

European Society of International Law Interest Group on International Human Rights Law

ESIL Annual Conference 2019, Pre-Conference Event

Call for Papers: International Human Rights Law Beyond Traditional Sovereign Spaces

Questions of how human rights obligations apply beyond a State's sovereign territory are not new to international human rights law. For many years now, a body of jurisprudence and practice has been steadily developing to 1) expand the remedial reach of international human rights law and tribunals and, 2) guide States on the extraterritorial scope and content of their human rights obligations. Thus far, this jurisprudence and practice has related to situations such as military operations, occupation, detention of persons on foreign soil, and maritime interceptions.

More recent developments have prompted new questions on how human rights law will apply beyond traditional sovereign spaces, including cyberspace, outer space, and the high seas. These spaces are beyond the classical definition of the sovereign domain of the State, and in these spaces the operation of human rights law faces different challenges. For instance, cyberspace, by its very nature, defies traditional notions of territory and sovereignty and raises complex questions about the protection of human rights online. The exploration of outer space and the prospect of populating new planets may also come to challenge the current limits of extraterritorial human rights obligations. Interstate cooperation in the field of migration, including 'externalisation' arrangements, present a further set of dilemmas in relation to State's responsibility and control over its partners' actions in the Mediterranean and beyond.

The aim of this interest group event is to consider both current and emerging questions about the application of States' obligations under human rights law beyond traditional sovereign spaces. Questions that proposed papers could address include:

- How do the current tests for the extraterritorial application of human rights obligations apply to the direct and indirect activities of States in a given field or space, eg cyberspace, outer space, the high seas, etc.?
- What particular challenges are posed by the prevalence of private actors in these spaces, and how are these challenges currently addressed by international human rights law?
- How have existing provisions and soft law instruments of human rights law, eg the Maastricht Principles or several General Comments of the Human Rights Committee, addressed extraterritoriality and shaped its development and remedial reach?
- Can human rights treaties be applied in a transboundary setting, as for instance proposed by the Inter-American Court of Human Rights in its 2017 Advisory Opinion on "Environment and Human Rights"?
- What does the extraterritorial reach of human rights law and its limits tell us about the moral foundations of international law?
- What is the appropriate way forward in the development of international human rights law to address these challenges? Could we envisage a harmonised approach to the extraterritorial application of human rights obligations, or should different approaches be taken depending on the circumstances and type of space?

Abstracts of no more than 350 words should be submitted to esilhumanrightsig@gmail.com before 1 April 2019. Please include your name, affiliation, and position in the abstract and submit a recent curriculum vitae alongside your abstract. The group convenors will announce the results of the selection of papers by 1 May 2019, and draft papers will be due by 1 July.

The Interest Group is unable to provide funding for travel and accommodation. Please see the ESIL website for information about [travel grants](#) and [carers' grants](#) offered to ESIL members, and other relevant information about the conference.

Selected speakers are strongly encouraged to become members of the Society and to register for the Annual Conference. Please note, however, that the Society is unable offer reduced conference registration fees to speakers at pre-conference events (please do not register as agora speakers).

Selected speakers can indicate their interest in being considered for the ESIL Young Scholar Prize, if they meet the eligibility conditions as stated on the [ESIL website](#). The convenors will inform the [ESIL Secretariat](#) of all speakers who wish to be considered for the Prize by 15 May at the latest.