



Universiteit
Leiden
Europa Institute

ILS Interaction
between
Legal Systems



CONFERENCE, LEIDEN, 25-26 OCTOBER 2018

Leiden Law School
Steenschuur 25
2311 ES Leiden

Room: A0.51

ORGANISED BY:

Europa Institute, Leiden University

Research focus area 'Interaction between legal systems', Research project 'Policing the high seas'

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IN COOPERATION WITH :

ESIL Interest Group on the EU as a Global Actor
ESIL Interest Group on Migration and Refugee Law
ESIL Interest Group on International Human Rights Law
ESIL Interest Group on the Law of the Sea

The EU as a Global Actor in Maritime Security

Competences — Obligations — Accountability

A secure global maritime domain in which freedom of navigation is guaranteed, marine resources and the environment are protected, and the rule of law is upheld is essential for international prosperity and peace. Ensuring maritime security involves combating threats posed by illicit activities, such as piracy against ships, drug trafficking, smuggling and trafficking in human beings, or illegal fishing, as well as by natural disasters, climate change, or conflict in and around coastal regions.

The EU has become increasingly active in this area. In 2014, the EU adopted a common framework for the development of a European response to maritime threats. This *Maritime Security Strategy* aims at enhancing the visibility of the EU in the global maritime domain by mainstreaming maritime security into EU policies as well as EU external relations. Involved in implementing the *Maritime Security Strategy* are not only the EU institutions and the Member States, but also more specialised bodies, such as the European Maritime Safety Agency (EMSA), the European Fisheries Control Agency (EFCA), or the European Border and Coast Guard Agency (EBCGA, commonly referred to as Frontex).

Activities by the EU include a broad range of measures spanning various internal policies as well as the Common Foreign and Security Policy (CFSP). As a global actor in maritime security, the EU for example cooperates with and supports relevant third states. It, for instance, assists states around the Gulf of Guinea to strengthen their maritime capabilities and provides financial assistance and training to the Libyan Coast Guard. The EU also set up various frameworks for information sharing such as the Common Information Sharing Environment for the Maritime Domain (short 'CISE'), which aims at progressively interlinking existing information systems to facilitate rapid information sharing. In addition, the EU itself conducts maritime enforcement or similar operations. Among these are, in particular, two naval operations in the framework of the European Security and Defence Policy: EU NAVFOR Somalia ('Operation Atalanta') aimed at protecting vessels around the Somalian coast from pirates and the more recent EU NAVFOR MED ('Operation Sophia') aimed at disrupting the business model of human smuggling and trafficking networks in the Southern Central Mediterranean. In addition, the latest joint border control operations at sea, 'Themis', carried out under the auspices of Frontex, has an explicit mandate to combat cross border crime in the Central Mediterranean.

The aim of the conference is to explore what competences the EU has to act in the maritime domain, what obligations it is bound to when doing so, and how judicial oversight over these activities can be ensured. Studying the EU's competences, obligations, and accountability in this respect informs the broader question of whether the EU, being neither a state nor a classic international organisation, has a role to play in the global maritime domain and how that role could be shaped.

Programme

25 October 2018

09:30 – 10:00	<i>Registration</i>			
10:00 – 10:45	<p>Opening Session</p> <p>Opening and Welcome: <i>Jorrit Rijpma (Leiden University)</i></p> <p>Key note lecture: <i>Anna Petrig (University of Basel)</i> Unmanned maritime systems and maritime security</p>			
10:45 – 12:30	<p>PANEL 1: LAW ENFORCEMENT JURISDICTION AND HUMAN RIGHTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Chair: <i>Stefaan Smis (Free University of Brussels, University of Westminster)</i></td> <td style="width: 50%; padding: 5px;">Discussant: <i>Marta Bo (T.M.C. Asser Institute; Graduate Institute of International and Development Studies)</i></td> </tr> </table> <p>Maritime Security and Human Rights: The Role of the EU and its Member States in Protecting Human Rights in the Maritime Domain <i>Sofia Galani (University of Bristol)</i></p> <p>Anti-piracy initiatives and maritime refoulement <i>Ralph Wilde (University College London)</i></p> <p>Universal Jurisdiction between East Africa and the European Union: The Conceptual and Practical Impact of Operation Atalanta <i>Fulvia Staiano (Institute for Research on Innovation and Services for Development)</i></p>		Chair: <i>Stefaan Smis (Free University of Brussels, University of Westminster)</i>	Discussant: <i>Marta Bo (T.M.C. Asser Institute; Graduate Institute of International and Development Studies)</i>
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Appropriate Measures at Sea: Jurisdictional bases for enforcement measures against stateless migrant smuggling vessels
Thea Coventry (Leiden University)

12:30 – 14:00

Lunch

14:00 – 15:45

PANEL 2: FISHERIES AND ENVIRONMENT

Chair: *Jorrit Rijpma (Leiden University)*

Discussant: *Arron Honniball (Utrecht University)*

Providing maritime security through the area of fisheries: insights from the EU's action against IUU fishing
Mihail Vatsov (University of Edinburgh)

The European Union and the conservation of marine environment and biodiversity
Pascale Ricard (University Paris 1 Panthéon Sorbonne)

Illegal, Unreported and Unregulated Fishing Activities: The Interplay of Exclusive Competences, Obligations of Due Diligence and Attribution of Conduct
Lorenzo Gasbarri (University College London)

The EU Maritime Security Strategy and Climate Change: The case of Maritime Transportation and new challenges ahead
Borja Montes Toscano (University of Seville)

15:45 – 16:15

Coffee break

16:15 – 18:00

PANEL 3: BORDER CONTROL AND SEARCH AND RESCUE

Chair: *Eugenio Cusumano (Leiden University)*

Discussant: *Moritz Baumgärtel (Utrecht University, University College Roosevelt)*

Refoulement by Proxy and 'Remote Control': Italy's Involvement in Libyan 'Pullbacks' before the European Court of Human Rights
Violeta Moreno Lax (Queen Mary University of London)

Pulling Back Navies and Pushing Back Migrants: Questioning the EU's International Legal Responsibility in the Mediterranean Sea
Richard Collins and Aphrodite Papachristodoulou (University College Dublin)

Why Evolving Policies on SAR Obligations Threaten Merchant Shipping
Richard Kilpatrick (Northeastern Illinois University)

18:00 – 19:00

Reception

20:00 – 22:00

Speakers' Dinner

26 October 2018

09:30 – 11:15	PANEL 4: ACTORS AND GOVERNANCE	
	Chair: <i>Melanie Fink (Leiden University)</i>	Discussant: <i>Florin Coman Kund (Erasmus University Rotterdam)</i>
09:30 – 11:15	The Actorness of the European Union in International Maritime Security <i>Raphael Oidtmann (University of Mannheim)</i>	
	The role of third states in the EU Maritime Security Strategy: case study of the South Atlantic states <i>André Panno Beirão (Naval War College, Brazil)</i>	
	European cooperation on coast guard functions: a view from practice <i>Richard Ares (European Border and Coast Guard Agency) and Vytautas Lukas (European Fisheries Control Agency)</i>	
11:15 – 11:45	<i>Coffee break</i>	
11:45 – 12:45	Closing Lecture <i>Esa Paasivirta (European Commission)</i>	
12:45 – 14:00	<i>Light Lunch</i>	