

PhD candidate in the spotlight:

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After studying abroad and gaining a bit of practical experience in the field of international migration policy, I returned to my *alma mater*, the VUB, to pursue a PhD in international law. The PhD project looks at why and to what extent states have human rights obligations towards forcibly displaced people who cross state borders by sea.

Since 2011, the steep rise of people undertaking perilous journeys over sea in order to flee conflict zones and poverty has caught everyone's attention. Maritime migration – as it is often called – has confronted European citizens and politicians alike with important moral and political dilemmas. Having worked on the issue of migrant smuggling in South-East Asia before, I have been drawn to the problems and choices Europe is now facing as well. One important issue in this context is the human rights protection of those trying to reach Europe by crossing the Mediterranean Sea.

Human rights obligations are written down in international treaties agreed upon by states, predominately in the 1950's and 60's. Traditionally, these treaties were deemed only to apply to citizens and people present on the territory of the state who signed up to the human rights treaty.

Over time, however, it became accepted that states not only have to protect the human rights of those within its territory, but also of those outside its borders if that state exercises significant control over them.

Think for example of the situation where one country occupies the territory of another country with its army, or when, for instance, a coast guard vessel arrests a gang of foreign drugs traffickers in international waters. In these examples, the inhabitants of the occupied country will be able to invoke their human rights *vis-à-vis* the occupying power; the smugglers on the high seas will have the right to be brought before a judge within a reasonable amount of time in order to assess the legality of their arrest. This phenomenon of having to protect human rights abroad is called the extraterritorial application of human rights law.

This 'extraterritorial applicability' of human rights also comes into play when migrants cross the Mediterranean on rubber dinghies or old unseaworthy fishing boats: Do states have an obligation to protect the life of migrants in distress at sea and to rescue them if they have the opportunity and capacity to do so? If, for example, a vessel of the Belgian navy rescues migrants at sea while it assists Italy in a border control operation, do those rescued have a right to apply for asylum in Belgium, or would it be for Italy to ensure that the rescued migrants are not returned to a country where their lives are at risk? These are questions I am trying to answer throughout my PhD.

It felt good to come home at the VUB and work with two professors whose respective domains of expertise are an ideal fit for my research project. While Professor Erik Franckx is an expert in the international law of the sea, Professor Stefaan Smis has been mentoring me about the intricacies of human rights. I have also had the opportunity to set up a Joint-PhD with the Europa Institute at the Leiden Law School in the Netherlands, which has allowed me to benefit from their expertise too. The last two years I have also been co-convening the European Society of International Law's interest group on migration and refugee law, a network that brings together migration scholars. Aside from organizing conferences, providing a website and newsletter with updates on case law, activities, publications and jobs, our next plan is to create an online database on PhD researchers in the field.

**Do you have a healthy work-life balance? If so, could you share the secret ingredient(s)?**

Yes! It took a while for me to find the right *modus operandi*. Office means: reading, discussing, writing, plus my fixed 10-minute walk after lunch – whether the sun is taking centre stage or whether it is pouring outside. Home means: no work, although the brain never really takes a break, does it? I go to the office everyday – trying to work from home hasn't worked out that well for me; perhaps it does for others. Associating my old but cosy desk with an ability to focus and work efficiently (good old-fashioned conditioning over the years) works just fine for me. One of the best things I've done – about a year ago now – is throw out all social media garbage. It has improved both my life at work and at home, and I walk around less annoyed.

**What was your main motivation to start your PhD? Has working on your PhD changed that initial point of view?**

Reading and studying societal stuff hasn't always been my thing. Playing football and chasing the other sex were much more interesting in high school. Not that either of those were a large success. Something must have hit a nerve when arriving at university, because after a year I found myself studying bits and pieces of political science and philosophy in addition to my legal education. Not because I had any particular ambitions, but just because I thought learning about these different disciplines was fun. It is in the same vein that I started my PhD. Having gained a bit of practical experience with migration policy abroad, I figured that looking at some of its issues in depth would be intellectually enjoyable. Quite a few people who enter the field of human rights law and refugee studies have beautiful motivations and (therefore) particularly strong feelings about the subject. Some have worked intensely with asylum-seekers in dire circumstances; others have experienced being forcibly displaced from their home themselves. Some people just seem to have a highly developed ethical compass. Perhaps they are descendants of Kant or Levinas, two jolly I/Emmanuel in the history of philosophy. That is very admirable and, in a way, also intimidating. I have thus not always felt comfortable in that environment, feeling detached from the subject compared to others and being there in the first place because I think it is just an interesting thing to look at from a 'scientific' perspective. Throughout my PhD research, however, I have come to experience that what I am looking at and what I am doing is not just an intellectual toy. Slap me for the cliché, but I think it might contribute to solutions for migrants and asylum-seekers in practice one day. Suing European states concerning some of their ongoing illegal practices at sea and in Africa on the basis of newly developed arguments would be very satisfactory indeed.

**According to you, what's an important lesson (..) every PhD student should keep in mind.**

Trying to cover everything, being hyper nuanced and delivering water-proof arguments is reserved for the Elysium. (feel free to refute, we are at the VUB in the end) Taking reasonable risks and defending bold positions in papers and conference discussions is worth a try – the worst that can happen is that you have to change your views into better ones, now having better knowledge of your subject matter than before. If you have everything covered from the start, that is great of course, but it never really goes that way, does it? I would not worry too much about reputation or self-image when someone buries your argument in public. Unless you have very beautiful eyes or are Stephen Hawking material and your brilliance precedes you at every conference, people will probably only have a vague reminiscence of their last encounter with you and they probably forgot that your face turned red last time they saw you speak at a conference. That is by the way how I met one of my supervisors: 'That

was a refreshing presentation, Kristof, but I think you are quite wrong when it comes to ...". And off we went!

**How did working on your PhD influenced your personal life in a positive way?**

I have become more tolerant of both myself and others. (that is a half-truth)

**What career plans do you have after your PhD?**

My grandmother always asks me what I 'really' do for a living. Ideally, I would combine a bit of research and teaching at a university with getting my hands dirty.

**Is there something you want to share with the VUB PhD Community?**

Instead of scrolling through that trashy online newspaper for new gossip over your coffee break, check out the website of your doctoral school. They always have interesting activities going on.