomous and separate from general international law.

However, as the International Law Commission has noted, such fragmentation can generate conflicts between norms and regimes within international law (ILC, 2006). In reality, the law of the sea is intrinsically linked to human considerations and is responsive to the development and expansion of human rights. Maritime instruments and institutions not only intersect directly with human rights norms but, in certain cases, obligate states to comply with them (Coppens, 2013:179).

While some scholars have argued that specialized regimes are self-contained, it is now widely recognized that no legal regime is entirely autonomous. All so-called self-sufficient regimes, including the law of the sea, are interconnected with general international law. Consequently, the law of the sea and human rights law are inherently interrelated, enabling the effective implementation of human rights norms in maritime contexts.

## 1. The Law of the Sea and the Enforceability of Human Rights Rules

Although the law of the sea primarily constitutes a state-centric regime, granting rights and imposing duties on states, individuals can nonetheless be regarded as direct beneficiaries of its norms. While the law of the sea traditionally emphasizes state obligations rather than individual rights, there exist circumstances—such as the transfer of refugees, the carriage of slaves, and the inhumane or degrading treatment of ship crews—where the protection of individual human rights at sea becomes as imperative as on land.

A critical question arises: do individuals at sea enjoy enforceable human rights, and are states obliged to ensure their realization? Addressing this question requires a simultaneous examination of the rules and principles governing both the law of the sea and international human rights law. The interrelationship between these domains depends on a careful analysis of their core elements. Importantly, all persons at sea—whether seafarers, pirates, migrants, or passengers—are entitled to human rights; the content and application of these rights do not vary according to the specific status of the individual (Papanicolopulu, 2014:511).

A significant body of international instruments addresses either the rights of persons at sea or the corresponding obligations of states. These instruments fall broadly into two categories: human rights instruments and law of the sea instruments.

### 1.1 Human Rights Instruments

Within the realm of human rights law, fundamental guarantees such as the right to life, freedom from torture, and freedom from slavery are universally recognized under customary international law. Codified instruments, particularly the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), further elaborate these rights, encompassing protections such as the right to personal liberty, the right to a fair trial, and freedom of thought and conscience.

It follows that the human rights enshrined in these instruments, especially those recognized as customary, are equally applicable in maritime contexts. The inherent dignity of the human person necessitates adherence to these rights at all stages, including arrest, detention, and post-conviction. Human rights instruments—including the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the ICCPR—explicitly safeguard procedural rights to ensure fair trial standards and protect the rights of the accused (Kazemi, 2019:32).

Most human rights treaties establish supervisory bodies to monitor compliance, some of which function with quasi-judicial authority. For example, the Human Rights Committee oversees ICCPR implementation, while stronger enforcement mechanisms exist in regional frameworks, such as the European Court of Human Rights and the Inter-American Court of Human Rights.

Despite this robust framework, no human rights instrument explicitly addresses maritime contexts or the unique human rights issues arising at sea (Papanicolopulu, 2014:514). Nonetheless, the universal and non-discriminatory nature of human rights—formulated without regard to race, gender, language, or religion—supports the claim that these protections extend to individuals at sea.

## 1.2 Instruments Related to the Law of the Sea

To date, relatively little attention has been given to the incorporation of human rights principles within the framework of international law of the sea. Although the United Nations Convention on the Law of the Sea (UNCLOS) is not a human rights instrument per se, several of its provisions embody human rights principles that remain underutilized in practice.

UNCLOS, as a comprehensive global instrument, seeks to advance the collective interests of humanity by regulating legal norms governing the seas and oceans, facilitating international communication, ensuring the equitable use of marine resources, protecting living marine resources, and promoting the peaceful use of maritime spaces (UNCLOS, Preamble, paras. 4–5). Certain principles enshrined in the Convention, such as the “common heritage of mankind,” align closely with broader human rights objectives. Additionally, the protection of historical and cultural artifacts recovered from the sea is explicitly recognized (Coppens, 2013:179).

A fundamental principle of maritime law is the obligation to provide assistance to persons in distress at sea. Masters of vessels, flag states, and coastal states operating within search and rescue zones bear international duties in this regard. These obligations derive from both general international law and specific treaties, including UNCLOS, the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Maritime Search and Rescue (SAR), and relevant guidelines issued by the International Maritime Organization (IMO). Although some scholars assert that the flag state’s duty to assist derives solely from Article 98(2) of UNCLOS (Salihi, 2021:334), the broader legal framework confirms that this obligation extends to all states and shipmasters engaged in maritime operations.

UNCLOS further addresses human rights protection in explicit terms. For instance, Article 73 mandates that states prohibit the transfer of slaves under their flag and punish violations. Any person found in such circumstances on the high seas or within the exclusive economic zone of any ship shall be immediately freed, irrespective of the vessel’s nationality. Similarly, Article 98 enshrines the duty to render assistance to persons in distress at sea—an obligation that has long been recognized as a cornerstone of maritime law. Historically, seafarers considered providing aid to distressed persons a moral imperative; today, this duty has been codified in international maritime treaties (Fahy-Cacciaguidi, 2007).

Although Article 98 primarily addresses the high seas, the duty to assist extends to the exclusive economic zone and territorial waters (Articles 18 and 58, UNCLOS). Assistance encompasses a range of acts, including towing vessels to safety, rescuing stranded ships, extinguishing onboard fires, providing essential supplies, securing lost ships, offering security assistance, and providing navigational guidance. Importantly, the obligation to assist constitutes an obligation of means rather than an obligation of result; it applies universally, without discrimination based on sex, race, religion, nationality, statelessness, or legal status—including undocumented migrants. The roots of this duty lie in customary international law, and Article 98(2) underscores the responsibility of coastal states to maintain adequate and efficient search and rescue services (Coppens, 2013:186). Indeed, this provision has been interpreted as establishing a “right to rescue at sea.” The obligation of other vessels’ masters to remain present at sea does not diminish the coastal state’s primary responsibility (Salehi, 2021:345).

The relationship between human rights and the law of the sea has been reinforced by two key developments. First, cases before the International Tribunal for the Law of the Sea (ITLOS) often involve persons at sea and receive significant public and media attention. Issues such as the arrest, prosecution, and trial of piracy suspects, as well as the treatment of migrants and refugees seeking entry into coastal states, highlight the applicability of human rights standards in maritime contexts. Second, the increasing number of legal proceedings before international courts and tribunals regarding the treatment of individuals at sea emphasizes the judiciary’s role in developing mechanisms to ensure and enforce human rights protections (Papanicolopulu, 2013:535).

The integration of human rights considerations into maritime law does not create a formal conflict between these two branches of international law; rather, it facilitates the coherent implementation of complementary obligations. While human rights treaties—including the ICCPR, ICESCR, and regional instruments such as the American Convention on Human Rights—generally do not reference maritime domains, UNCLOS, though not explicitly a human rights treaty, provides a framework through which these rights can be applied (Oxman, 1998:400). The protection of individuals at sea was not a primary focus during the negotiations of the Third United Nations Conference on the Law of the Sea; however, ITLOS judges have actively considered human rights in their jurisprudence.

Case law demonstrates that human rights principles do not conflict with the law of the sea; instead, judicial proceedings can reinforce and safeguard individual rights. This approach has led to the expansion of jurisdictional concepts under human rights treaties, thereby ensuring broader and more uniform protection for individuals (Papanicolopulu, 2013:536). In the landmark *MV Saiga* case, Judge Treves emphasized that “humanitarian considerations must be applied in the field of the law of the sea as they are applied in other branches of international law,” highlighting the importance of integrating human rights standards into maritime law and avoiding fragmentation between these two domains (Saiga V/M, 1999:15, para. 1). Treves subsequently elaborated on this principle in separate opinions, establishing him as a pioneer in recognizing the interaction between human rights and the law of the sea (Treves, 2010:14).

### 1.2.1 Human Rights Considerations and the Concept of Jurisdiction

Coastal states possess the authority to take appropriate measures with respect to foreign vessels seeking entry into internal waters or port facilities, including measures to prevent violations of entry conditions. Accordingly, a coastal state may impose restrictive or preventive measures to regulate non-harmless passage. For instance, vessels operated by non-governmental organizations (NGOs), whose activities may be deemed non-harmless, are typically required to obtain permission from the coastal state (Salihi, 2017:27).

Human rights obligations, as established under international law, are equally applicable at sea. Nonetheless, states sometimes attempt to circumvent these obligations by misinterpreting the law of the sea. For example, the United States has argued that its human rights obligations do not extend to refugees denied entry at sea or outside its territorial jurisdiction. Similarly, Italy has invoked its UNCLOS obligations to rescue persons at sea as a means to circumvent the applicability of the European Convention



on Human Rights (ECHR) in operations involving Libyan refugees (ECHR, Judgment 2012, para. 65).

The evolution of jurisdiction under human rights treaties provides a valid basis for applying human rights norms within the law of the sea. This applicability extends beyond territorial jurisdiction to other bases, such as flag state jurisdiction. These developments demonstrate that the concept of jurisdiction in maritime law can and should be interpreted in light of human rights considerations.

### **1.2.2 Commitment to Provide Assistance and Rescue of Persons at Sea**

Humanitarian assistance at sea is a critical mechanism for saving lives and is grounded in fundamental human rights principles, particularly the right to life, dignity, and humane treatment. International conventions—including the 1982 United Nations Convention on the Law of the Sea, the 1974 International Convention for the Rescue of Persons in Distress, the 1979 International Convention on Search and Rescue, the 1996 Convention on the Rescue of Persons in Distress, and the 1958 Geneva Convention on the High Seas—contain provisions addressing the duty to assist persons and vessels in distress while upholding human rights principles.

Article 98(1) of UNCLOS explicitly obliges states to render assistance to persons in distress at sea, a duty extended to the exclusive economic zone under Article 58(2) (Salehi, 2021:352). Similar obligations are articulated in Article 12 of the Geneva Convention on the High Seas and Articles 10 and 23 of the Convention on the Rescue of Life in Distress, which require assistance upon any indication that persons are at risk. Likewise, Part V, Articles 1, 2, and 10 of the Convention on Search and Rescue obligate states to provide aid regardless of the nationality, status, or circumstances of those in distress.

Collectively, these provisions establish an unqualified duty to assist any person in danger of being lost at sea, irrespective of the number of individuals, mode of transport, or maritime zone. However, the conventions do not explicitly define the limits or scope of such assistance. To address this gap, the International Maritime Organization (IMO) in 1985 called upon all state parties to employ their best efforts in providing aid during crises, such as the displacement of Vietnamese migrants (IMO, 1985:475).

It is important to distinguish between the obligation to provide assistance and the obligation to rescue. The former entails a general duty to render aid, whereas the latter may be considered fulfilled by bringing persons on board or disembarking them. Nonetheless, some scholars contend that abandoning rescued individuals at sea or transferring them to another vessel does not terminate the rescuing state's responsibility (Salehi, 2021:353). The ship's master bears primary responsibility under these conventions, though the scope of the duty is intentionally left flexible to account for the safety of the vessel and crew, as well as the unpredictable dangers of the high seas (Fahy-Cacciaguidi, 2007:1).

<sup>1</sup> United Nations Convention on Law of the Sea Convention (1982)

<sup>2</sup> International Convention for the Safety of Life at Sea (1974).

<sup>3</sup> International Convention on Maritime Search and Rescue (1979).

<sup>4</sup> International Convention on Salvage (1996).

<sup>5</sup> Convention on The High Seas (1958).

### **1.2.3 Duties of the Flag State and the Coastal State in the Obligation to Provide Assistance and Rescue**

Under Article 98(1) of UNCLOS and Articles 7, 10, and 33 of Part V of the International Convention for the Safety of Life at Sea (SOLAS), flag states are obligated to enact domestic legislation to punish vessel masters who fail to comply with duties to rescue or provide assistance. However, effective implementation depends on domestic legal frameworks. The conventions do not explicitly delineate the scope or extent of the obligation to rescue, creating interpretive latitude for states, particularly regarding the right to disembark rescued individuals in coastal territories, which can be analogized to the right of innocent passage (Fahy-Cacciaguidi, 2007:1).

Flag states often exhibit reluctance to intervene in the operations of vessels within the exclusive economic zone (EEZ), leaving coastal states with alternative jurisdictional authority. Nevertheless, this does not relieve flag states of their responsibilities. Cooperation between flag and coastal states remains essential, and both are expected to implement UNCLOS provisions collaboratively to establish and enforce regulations for search, rescue, and assistance in the EEZ (Salehi, 2010:26).

### **1.2.4 Right to Asylum, Right of Access to the Port of the Coastal State, and Right of Innocent Passage**

The scope of the right to asylum, the right of innocent passage, and the right of access to the ports of coastal states is clearly delineated within the framework of the Convention on the Law of the Sea. These rights are fundamentally informed by human rights considerations, particularly the protection of life and personal security at sea.

The right to asylum enables vessels to seek refuge within the internal waters and territorial seas of a coastal state under specific conditions grounded in human rights principles. This legal norm obliges coastal states to prevent risks to the lives of individuals and to provide assistance to those in danger. Domestic practice reflects a careful balancing between the protection of human life and the safeguarding of ships and their cargo. The Irish High Court, in the *MV Toledo* case (High Court, 1995), underscored that while the right to asylum is not absolute, it is primarily anchored in the protection of human life, affirming that the basis of this right is rooted in human rights principles.

The entitlement of vessels in distress to access the territorial waters, ports, and anchorages of a coastal state is reinforced in treaty law and widely supported in scholarly literature. This right is inseparable from human rights considerations, particularly the obligation to safeguard life at sea. Coastal states are thus expected to recognize and implement domestic legal measures that facilitate port access for vessels in distress, ensuring protection for persons aboard.

The right of innocent passage comprises two essential elements: the act of passage and the condition of innocence. Article 18 of the 1958 Convention on the Territorial Sea and the Continental Shelf defines the notion of "passage," while Article 19 of the same Convention elaborates on the dual criteria of passage and harmlessness. Similar to the right to asylum and port access, the right of innocent passage is fundamentally oriented toward protecting persons at sea by ensuring their access to safe maritime routes and secure refuge.

## 2. Implementation of Human Rights Rules in the International Tribunal for the Law of the Sea

The International Tribunal for the Law of the Sea (ITLOS) was established under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which entered into force in 1995. ITLOS became operational following the election of its judges in 1996. A distinctive feature of this Tribunal, in contrast to the International Court of Justice (ICJ), is that, in addition to states and intergovernmental organizations, private individuals and entities may also bring claims before it (Mir Abbasi, 2006:227).

The law of the sea, one of the oldest branches of international law, traces its modern legal framework back to Hugo Grotius and is deeply rooted in public international law. While it operates under a specialized treaty framework and is subject to adjudication by dedicated international courts, it maintains strong connections with general principles of international law. The UNCLOS represents the culmination of this treaty framework, establishing institutions for its interpretation and enforcement, including ITLOS, the ICJ, and arbitral tribunals. These bodies are tasked with implementing UNCLOS in accordance with its objectives and may be compared to specialized human rights institutions, such as the European Court of Human Rights (Treves, 2010:10).

Courts and tribunals adjudicating disputes under UNCLOS are bound by Article 293, which mandates that: “A court or tribunal having jurisdiction under this Part shall apply this Convention and other rules of international law which are compatible with it.” This provision explicitly allows the application of human rights rules alongside the rules of the Convention. Although UNCLOS is not a human rights treaty per se, its provisions reflect humanitarian considerations—most notably, the duty to assist persons and vessels in distress, the obligation to rescue, and exceptions to the right of innocent passage for humanitarian purposes.

ITLOS has demonstrated its engagement with human rights principles in several areas, including immediate release, provisional measures, and jurisdictional issues, beginning with its landmark decision in the *MV Saiga* case (Petrig and Bo, 2019:410). Commentators argue that UNCLOS embodies human rights principles, encompassing cultural rights, environmental protection, and the “common heritage of humanity,” all of which states are obliged to respect (Oxman, 1998:401).

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<sup>6</sup> 1. *M/V Toledo*.

<sup>7</sup> Convention on the Territorial Sea and Contiguous Zone (1958) .

<sup>8</sup> Hugo Grotius.

Article 98 of UNCLOS exemplifies this humanitarian orientation by obligating vessels to render assistance to persons in distress, irrespective of their legal status, and regardless of whether the situation arises during peace or conflict (Fahy-Cacciaguidi, 2007). Other provisions protect individuals within the exclusive economic zone, limit punitive measures against foreign fishermen, and require states to notify flag states upon detention of foreign vessels, ensuring fair treatment and impartiality (Articles 230, 73(3)-(4); Salihi, 2010:21).

ITLOS has consistently emphasized the protection of individual rights in its decisions. In the *Comouco* (2000) and *Mont Confort*

(2000) cases, the Tribunal underscored the importance of immediate release of the captain and crew, emphasizing that administrative actions should not impede the right to freedom of movement under Article 292 of UNCLOS. Similar principles were reinforced in the *Juno Trader* (2004) and *Hoshinmaru* (2007) cases, where the Tribunal mandated the unconditional release of the crew and captain, emphasizing compliance with human rights norms. These decisions align closely with Article 3 of the Universal Declaration of Human Rights (UDHR) and Article 9 of the International Covenant on Civil and Political Rights (ICCPR), affirming the right to life, liberty, and security of the person, as well as freedom of movement.

Humanitarian considerations have also been invoked in cases involving the use of force. In the *MV Saiga* case, ITLOS assessed whether Guinea’s use of force to detain the vessel was excessive, noting that, although UNCLOS does not expressly regulate the limits of force, international law under Article 293 requires that force be avoided wherever possible and remain proportionate and necessary, with human rights considerations informing such judgments (*Saiga V/M*, 1999:15para).

The Tribunal has utilized multiple legal instruments to incorporate human rights rules into UNCLOS adjudication. Article 239 explicitly permits the application of other international law rules compatible with the Convention, while Article 31(3)(c) of the Vienna Convention on the Law of Treaties authorizes the consideration of “any relevant rule of international law applicable in the relations between the parties” when interpreting a treaty. Consequently, human rights and humanitarian principles can be invoked alongside UNCLOS provisions, including those relating to the exclusive economic zone and the high seas, where activities must be conducted with due regard for the rights of others. For instance, the exercise of freedom of navigation and fishing must respect the rights of others to conduct fishing or lay submarine cables. The guiding criterion in such cases is the minimization of risk to human life, reflecting the primacy of human rights considerations in maritime operations.

### 2.1 Challenges to the Implementation of Human Rights Obligations in the International Tribunal for the Law of the Sea

Judges of the International Tribunal for the Law of the Sea (ITLOS) have actively sought to protect individual rights through their case law. The Tribunal’s jurisprudence has opened pathways for the interaction between the law of the sea and human rights, playing a significant role in integrating and harmonizing these two areas of international law (Treves, 2007:823).

A key challenge stems from the fact that UNCLOS lacks explicit references to human rights. However, Article 73, paragraphs 3 and 4, of UNCLOS arguably establish an individual right as a legal basis for the prompt release of a vessel. These provisions prohibit certain punitive measures against fishermen and obligate the coastal State to inform the flag State of the vessel’s detention. Due to its limited jurisdiction regarding prompt release, ITLOS cannot directly adjudicate violations of these rights. Nevertheless, the Tribunal’s decisions have been instrumental in humanizing Article 73(2) through context- and purpose-oriented interpretations (Bo & Petrig, 2019:410).

Interim measures provide another avenue for incorporating human rights norms. In several cases, ITLOS has applied human rights principles in issuing provisional measures, despite not being an

explicit human rights court. Reliance on these norms has enabled the Tribunal to protect individual rights effectively, circumventing certain limitations inherent in its jurisdiction. Observers anticipate that ITLOS's capacity to issue interim measures aimed at safeguarding human rights will expand in future proceedings (Bo & Petrig, 2019:410).

Substantive cases further illustrate the importance of Article 293 of UNCLOS, which ensures the systematic integrity of the Convention and permits the application of other rules of international law compatible with its provisions. While the article has limitations, it allows ITLOS to integrate human rights norms into disputes under UNCLOS, potentially extending the Tribunal's jurisdiction to encompass human rights violations related to breaches of the Convention's provisions (Bo & Petrig, 2019:411).

No provision of UNCLOS prohibits reference to human rights treaties, and judges may take these norms into account under Part XV of the Convention. Human rights are implicitly embedded in UNCLOS provisions and may be considered part of the Convention's framework (Treves, 2010:3). Articles 293 and 311 further ensure that tribunals hearing cases under Part XV "shall give effect to this Convention and to other rules of international law that are not inconsistent with this Convention." Human rights treaties, as well as customary international law protecting fundamental rights—such as the right to life, freedom from inhuman or degrading treatment, and the right to a fair trial—are fully compatible with UNCLOS and applicable before ITLOS.

Nonetheless, a fundamental challenge remains: the lack of explicit jurisdiction for ITLOS to adjudicate human rights violations. This limitation exposes the Tribunal to criticism regarding its capacity to address such matters (Papanicolopulu, 2013:536). A pressing question is whether ITLOS can play a role in cases arising from contemporary maritime human rights crises, such as the 2018 Mediterranean incident involving Italy's refusal to rescue the ship *Aquarius*, denying port access and disembarkation to over 600 rescued migrants. While ITLOS has demonstrated a commitment to considering the rights and interests of individuals in maritime disputes, the full utilization of UNCLOS's legal framework to humanize the law of the sea—and thereby further develop protections for human rights at sea—remains contingent upon state practice and judicial interpretation in the years to come (Bo & Petrig, 2019:411).

<sup>9</sup> The M/V "SAIGA" (No. 2) Case (Saint Vincent and the Grenadines v. Guinea).

## Conclusion:

Although the law of the sea and human rights have developed in different contexts, they increasingly interact and operate dynamically in practice. The law of the sea provides a comprehensive framework for protecting the lives and rights of persons at sea. Nevertheless, uncertainties remain regarding coastal States' practices, including evacuation of passengers, access to ports, and the exercise of innocent passage. Addressing these uncertainties requires coastal States to balance security interests with their human rights obligations, particularly the duty to assist and rescue persons in distress.

Human rights considerations are closely intertwined with maritime law. Rather than existing in separate spheres, these two areas often converge. Many rules of the law of the sea are inherently infused

with humanitarian principles. The International Tribunal for the Law of the Sea (ITLOS) explicitly considers human rights when interpreting maritime law, ensuring that individuals benefit from protections even when the law of the sea primarily regulates state conduct.

In cases involving the simultaneous application of human rights and maritime law, institutions like ITLOS play a unique and essential role. Far from representing a fragmentation of international law, this integration demonstrates the evolving nature of legal norms at sea. Across maritime instruments, human rights rules apply to all persons in danger or distress, and ITLOS jurisprudence illustrates the explicit incorporation of these principles through Article 293 of the 1982 Convention on the Law of the Sea.

Ultimately, human rights principles are fundamental to the law of the sea, safeguarding human life and dignity. The ongoing interaction between these legal regimes establishes essential standards for the treatment of people at sea. While granting States authority and competence, the law of the sea concurrently reinforces the obligation to respect human rights, providing a pathway for the continued development of maritime law within the jurisdictional framework of UNCLOS.

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