



A Comprehensive Study of the United Nations Convention on Law of the Sea and its Human Right Deficits

Dr. Muhammad Saqlain Haider¹, Arslan Sadiq², Adeel Ammar Asghar Minhas³

¹Ph.D (Law), University Utara, Malaysia, Assistant Professor-Law, The University of Faisalabad, Pakistan,

Email: saqlainhaider.law@tuf.edu.pk

²LLM (Scholar), Department of Law, The University of Faisalabad, Pakistan, Email: arslan.sadiq258@yahoo.com

³LLM (Scholar), Department of Law, The University of Faisalabad, Email: adeel.ammar.minhas@gmail.com

ARTICLE INFO	ABSTRACT
Article History: Received: January 21, 2026 Revised: February 16, 2026 Accepted: February 25, 2026 Available Online: March 08, 2026	<i>This research digging deeper the human rights gaps within the United Nations Convention on the Law of the Sea (1982) and analyzes the challenges to protect individual rights at sea. The study concentrates on issues relating to maritime migration, rescue obligations and jurisdictional uncertainty. Using a doctrinal research methodology the study assesses treaties, case law and scholarly literature concerned about maritime human rights protection. The research concludes that UNCLOS equips limited human rights law that is necessary to ensure effective protection for individuals at sea. The paper discuss the lack of human rights at sea under UNCLOS which lead to uncertainty about state responsibility as well as weak protection for those groups that requires special treatment like migrants, seafarer and refugees. It also argued that human rights law at sea is essential for proper protection of individual fundamental rights at sea.</i>
Keywords: <i>Human Rights at Sea, protection of individual fundamental human right at oceans, Individual centric maritime laws, maritime and international human rights</i>	
Corresponding Author: Dr. Muhammad Saqlain Haider Email: saqlainhaider.law@tuf.edu.pk	



Introduction

The United Nations Convention on the law of the Sea (UNCLOS) 1982 constitutes the most important legal system governing maritime jurisdiction, navigation, ocean governance and allocation of maritime resources among the States. Since its adoption in 1982, UNCLOS has been regarded as the “Constitution for the Oceans” due to its broader scope regulation of maritime affairs. However the convention was mainly designed to regulate relations between the States rather than to directly protect individual human rights.

In recent decades the growing rate of maritime migration fugitives, trafficking labour exploitation and humanitarian crises at sea has escalated concerns regarding the protection of defenseless individuals within maritime spaces. Emigrants, asylum seekers, seamen and fishers often encounter situations in which legal responsibility for their protection becomes doubtful because maritime jurisdiction is divided among flag states, coastal states and port states (Lewis & Galani 2025).

The legal issue this study concerns the insufficiency of UNCLOS in embodying clear and binding human rights protections. Although the convention imposes responsibilities regarding rescue and safety of individual at sea, it lacks detailed mechanisms regarding individual rights, remedies, accountability and post rescue treatment, (Billing 2024).

The importance of this topic lies in its contemporary humanitarian and legal relevance. The increasing number of maritime migration crises and international maritime security operations demonstrates the urgent need for a coherent legal framework capable of harmonizing maritime law with international human rights standards.

Furthermore this topic is important because it contributes to the doctrinal development of international law by addressing the growing interaction between the law of the sea and international human rights law. The study seeks to identify legal deficiencies within UNCLOS and propose mechanisms capable of strengthening human rights protection at sea.

Literature Review

The relationship between maritime law and international human rights law has progressively arose as an important area of legal scholarship. The United Nations Convention on the Law of the Sea 1982 was mainly drafted to regulate maritime jurisdiction, navigation and ocean governance rather than to function as a comprehensive human rights instrument. Scholars have argued that the convention consequently addresses the protection of individuals operating within maritime spaces, (Billing 2024).

The sketchy structure of maritime jurisdiction creates major challenges for the implementation of human rights obligations at sea. The shared authority among flag states, coastal states and port states frequently generates uncertainty regarding legal responsibility and accountability for violations of fundamental human rights, (Galani 2025).

Although UNCLOS contains obligations concerning safety and cooperation at sea, it lacks a clearly enunciated framework for direct protection of the individuals. The convention mainly focuses upon interstate relations and maritime order leaving human rights concerns dependent upon external legal instruments and judicial interpretation, (Klein 2011).

Churchill Lowe and Sander (2022) also maintain that UNCLOS should be interpreted regularly with broader principles of international law including international human rights norms depend on the systematic integration principle recognized under the Vienna Convention on the Law of Treaties.

Despite the growing body of literature on maritime human rights issues existing scholarship remains disconnected and issue specific. Limited research systematically categorizes the full spectrum of human rights deficiencies within UNCLOS while simultaneously proposing integrated doctrinal solutions.

Problem Statement

The treaty “United Nation Convention on the Law of the Sea”, (UNCLOS 1982) has setup the principal legal framework governing maritime zones, navigation and jurisdictional duties among member States. Despite its comprehensive character (UNCLOS) remains fundamentally state focal and provides only limited cover for regulating maritime boundaries, navigation rights and resource management rather than to act as a human rights instrument.

The human rights protection gap has become progressively understood in cases involving maritime rescue operations, vessels detained aboard, trafficking, forced labour and intermittent migration. Although Article 98 of UNCLOS imposes a duty to provide assistance to individuals in distress at sea, the convention does not provide detailed standards regarding rescue procedures and obligations or post rescue treatment (Klein 2011).

Therefore this research focuses on critically examining the structural and doctrinal deficiencies of United Nation Convention on the Law of the Seas 1982, primarily concerning about the protection of human rights at the sea and explores legal methods that are capable of harmonizing maritime law with contemporary international human rights obligations.

Research Question

Primary research question

What are the major legal and structural gaps within UNCLOS regarding the protection of Human Rights At Sea and how can these deficiencies be addressed within the framework of international law?

Secondary Research questions:

- To What extent does UNCLOS expressly or implicitly incorporate human rights protection at sea?
- How have international courts and tribunals interpreted human rights obligations in maritime contexts?
- What jurisdictional and enforcement obstacles hinder the effective implementation of human rights law at sea?
- What legal reforms or mechanism may effectively bridge the identified gaps?
- How can principles of international human rights law be harmonized with the jurisdictional framework established under UNCLOS?

Research Objectives

- To examine the legal framework established under UNCLOS concerning maritime jurisdiction and state responsibility.
- To identify the structural and doctrinal gaps relating to human rights protection within maritime spaces.
- To analyze the interpretation of Maritime and human rights obligations by international courts and tribunals.
- To evaluate the interaction between maritime law and international human rights law.

- To contribute to the doctrinal development of international law through harmonization of maritime law and human rights principles.

Significance of the Study

From an academic perspective the study, the study contributes to the growing body of scholarship concerning the relationship between maritime law and international human rights law. Existing literature primarily focuses upon isolated aspects of maritime human rights protection whereas this study seeks to provide a comprehensive and systematic analysis of the structural deficiencies within UNCLOS.

From doctrinal perspective the research contributes to debates concerning extraterritorial jurisdiction state responsibility and the interpretation of maritime obligations in the light of broader international human rights principles.

Practically the research may assist policy-makers, organizations legal practitioners and courts in understanding the limitations of the current maritime framework and to develop more effective legal mechanism for the protection of individual at sea.

Scope of the Study

The study focuses on the legal framework established under the treaty “United Nations Convention on the Law of the Sea 1982” and it’s interaction with the international human rights law. Human rights protection within maritime spaces, Jurisdictional issues involving flag States, coastal States, and port States, Maritime migration and rescue obligations, Extraterritorial application of human rights law, Judicial decisions concerning maritime human rights protection.

Research Methodology

This research adopts a qualitative doctrinal legal research methodology. The doctrinal method also known as black letter legal research is appropriate because the study primarily focuses upon the analysis and interpretation of legal principles, treaties judicial decisions and scholarly literature.

The research will involve the examination of primary legal sources including,

- United Nations Convention on the Law of the Sea 1982.
- International Covenant on Civil and Political Rights.
- Refugee Convention 1951.
- International Convention for the Safety of Life at Sea 1974, (SOLAS).
- International convention on Maritime Search and Rescue 1979 (SAR).

This study will also analyze the judicial decisions from

- European Court of Human Rights, (ECtHR)
- International Tribunal for the Law of the Sea, (ITLOS).
- International Court of Justice.
- Annex VII arbitral Tribunals.

The Research will apply analytical and comparative methods to identify contradiction between maritime law and human rights law.

Treaty interpretation conducted according to the Vienna Convention.

Secondary sources including, books, journals, articles, reports, policies, papers and academic commentaries will also be examined to support the doctrinal analysis.

Future Research

Future studies may compare international maritime law with domestic legal systems regarding human rights protection at sea.

Further empirical research involving migrants, refugees and maritime authorities may also provide practical insights into implementation challenges.

Conclusion

The United Nations Convention on the Law of the Sea 1982 provides an important legal framework for maritime governance but it offers limited protection for human rights at sea. Growing maritime migration and humanitarian crises have exposed significant gaps relation to jurisdiction, accountability and enforcement.

This study concludes that stronger integration between maritime law and international human rights law is necessary to ensure effective protection for defenseless individuals at sea. Through judicial interpretation and legal reform can makes a more balanced and human-centric maritime legal framework.

References

1. Billing, F. M. W. (2024). *Human rights from within the UNCLOS system: An overview*. Routledge.
2. Guilfoyle, D. (2015). *Shipping interdiction and the law of the sea*. Cambridge University press.
3. *Hirisi Jamma v. Italy*
4. Klein, N. (2011). *Maritime security and the law of the sea*. Oxford University Press.,
5. Lewis, R., & Galani, S. (2025). Addressing the challenges of applying human rights law at sea. *International & Comparative Law Quarterly*, 74.
6. Papanicolopulu, I. (2018). *Migration and the law of the sea*. Oxford university Press.
7. Churchill, R., Lowe, V., & Sander, A. (2022). *The law of the sea* (4th ed.). Manchester University Press.
8. United Nation Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397.