

DOALOS/United Nations – Nippon Foundation Alumni Law of the Sea Training Programme



UN Photo/Martine Perret

An introduction to the human dimension



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

Welcome and opening

Programme

Welcome and opening	10:00 am - 10:10 am
Ms. Jessica Howley, Associate Legal Officer, DOALOS	
An introduction to the human dimension of the law of the sea	10:10 am - 10:50 am
Ms. Catherine Harwood, Associate Legal Officer, DOALOS	
UNNF Alumni case studies	10:50 am - 11:10 am
<i>Labor conditions of artisanal fishers in Togo</i>	
Mr. Hubert Bakai, Director, Maritime Affairs of Togo	
<i>Barriers for female seafarers in the shipping industry and projecting opportunities arising from maritime autonomous shipping</i>	
Mr. Anas Saleh, PhD student, World Maritime University	
Q&A session	11:10 am - 11:25 am
Moderated by Ms. Valentina Germani, Senior Legal Officer (Programme Advisor), DOALOS	
Closing	11:25 am - 11:30 am



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

An Introduction to the Human Dimension of the Law of the Sea



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS



Overview

- 1. What is the 'human dimension'?**
- 2. Labour at sea**
 - UNCLOS and other relevant international instruments
 - Spotlight on the plight of seafarers
- 3. Migration by sea**
 - Key concepts
 - Duty to rescue as reflected in UNCLOS
 - Other relevant instruments and frameworks
 - Engagement by United Nations bodies and agencies

1. What is the 'human dimension'?

People rely on the ocean for:

- Food security
- Livelihoods
- Transportation
- Recreation and tourism
- Cultural values and heritage
- Climate regulation



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

UNITED NATIONS



Links with Sustainable Development Goals

- Labour at sea: Goal 8
 - Decent work
 - Issues include forced labour, modern slavery and human trafficking
 - Safe and secure working environments
- Migration by sea: Goal 10
 - Orderly, safe, regular and responsible migration
- Gender equality: Goal 5
 - Crucial to all SDGs, including Goal 14



2. Labour at sea

- Seafarers and fishers often work in difficult conditions and face many occupational hazards
- These challenges have been further exacerbated by COVID-19 and related response measures
- Key legal instruments:
 - UNCLOS, art. 94(3): duty of the flag State to ensure safety at sea
 - Maritime Labour Convention 2006
 - Work in Fishing Convention 2007



UN Photo/M Guthrie

UNCLOS provisions relevant to labour at sea

- UNCLOS sets out the general legal framework for all activities in the oceans and seas, including shipping and fishing
- Includes rights and duties of the **flag State** (art. 94)
 - The State of nationality of the ship
 - Has jurisdiction over the ship
 - Responsible for ensuring safety at sea, including related to manning of ships and labour conditions

Other relevant international instruments

Seafarers: Maritime Labour Convention 2006

- Entry into force: 2013
- Applies to every worker (crew, cabin and cleaning personnel, entertainers, bar staff, spa workers, etc)
- Every ship except fishing vessels, traditional vessels, warships

Fishers: Work in Fishing Convention 2007

- Entry into force: 2017
- Applies to every person employed or engaged on board any fishing vessel
- Exceptions: subsistence fishing, recreational fishing

Other relevant international instruments

- Global standards
- Minimum requirements
 - Conditions of employment
 - Accommodation and food
 - Occupational safety and health
 - Medical care
 - Social protection
- Apply to different groups of workers



Spotlight on the plight of seafarers

“While the COVID-19 pandemic has had devastating health, economic and social consequences globally, the current plight of seafarers around the world needs urgent attention. The situation is increasingly serious, given that fatigued seafarers cannot operate indefinitely and disruptions to international shipping would have devastating consequences.”



- António Guterres
United Nations Secretary-General

3. Migration by sea



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

Migration by sea: key concepts

- Migrant
- Refugee
- Asylum-seeker
- Irregular migration
- Mixed migration
- Smuggling of migrants
- Trafficking in persons



Photo: Christopher Jahn/IFRC (CC BY-NC-ND 2.0)
www.flickr.com/photos/ifrc/20897876568/in/photostream

Duty to rescue under UNCLOS

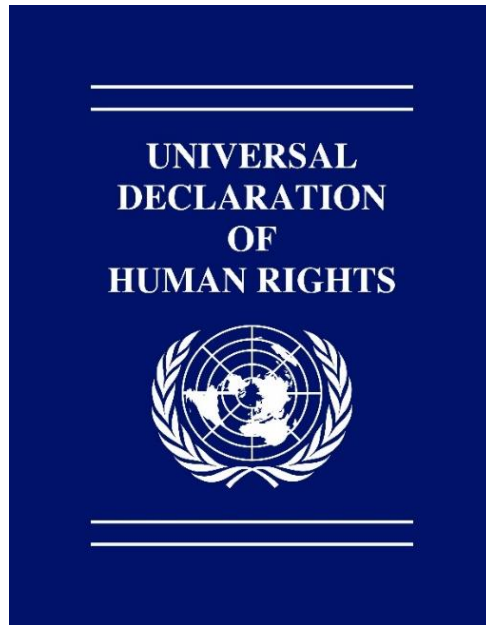
- Duty to render assistance, art. 98(1)
- Search and rescue, art. 98(2)



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

Other relevant instruments and frameworks

- International Maritime Organization
 - SOLAS and SAR Conventions, as amended in 2004
 - Guidelines on the treatment of persons rescued at sea
- International human rights law
 - Right to life
 - Principle of *non-refoulement*
- United Nations Convention on Transnational Organized Crime
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons
 - Protocol against Smuggling of Migrants by Land, Sea and Air



United Nations engagement with migration by sea

- General Assembly
- Security Council
- Secretary-General
- UN agencies:
IOM, UNHCR, UNODC



UN Photo/Ariana Lindquist

Global Compact for Migration

- Non-legally binding framework that fosters international cooperation among relevant actors to promote safe, orderly and regular migration
- Originated in the New York Declaration; Intergovernmental Conference to adopt the Global Compact held in Morocco in 2018
- Endorsed in General Assembly Res. 73/95
- Objective 8: Save lives and establish coordinated international efforts on missing migrants



Global Compact
FOR **Migration**



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

Summary on migration by sea



UN Photo/Loey Felipe

- Migration is a complex phenomenon
- Involves diverse actors at global, regional and local levels
- Need for a holistic approach
- Duty to rescue is paramount

Thank you!



DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
UNITED NATIONS

UNNF Alumni case studies

Labor conditions of artisanal fishers in Togo

Mr. Hubert Bakai, Director, Maritime Affairs of Togo

Barriers for female seafarers in the shipping industry and projecting opportunities arising from maritime autonomous shipping

Mr. Anas Saleh, PhD student, World Maritime University



Q&A session

Moderated by Ms. Valentina Germani,
Senior Legal Officer (Programme Advisor),
DOALOS