

OANTA, G. A. (Dir.), *Los derechos humanos en el mar ante los desafíos de la transición ecológica y digital*, (J.M. Bosch Editor, Barcelona, 2023)

More than 70% of our planet is covered by seas and oceans, on which humanity depends to a large extent and over which States project their jurisdiction with limited extension and variable intensity. Throughout history, the uses and exploitation of these spaces have been an indicator of technical and technological progress, as well as a privileged way for economic, political and social development. This interest is now joined with climate change, because it has a negative impact on the state of health of the seas and oceans and because these spaces play a determining regulatory role in the world's climate. In this context, and in the spectrum of tools for combating climate change, digital technologies are opening up new possibilities for adopting measures to minimize the ecological footprint of human activities and also for adapting to a changing climate environment, but like other disruptive phenomena, they pose challenges, questions and dilemmas that require attention and analysis.

The book that is the object of this review not only addresses, simultaneously, the opportunities and challenges posed by the ecological and digital transition in the maritime environment, but does so from the perspective of its impact on people, thus offering an undoubtedly interesting approach to the interaction of the Law of the Sea and International Human Rights Law under the effects of this double transition. This approach uses – mainly but not exclusively – the EU as the focus of analysis, given EU declared interest in placing people at the core of this double transition.

The complexity and ambition of such an approach owes to the rigorous trajectory of Professor Gabriela A. Oanta, director of the publication and holder of the Jean Monnet Chair on the Law of the Sea attached to the Salvador de Madariaga University Institute of European Studies of the University of A Coruña, of which she is also director. As with previous publications, this one was preceded by an outstanding international conference in March 2023, with the participation of experts from several universities in Spain, France, Greece and Italy, and the collaboration of various national and European academic institutions.

The structure of the book offers, first, an overview of the challenges and opportunities posed by the ecological and digital transition in the marine environment (Part I), and then addresses its impact on human rights at sea, from the perspective of marine spaces and resources (Part II) and of the people of the sea, in particular vulnerable human groups that ‘transit’ these spaces (Part III).

The five chapters included in Part I provide a timely selection of topics that highlight the impact of the ecological and digital transition on the maritime environment and seemingly unexpected consequences of some of the policy decisions approved for the management of these spaces. Thus, Chapter 1 discusses the measures adopted by the EU to reduce the environmental effects of the maritime transport sector and the support offered to this end by innovations resulting from the digital transition. Its author,

Professor Sobrino Heredia, identifies the tensions that European companies face in the context of international competition and highlights the problems that the “unstoppable” technological revolution in maritime transport poses for the protection of fundamental rights and data security. As Dr. Sobrino warns, the undoubted benefits associated with the sustainability-digitalization binomial do not exclude the need for adequate funding for its implementation and an inclusive approach that minimizes the difficulties faced by people in the sector. Chapter 2 addresses the EU actions aiming at greening the Blue Economy and achieving a twin ecological-digital transition in the maritime environment. In Professor Stribis view, the initiatives and policies already adopted “go hand in hand, complementing each other, and benefitting mutually from their achievements”, so he encourages EU’s actors to continue on the same path. In Chapter 3 Professor Huici Sancho presents the EU’s approach to coastal and maritime tourism and, given the relevance of the sector for the Blue Economy, defends the need for clear public policies on the matter. In this line, she highlights the positive contributions of the EU to the development of the ecological and digital transition of tourism, which does not exempt the need for a better planning that takes into account the different actors involved. Chapter 4 is devoted to “autonomous ships”. Professor Mkrtichyan Minasyan identifies the instruments and initiatives that underpin their current weak international legal regulation. Such incipient regulation, he notes, presents challenges and opportunities for the maritime industry, the business model and employment in the shipping sector, and opens up relevant questions as the determination of liability. Part I closes with a chapter on “the problem of the privatization of the seas”: Professor Nathalie Ros warns of such privatization dynamics, through various forms of private appropriation of marine spaces and resources which, she says, violate human rights in relation to the sea, particularly collective and transgenerational rights belonging to local or indigenous communities and to the international community itself; the ecological and digital transition would be simultaneously providing arguments and facilitating such privatization.

As indicated before, the following chapters focus on the problems associated with human rights at sea and the ecological and digital transition, organized under two specific perspectives: marine spaces and resources (Part II) and the people of the sea (Part III).

Part II begins with a study on the problem of fisheries subsidies, through a dual multilateral and EU prism. The first allows Professor Teijo García to locate the objective of reducing harmful fisheries subsidies in SDG 14.6 and to identify the limits of the commitments reached within the WTO. Under the second prism, he analyzes EU legislation in this area and identifies the main obstacles to its reform. The analysis is an excellent example of the “significant obstacles” that are created in practice by combining the three dimensions of the notion of “sustainable development”. The exploitation of fishery resources is also the focus of Chapter 7, under the perspective of the requests posed by the ecological and digital transition to the EU Common Fisheries Policy. Professor Oanta gives a balanced and positive assessment of the evolution experienced by this policy, but also points out three specific needs that should be addressed in relation to the ecological and digital transition: adequate funding, training of European operators adjusted to the changes resulting from digitization, and the implementation of a transitional process for the introduction of ecological and digital requirements. Chapter 8 discusses the Proposal for a Regulation to prohibit the placement and availability on the

EU internal market of products made with forced labor and their exports and examines its compatibility with WTO and GATT rules. Particularly, the chapter focuses on the control of fisheries products entering the EU market and debates some challenges of traceability in the framework of the EU digital transition. As professor Bürgin points out, a proper certification system under control of the competent authorities will be needed, and the digital transition can contribute to this end, while also accounting for preventing discrimination against economic operators who are not (yet) sophisticated users. The opportunity of Chapter 9 from the perspective of International Human Rights Law is obvious: the permanent sovereignty of peoples over their natural resources – including marine resources – as a corollary of their right to self-determination. And the “judicial review” before the European Court of Justice of the EU-Morocco fishing agreements regarding the exploitation of the fishery resources of Western Sahara allows Professor Soroeta to demonstrate – in a substantiated and detailed manner – the full validity and timeliness of international law in this field. Part II of the book closes with Chapter 10, a suggestive approach to the protection of underwater cultural heritage. Professor Pavoni argues for the emergence of a human rights approach to cultural heritage, applicable to the UNESCO Convention on the Protection of the Underwater Cultural Heritage, its basic core being the collective and individual right to access, enjoy and participate in the protection of underwater cultural heritage. His argument is based on the analysis of the relevant jurisprudence of the ECtHR and the evolution of international human rights law, demonstrating the influence of human rights on the practice of interpreting and applying cultural heritage law.

Part III of the book focuses on the impact of the ecological and digital transition on the human rights of the ‘people of the sea’, an expression that rightly includes fishermen and workers in the maritime fishing sector and particularly vulnerable individuals and groups in the maritime domain.

Thus, Chapter 11 centers on migrants by sea and addresses certain aspects of EU immigration and asylum policy that are relevant to the control of irregular immigration, specifically in the Mediterranean. Professor Díaz Peralta identifies the problems generated by the absence of a coordinated EU search and rescue system, the obstacles faced by NGO vessel operations, and the deficient guarantee of the right to asylum and the principle of non-refoulement attributable to EU naval military operations in the Mediterranean and to certain actions of Frontex. The chapter closes with considerations on the risks of the use of artificial intelligence in the field of migration and, overall, offers clues for interpreting the scope of the EU Pact on Migration and Asylum, adopted after the book’s closing date. Chapter 12 then focuses on three vulnerable groups in the maritime environment (victims of child or forced labor and migrant workers) and identifies the applicable legal framework for the protection of their rights. Professor Sánchez Ramos highlights the potential positive contribution of the ecological and digital transition to the protection of these vulnerable people, both through traceability systems in the value chain of fisheries products and through the help that technological advances can provide to verify the absence of human or labor rights violations along the entire supply chain. Changing to ‘cultural rights’, Chapter 13 examines the main effects of climate change and ecological transition measures on the way of life of fishermen and fishing communities, and analyzes the requirements that international human rights law imposes on measures that promote ecological transition but have the potential to

interfere with the way of life and cultural rights of these individuals and communities. The analysis leads Mr. Schreinmoser to identify a prohibition of any measure that would have a substantial negative impact on the cultural practices of minorities and indigenous peoples, where no concrete collision with the right to a healthy environment can be invoked. Then, from the perspective of labor and social security law, Professor Carril explains in Chapter 14 the conditioning factors and specificities of decent work at sea and the obstacles that may prevent its continuity due to the ecological and digital transition. On the same subject, Chapter 15 presents the close relationship between decent work and sustainable fisheries, and the reasons for the limited effectiveness of the IMO and ILO conventions on the subject. On this basis, Dr. Carballo identifies the positive contribution of non-binding instruments adopted within the framework of the FAO, as well as of various initiatives to strengthen social dialogue and corporate social responsibility in the fisheries and aquaculture sector. The book closes with Chapter 16, centered again on the irregular trafficking of migrants by sea and the risks and alternatives offered by the ecological and digital transition. Professor Morgades warns about the impact of digitalization on the EU strategic lines and measures, with a probable increase in the 'securitization' of European migration policy, and finds in the ecological transition the potential to offer certain guarantees for the protection of the rights of persons subject to this irregular traffic.

In short, this book offers an overarching examination of the consequences of the ecological and digital transition on the interaction between the Law of the Sea and Human Rights Law, demonstrating the importance of keeping human rights in mind as 'the' center of interest. Moreover, the range of issues studied and their thorough analysis provide a necessary frame of reference for any further research on any of them.

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