



FIRAMUN '26

FIRA MODEL UNITED NATIONS CONFERENCE 2026

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

AGENDA ITEM: ADDRESSING
THE LACK OF
JURISDICTIONAL AUTHORITY
TO PROSECUTE
ENVIRONMENTAL CRIMES
AND ECOCIDE IN
INTERNATIONAL WATERS

UNDER SECRETARY
GENERAL:

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1. Welcoming Letters

1.1. Letter from the Secretariat

Dear Participants,

As the Secretaries-General of FIRAMUN'26, we are very happy to welcome you to Antalya for the first edition of our conference, which will take place from September 1st to September 3rd, 2026.

When we first started planning FIRAMUN'26, we had a simple goal: to organize a conference that we would enjoy attending ourselves. Since then, our executive, academic, and organization teams have spent months working on every part of the event. There have been long meetings, difficult decisions, last-minute changes, and a great deal of excitement. Now, we are finally ready to share the result with you.

During these three days, you will discuss real problems, defend your country's position, disagree with one another, and hopefully find solutions together. Some moments may be challenging, especially for those attending their first MUN conference. That is completely normal. Nobody enters their first committee knowing exactly what to say or when to speak. What matters is having the courage to participate.

For experienced delegates, we hope FIRAMUN'26 gives you something different to remember. For first-time delegates, we hope it becomes the beginning of a much longer MUN journey. Either way, do not spend the whole conference worrying about awards. Take the floor, meet the people around you, make mistakes, and enjoy the experience.

A conference is shaped by the people in its committee rooms. We have done our best to prepare those rooms for you. What happens inside them is now in your hands.

We hope you leave FIRAMUN'26 with good memories, new friends, and at least one story you will still be telling months later.

Lastly, we want to finish our letter with Father of Turks, our visionary Mustafa Kemal Atatürk's delightful phrase:

"You, the young people of the new Türkiye! Even if you grow exhausted, you will follow me. Those who resolve to keep walking without resting will never, ever grow tired."

Welcome to FIRAMUN'26. Requiem Aeternam!

Sincerely,

Baran İNCE & Doruk ŞENTÜRK
Secretaries-General of FIRAMUN'26

1.2. Letter from the Co-Under Secretaries General

Distinguished Delegates,

It is our greatest pleasure to welcome you all to this committee. As Esmanur Çapraz & Mehmet Emre Uynık we will have the honor of serving as your Co-Under Secretaries General throughout this conference. On behalf of the entire academy of this committee, we would like to express how excited we are to meet each and every one of you and witness the insightful debates that will take place during our sessions.

Before anything else, we would like to extend our sincere gratitude to the Executive Team, the Academic Team, and the Organization Team for their dedication and hard work in making this conference possible. Most importantly, we would like to thank you, our delegates. Your enthusiasm, preparation, and willingness to engage in meaningful discussion are what truly bring this committee to life. Whether this committee was your first choice or not, we sincerely hope that you will find the experience both intellectually stimulating and enjoyable.

This study guide has been prepared to provide you with a strong foundation for your research and preparation. However, it should only serve as a starting point. It is your responsibility as delegates to further investigate your assigned country's policies, previous actions, and perspectives regarding the agenda. Thorough research and a clear understanding of your country's position will be key to your success in committee.

Should you have any questions during your preparation process, please do not hesitate to contact us. We would be more than happy to assist you in any way possible.

We wish all of you the best of luck in your preparations and look forward to an engaging, productive, and memorable conference.

Best regards,

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2. Introduction to the Committee

2.1. History and Mandate of CCPCJ

The Commission on Crime Prevention and Criminal Justice (CCPCJ) was established in 1992 by the United Nations Economic and Social Council (ECOSOC) following General Assembly resolution 46/152 to strengthen international cooperation in addressing crime and improving criminal justice systems. The creation of the CCPCJ reflected a shift in global priorities after the Cold War, as transnational threats such as organized crime, drug trafficking, human trafficking, and terrorism became more prominent and required coordinated international responses. The CCPCJ serves as the primary policymaking body within the United Nations on issues of crime prevention and criminal justice. It develops recommendations and policies that are reviewed by ECOSOC and the General Assembly, and it also oversees the work of the United Nations



Office on Drugs and Crime (UNODC). The Commission focuses on crime prevention strategies, criminal justice reform, and emerging forms of crime such as cybercrime and environmental crime. It also promotes international cooperation and supports countries in strengthening their legal and justice systems. Today, the CCPCJ plays a key role in advancing global efforts to promote justice, reduce crime, and support safe and stable societies. This relates well to Sustainable Development Goal 16: Peace, Justice, and Strong Institutions. The Commission's structure consists of 40 member states elected by ECOSOC for three-year terms, distributed fairly across geographical regions. These 40 countries represent different legal systems and regional priorities.

Upon the request of General Assembly resolution 46/152. The Commission acts as the principal policymaking body of the United Nations in the field of crime prevention and criminal justice. ECOSOC provided for CCPCJ mandates and priorities in resolution 1992/22, which includes the following:

- International action to combat national and transnational crime, such as organized crime, economic crime and money-laundering,
- Promoting the role of criminal law in protecting the environment,
- Crime prevention in urban areas, including juvenile crime and violence,
- Improving the efficiency and fairness of criminal justice administration systems,

CCPCJ also offers Member States a forum for exchanging expertise, experience and information in order to develop national and international strategies, and to identify priorities for combating crime. It also acts as preparatory body and as implementing body for the quinquennial United Nations Congress on Crime Prevention and Criminal Justice.

In 2006, the General Assembly adopted resolution 61/252, which further expanded the mandates of CCPCJ to enable it to function as a governing body of the United Nations Office on Drugs and Crime (UNODC). As governing body, CCPCJ CCPCJ meets at a reconvened session Towards the end of each year to consider budgetary and administrative matters.

In addition to its annual regular meeting, CCPCJ convenes intersessional meetings, and may, in consultation with the Secretariat acting on behalf of the Secretary-General, set up committees or working groups composed of members of the Commission as are deemed necessary and refer to them any questions on the agenda for study and report. The Commission maintains close links with the research institutes belonging to the United Nations Crime Prevention and Criminal Justice Programme Network (PNI).

2.2. Authority and Enforcement Capabilities

The Commission holds its main session each spring and reconvenes towards the end of the year to discuss administrative and budgetary matters. Annual meetings include general discussions as well as thematic discussions focusing on specific types of crime. In 2006, the United Nations General Assembly adopted a resolution giving the Commission a new mandate, making it the executive body of the United Nations Office on Drugs and Crime (UNODC). This gave the Commission the authority to oversee UNODC's budget and crime programs. The financial structure of both the Commission and UNODC directly impacts the scope of their activities. Only a small portion of UNODC's budget comes from the United Nations' general budget, while the majority is funded by voluntary donations from member states. However, most of these donations are conditional and intended for use in specific projects or countries that can lead donor countries to allocate significant funds to their own security priorities (e.g., counter-terrorism or human trafficking), while other crucial areas such as prison reform or victims' rights receive less funding. Therefore, budgetary discrepancies can arise between balanced goals set on paper and practical implementations on the ground.

The Commission's greatest international impact comes not from enacting directly binding laws, but from producing so-called soft law, recommendations, guidelines, and action plans. These standards, developed within the Commission and approved by the General Assembly, form the basis of fundamental universal principles that member states use as models when regulating their domestic laws. These include the Nelson Mandela Rules, which mandate humane treatment of prisoners; the Bangkok Rules, which regulate the status of female prisoners; the Beijing Rules, concerning juvenile justice; and principles protecting the rights of victims of crime. The preference for soft law is because it makes it easier to find common

ground for countries with very different legal systems around the world, such as Continental European law, common law, or religious law. While these standards and recommendations are not directly binding, they gain de facto binding force over time by being incorporated into the laws of member states or cited as precedents in court decisions. States strive to adhere to these principles to maintain their international standing and avoid being excluded from judicial cooperation. Furthermore, these guiding principles can increase their legal value over time by becoming part of international customary law.

The Commission is not a superior authority with the power to impose economic penalties on a country, take military measures, or directly issue orders to the police and judicial organizations of countries. The decisions taken are advisory in nature, and their implementation depends entirely on the will and approval of the states. This stems from the fact that criminal law is the most sensitive part of a state's sovereign rights. States do not want to open their courts or criminal justice systems to the coercive orders of an international institution. In terms of enforcement power, the Commission is quite different from structures such as the United Nations Security Council or the Financial Action Task Force (FATF). The Security Council can adopt binding sanctions or resort to military force in situations threatening peace and security. The FATF can isolate countries that do not comply with anti-money laundering standards by placing them on grey or black lists, thus isolating them from the global financial system. However, the Commission does not have such punitive or coercive lists or enforcement mechanisms.

The absence of coercive sanctions can create a lack of oversight in the implementation of Commission decisions. The Commission does not have an inspectorate mechanism to compulsorily monitor whether countries are implementing these principles. Reports submitted by countries are voluntary. This situation can lead to decisions remaining on paper, especially in countries with insufficient institutional capacity, and prevent concrete steps from being taken in the field regarding prison conditions or police practices.

Despite lacking direct enforcement power, the Commission acts as an incubator for the preparation of internationally binding global treaties which would be referred to as hard law. Negotiations and expert consultations under the Commission's umbrella lay the foundation for binding treaties. The most concrete examples of this are the United Nations Convention against Transnational Organised Crime (Palermo Convention) and the United Nations

Convention against Corruption (Mérida Convention). These treaties are binding on signatory states and impose mandatory obligations on issues such as extradition, judicial assistance, and confiscation of proceeds of crime. Today, draft binding treaties in new areas such as environmental crimes or cybercrimes are being discussed on platforms provided by the commission.

Another important function of the commission is to organize and follow up on the decisions made at the United Nations Crime Congresses, held every five years. These congresses are massive gatherings bringing together thousands of ministers, judges, police officers, academics, and civil society representatives from around the world. For example, the Kyoto Declaration, adopted at the 14th Crime Congress in Japan in 2021, set new goals for member states in the areas of crime prevention, criminal justice reform, the rule of law, and international cooperation. The General Assembly delegated the follow-up of this declaration to the commission. The commission examines how these decisions are implemented through thematic sessions held annually and is preparing for the 15th Crime Congress to be held in the United Arab Emirates in 2026. The Commission's decisions are not merely on paper; they are translated into practical support through UNODC's field work. UNODC provides technical support to member states in updating their laws, training police and prosecutors, and enhancing border security. For example, under regional programs around Pakistan or Afghanistan, UNODC provides training and technical assistance directly in the field to strengthen judicial capacity and combat cross-border crime.

To ensure that decisions are based on scientific data, the Commission works closely with the Network of Institutes for Crime Prevention and Criminal Justice Programme (PNI). Nineteen regional research institutes within this network (e.g., the Asia and Far East Institute UNAFEI or the Korea Criminology Institute KICJ) provide informational support to the Commission's policies by researching crime trends and submitting reports. In recent years, the Commission's work has led to some debate among member states. Some countries (e.g., the United States) have focused on measures other than the Commission's primary task of apprehending, investigating, and punishing criminals, rather than on harsh judicial measures. Some argue that the commission allocates too much time and resources to areas such as climate change, public health, social development, or education. Those who support this view argue that these social issues are the responsibility of other bodies, and that this expansion of the commission's mandate reduces its effectiveness in combating crime. Conversely, many

developing countries argue that crime cannot be prevented solely through policing measures without addressing the root causes, such as poverty and injustice.

Another point of contention is the participation of civil society organizations and independent experts in the processes. Various international civil society networks criticize the commission for making decisions almost entirely behind closed doors by state bureaucrats and diplomats, failing to adequately consider the views of civil society. They argue that with the rapid spread of environmental crimes, money laundering, cybercrimes, and new forms of organized crime threatening the state structure, there is a need for an approach that includes all segments of society, rather than a purely state-centric one.

3. Introduction to the Agenda Item

3.1. Defining Ecocide and Transnational Environmental Crime

The concept of ecocide represents a distinct legal category due to the nature, scale, and irreversible extent of the damage inflicted on nature. Ecocide is the act of severe, widespread, or long-term destruction or annihilation of an ecosystem. While transboundary environmental crimes are based on violations of existing legislation and national laws, ecocide focuses directly on the massive and permanent collapse of ecological balance. The area where these two concepts intersect most severely and without oversight is international waters, which cover two-thirds of our planet. International waters encompass the high seas, areas over which no single state has sole sovereign authority. This legal situation leads to significant governance gaps in the high seas and allows environmental destruction to go unpunished.

International waters are considered, under the United Nations Convention on the Law of the Sea, to be the common use and heritage of all humanity. These vast bodies of water, known as the high seas, constitute the planet's life support systems, from



regulating the global climate to producing oxygen. However, the absence of a general law enforcement force, patrol system, or central supervisory authority in these areas creates a major administrative weakness. The legal oversight of activities conducted on the high seas is, under international law, primarily left to the flag state where the vessel is registered. However, many flag states, due to insufficient oversight capacity or economic interests, turn a blind eye to environmental violations committed by their own vessels. Through favorable flag practices, criminal actors can easily obtain registration and benefit from the confusion of jurisdiction. This situation leads to a profound impunity in international waters. Because of this lack of oversight and impunity, oceans have become vulnerable areas where transboundary environmental crimes and destructive activities of an ecocide nature are most prevalent.

The concept of ecocide was given a clear legal definition in 2021 by an independent panel of international legal experts. According to this definition, ecocide is an unlawful or arbitrary act committed with the awareness of the potential for causing severe and widespread or long-term damage to the environment. In international waters, deep-sea mining is a process that fits this definition and carries the risk of creating one of the greatest ecological disasters in the future. Polymetallic nodules and valuable minerals located on the seabed beyond the national jurisdiction of coastal states are whetting the appetite of global industrial and technological sectors. Planned commercial mining activities in these areas, which are being regulated by the International Seabed Authority, risk destroying pristine deep-sea ecosystems. The massive sediment clouds, toxic substances, and noise pollution generated during seabed dredging operations thousands of meters deep could permanently destroy marine habitats. Such intervention is considered one of the most concrete threats of ecocide in the high seas, as it will cause irreparable damage and its consequences are foreseeable.

Another serious transboundary environmental crime and ecocide in the high seas is illegal, unreported, and unregulated fishing activities. Industrial-scale illegal fishing fleets overfish in international waters without adhering to any rules or catch quotas. The use of destructive fishing techniques such as bottom trawling destroys fragile coral reefs and benthic communities on the seabed. Furthermore, the plastic nets and ghost fishing gear left behind by these fleets are causing mass deaths of marine mammals and protected species. Uncontrolled and illegal fishing is leading to the rapid depletion of global fish stocks and fundamentally disrupting the marine food chain. The regional collapse of fish populations not

only harms marine ecosystems but also threatens the food security and livelihoods of coastal communities dependent on these resources. The enormous scale of illegal fishing elevates it from an isolated violation of regulations to a crime of ecocide, causing ecological collapse.

Marine pollution and the dumping of hazardous waste into international waters are among the most widespread and destructive forms of transboundary environmental crimes. Commercial vessels, tankers, and illegal commercial nets are using the open seas as an unregulated and cheap dumping ground for waste. The dumping of bilge water, toxic chemicals, radioactive materials, and plastic waste into open oceanic spaces invites long-term and irreversible environmental catastrophes. In addition to land-based waste, pollutants from maritime transport are carried along by strong ocean currents, forming enormous vortices of plastic waste.

3.2. Legal Boundaries of International Waters

International maritime law is a universal legal regime regulating the use of global oceans and seas, the sovereign powers of states, and the common rights of the international community. Historically, the legal status of the seas has been shaped around two fundamental doctrines: the principle of freedom of the high seas, which argues that the seas cannot be transferred to the ownership of any single state and must be open to all; and the principle of coastal states claiming sovereignty over maritime areas to protect their security and economic interests. Today, this balance is codified in the 1982 United Nations Convention on the Law of the Sea, often referred to as the constitution of the oceans, and has become an integral part of international law. Initially signed by 117 countries and formally entering into force in 1994 after sixty states ratified it, the Convention now binds more than 150 signatory states and is largely accepted as a rule of international customary law by non-party states. The Convention defines maritime areas that gradually expand from the coast to the high seas, each with different jurisdictional regimes, and legally guarantees the rights of coastal states and the freedoms of navigation and exploitation of these areas by other states. The basic legal reference line used when calculating the width and boundaries of maritime areas is called the baseline. According to Article 5 of the United Nations Convention on the Law of the Sea, the normal baseline is the low waterline shown on large-scale maps officially recognized by the coastal state. In cases of indented and protruding coastal structures, the presence of a chain of

islands along the coast, or at the mouths of bays, the straight baseline method is applied. Geographical integrity is required when drawing straight baselines, and in bay closure lines, the maximum limit of twenty-four nautical miles and the semi-circle test criterion are observed. All bodies of water on the landward side of the baseline are considered internal waters. Legally, internal waters are subject to the same regime as the mainland territory of the state, and the coastal state exercises absolute sovereignty in these areas. Foreign-flagged vessels are prohibited from entering or flying over internal waters without the express permission of the coastal state, except in cases of humanitarian danger or force majeure.



The area extending up to twelve nautical miles, or approximately twenty-two kilometers, from the baseline towards the sea is called territorial waters. The sovereign authority of the coastal state completely covers the airspace above its territorial waters, the seabed, and the subsoil. However, the right of innocent passage is granted to foreign vessels to ensure the continuity of international trade and navigation within the territorial waters regime. For passage to be considered innocent, it must be carried out in an uninterrupted and rapid manner, without harming the peace, security, and public order of the coastal state. Conducting military exercises, intelligence gathering, smuggling activities, creating marine pollution, unauthorized fishing, or conducting scientific research in territorial waters are considered violations of the right of innocent passage. In straits of vital importance for international navigation, such as Gibraltar, the Strait of Hormuz, Bab el-Mandeb, and Malacca, a transit passage regime applies, granting broader rights to foreign vessels and aircraft compared to innocent passage; under this regime, coastal states do not have the authority to suspend passage. States determine the width of their territorial waters according to their own geographical conditions, within a maximum limit of twelve nautical miles; for example, while Turkey applies twelve nautical miles in the Black Sea and the Mediterranean, it maintains a width of six nautical miles in the Aegean Sea due to the delicate balance of this sea.

The maritime area extending from the outer limit of territorial waters to a maximum of twenty-four nautical miles from the baseline is called the contiguous zone. While the contiguous zone does not grant the coastal state full sovereignty, it grants limited control and administrative jurisdiction to prevent violations of customs, finance, immigration, and health legislation in its territorial waters or on its mainland, and to punish violations that occur. The contiguous zone acts as a protective buffer between territorial waters and the high seas or exclusive economic zone, allowing the coastal state to extend its control beyond its territorial waters.

One of the most important innovations introduced to international law by the United Nations Convention on the Law of the Sea is the Exclusive Economic Zone regime. In this area, which can extend up to a maximum of two hundred nautical miles, or approximately 370 kilometers, from the baseline, the coastal state does not possess full sovereignty, but rather sovereign rights and jurisdiction reserved for specific economic activities. The coastal state has exclusive rights to explore, exploit, conserve, and manage all living and non-living natural resources in the seawater, seabed, and subsoil.

Furthermore, conducting economic activities such as generating energy from water, currents, and wind, constructing artificial islands and facilities, organizing marine scientific research, and protecting the marine environment are within the jurisdiction of the coastal state. Approximately forty-two percent of the world's oceans are covered by the exclusive economic zone regime. Despite these extensive economic rights granted to the coastal state, all other states retain the freedoms of navigation, flight, and the laying of submarine cables and pipelines within the exclusive economic zone. This makes the exclusive economic zone a unique maritime area where the economic interests of the coastal state are balanced with the freedom of navigation of the international community.

The continental shelf refers to the natural underwater extension of the coastal state's land territory and includes the seabed and the subsoil beneath it. According to the Convention, every coastal state, regardless of its geographical structure, legally possesses a continental shelf extending at least two hundred nautical miles, and the existence of this right is not dependent on declaration or actual occupation. In cases where the geological continental margin exceeds two hundred miles, the continental shelf boundary can be extended up to three hundred and fifty nautical miles from the baseline, provided that the scientific data

submitted to the Continental Shelf Boundary Commission is approved. Sovereign rights over the continental shelf particularly encompass the hunting and extraction of oil, natural gas, mineral resources on the seabed, and marine life that is immobile on the seabed or only moves in contact with the seabed.

All maritime areas not included in the exclusive economic zone, territorial waters, or internal waters of any state are defined as the high seas, or, in general usage, international waters. Comprising approximately two-thirds of the global ocean surface, the high seas, according to a fundamental principle of international law, cannot be subject to the sovereignty, ownership, or exclusive control of any state. Article 87 of the United Nations Convention on the Law of the Sea stipulates that the high seas are open to all states, whether coastal or not. Freedom of the high seas; Freedom of navigation, freedom of flight, freedom to lay submarine cables and pipelines, the right to construct artificial islands and facilities in accordance with international law, freedom to fish, and freedom to conduct scientific research are included. The protection of the rule of law on the high seas is primarily based on the principle of flag state jurisdiction.

According to Articles 92 and 94 of the Convention, ships, as a rule, sail only under the flag of a single state and, while on the high seas, are exclusively subject to the administrative, technical, legal, and criminal jurisdiction of the state whose flag they carry. Exceptions to flag state jurisdiction are those authorized by international conventions, as well as the right of visit and search granted to warships in cases such as piracy, slave trade, unauthorized broadcasting, and interference with ships without flags.

The seabed, ocean floor, and the subsoil layers beyond national jurisdiction are legally referred to as the Sahel. The Convention declares the Sahel and all its mineral resources as the common heritage of humanity, stipulating that no state or private enterprise can claim sovereignty or ownership over this area. The polymetallic knot and commercial mining exploration and extraction activities to be carried out within the area are licensed, managed, and supervised by the International Seabed Authority, based in Kingston, Jamaica, with the common good in mind.

The global threats to ocean ecosystems, such as overfishing, plastic pollution, habitat destruction, and climate change, have brought about radical transformations in the legal protection regime of international waters. In this context, the Treaty on the Conservation and

Sustainable Use of Marine Biological Diversity Outside National Jurisdiction, also known as the Treaty on the High Seas, has initiated a new era in global ocean governance. The treaty, whose negotiations were completed in March 2023 and adopted in June 2023, reached the required sixty state ratifications by September 19, 2025, and officially entered into force on January 17, 2026.

This treaty, to which actors such as the UK joined in July 2026, established a legal mechanism for the creation of marine protected areas in international waters, introduced mandatory environmental impact assessment processes for activities that could affect international waters, and guaranteed the fair sharing of economic benefits derived from marine genetic resources. Simultaneously, global academic and legal initiatives to include the concept of ecocide in international criminal law to prevent mass destruction of ecosystems and to grant legal personality to ocean ecosystems aim to protect the boundless nature of international waters for future generations.

4. Historical and Legal Background

4.1. The United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole.



The origins of the Convention date from 1 November 1967 when Ambassador Arvid Pardo of Malta addressed the General Assembly of the United Nations and called for "an effective international regime over the seabed and the ocean floor beyond a clearly defined national

jurisdiction". This led to the convening, in 1973, of the Third United Nations Conference on the Law of the Sea, which after nine years of negotiations adopted the Convention.

The Convention establishes a comprehensive legal framework to regulate all ocean space, its uses and resources. It contains, among other things, provisions relating to the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone and the high seas. It also provides for the protection and preservation of the marine environment, for marine scientific research and for the development and transfer of marine technology. One of the most important parts of the Convention concerns the exploration for and exploitation of the resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (the Area). The Convention declares the Area and its resources to be "the common heritage of mankind". The International Seabed Authority, established by the Convention, administers the resources of the Area.

UNCLOS, among other aspects, defines the rights and responsibilities of States with respect to their use of the sea (in their capacity as coastal State), including exercising jurisdiction over vessels under their flags (in their capacity as flag State), foreign vessels in port (in their capacity as port State), promoting the peaceful use of marine resources and the protection of the marine environment. UNCLOS also defines different areas of the sea off the coast of a coastal State.

The Convention comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters.

Some of the key features of the Convention are the following:

- All States enjoy the traditional freedoms of navigation, overflight, scientific research and fishing on the high seas; they are obliged to adopt, or cooperate with other States in adopting, measures to manage and conserve living resources;

- Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles; foreign vessels are allowed "innocent passage" through those waters;
- States are bound to promote the development and transfer of marine technology "on fair and reasonable terms and conditions", with proper regard for all legitimate interests;

4.2. Biodiversity Beyond National Jurisdiction (BBNJ)

The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement) is an international, legally binding instrument that aims to ensure the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction through international cooperation and coordination.

Under the overall objective of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, for the present and in the long-term, through effective implementation of the relevant provisions of the Convention and



further international cooperation and coordination, the Agreement addresses four main issues:

- Marine genetic resources, including the fair and equitable sharing of benefits;
- Measures such as area-based management tools, including marine protected areas;
- Environmental impact assessments; and
- Capacity-building and the transfer of marine technology.

The Agreement also addresses a number of “cross-cutting issues”, establishes a funding mechanism and sets up institutional arrangements, including a Conference of the Parties and various subsidiary bodies, a Clearing-House Mechanism and a secretariat.

The BBNJ Agreement complements existing global and sectoral processes, such as fisheries management, international shipping and seabed activities, while addressing growing concern about biodiversity loss in the high seas. Firmly anchored in UNCLOS, the BBNJ Agreement does not reopen or renegotiate it. Instead, it strengthens coordination and cooperation, information-sharing and capacity development among States Parties and relevant international organizations, where protections have been limited.

One of the central features of the BBNJ Agreement is the development of area-based management tools, including marine protected areas (MPAs). MPAs are geographically defined ocean areas where human activities are managed or restricted to conserve biodiversity, protect ecosystems and support the recovery of species and habitats. Under the BBNJ Agreement, these tools are designed to support the conservation and sustainable use of marine biodiversity in ABNJ, (areas beyond national borders or countries’ exclusive economic zones. These areas, referred to as the high seas (the water column from the surface to the seabed) and the international seabed area (the seafloor), are known collectively as areas beyond national jurisdiction (ABNJ). Together, they represent nearly two-thirds of the world’s ocean) where few such measures currently exist.

The BBNJ Agreement places strong emphasis on environmental impact assessments (EIAs), monitoring and review and the use of the best available science and scientific information. EIAs are processes used to identify, predict and evaluate the potential environmental effects of planned activities before they take place. In the context of ABNJ, this may include assessing impacts on marine species, habitats and ecosystem functions, as well as cumulative pressures from multiple industries operating in the same area. Parties will consider processes to assess the potential impacts of planned activities in ABNJ and to strengthen scientific cooperation, data exchange and transparency. This is expected to contribute to a more knowledge-based approach to decision-making concerning the ocean, marine biodiversity and ocean-related industrial activities.

5. Case Studies

5.1. Flags of Convenience

A flag of convenience (FOC) vessel is one that flies the flag of a country other than the country of ownership.

Ships must be registered with a single country, even though they often operate in international waters. That country, the flag state, is legally responsible for ensuring that shipowners meet certain basic standards on safety and crew welfare. A flag of convenience (FOC) vessel is one that flies the flag of a country other than the country of ownership. It is attractive to shipowners who care more about their bottom line than the welfare of their seafarers, because it can save them money.

An FOC registry offers shipowners cheap registration fees, and low or no taxes. Once a ship is registered under an FOC, many shipowners then recruit the cheapest labour they can find, pay minimal wages and cut costs by lowering standards of living and working conditions for the crew.

FOCs offer countries without their own shipping industry a way to make easy money. They set up ship registries and charge fees to shipowners, while having none of the crew safety and welfare responsibilities of a genuine flag state. Some registers have poor safety and training standards, and place no restriction on the nationality of the crew. In many cases these flags are not even run from the country concerned.

Since FOC ships have no real nationality, they are beyond the reach of any single national seafarers' trade union. As a result, most FOC seafarers are not members of a trade union. For those who are, the union is often powerless to influence what happens on board.

The ITF (International Transport Workers' Federation) believes there should be a genuine link between the real owner of a vessel and the flag the vessel flies, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). There is no genuine link in the case of FOC registries. That is why it continues to campaign against FOCs. In 2025, there were 48 countries declared as FOC registries by the ITF.

The most common motivation for shipowners to register merchant vessels (Merchant Ships) under flags of convenience ('FOCs') is an economic one, ie the maximizing of profits by minimizing operational costs through the reduction of registration costs, lower non-wage labour costs, reduced labour standards, and, often enough, lower compliance with environmental and safety regulations.

However, today other factors of FOCs come into play as well, such as an increase in efficiency (eg by reducing port inspection delays due to an FOC ship register's good reputation), more extensive certification, links to a supportive cluster of financial and logistic services enabling higher logistics performance, and the presence of a cybersecurity framework.

In general, FOCs give shipowners the opportunity to avoid taxation, social security, and other requirements under the law of their home countries, to reduce crew costs considerably by employing inexpensive labour, to escape flag State control and enforcement, and to freely change flags. In a highly competitive market, the possibility to register under a flag of convenience allows shipowners from traditional maritime States -which usually subject them to higher and thus more expensive standards- to stay in business. This has been one of the main reasons for the massive 'flagging out', i.e. the transfer of ships from traditional flags to FOCs.

In order to stop this trend, several traditional maritime States such as Great Britain, France, Norway, and Germany set up subsidiary registers to their main register where they reduced some of the strict requirements for registration under their flag and offered some of the advantages to their national shipowners usually connected with open registries. They also offered tax benefits in exchange of 'reflagging', i.e. the re-registry of a certain number of merchant vessels owned by their nationals. Nevertheless, a substantial number of ships owned in such States still operate under FOCs.

5.2. Illegal Deep-Sea Fishing and Operation Icefish

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity. IUU fishing takes advantage of corrupt administrations and exploits weak management regimes, in particular those of developing countries lacking the capacity and resources for effective monitoring, control, and surveillance (MCS). IUU fishing is found in all types and dimensions of fisheries; it occurs both on the high seas and in areas within national jurisdiction, it concerns all aspects and stages of the capture and utilisation of fish, and it may sometimes be associated with organized crime.

Fishing is a socioeconomic lifeline for most coastal communities across the globe, with about 3.5 million fishing vessels plying the world's oceans, providing livelihoods and food for millions. But the world seems to have resigned itself to being unable to tackle illegal and unreported fishing, with sporadic crackdowns targeting vessels and arrests of perpetrators failing to eliminate the illicit activity.

Now researchers are lifting the lid on the structure of illegal fishing, arguing that it has long ceased to be a fringe activity and is today a systemic feature of the global seafood economy. Illegal fishing continues to thrive despite decades of regulation and advances in technologies like satellite tracking, artificial intelligence, and electronic monitoring that have dramatically improved detection. Yet fragmented enforcement, weak penalties that cannot deter violations, and uneven political will mean an end to illegal fishing remains a distant prospect.

Operation Icefish was a multi-year, direct-action marine conservation campaign led by the Sea Shepherd Conservation Society between 2014 and 2016. Its goal was to locate, expose, and shut down the "Bandit 6", a notorious fleet of six illegal, unreported, and unregulated (IUU) fishing vessels poaching vulnerable Patagonian and Antarctic toothfish in the remote Southern Ocean.



At the start of Operation Icefish in 2014, Sea Shepherd set out to locate and shut down illegal, unreported and unregulated fishing in Antarctica. Infamously named the "Bandit 6", the targets were six illegal poaching vessels known to Interpol and CCAMLR, who had

previously managed to evade any law enforcement. Over two campaigns that spanned from 2014 to 2016, Sea Shepherd set the world record for the longest high-seas pursuit of a poaching vessel, removed 72 kilometres of illegal gillnets from the ocean, and successfully shut down all of the Bandit 6 vessels.

5.3. The Great Pacific Garbage Patch

The Great Pacific Garbage Patch (GPGP) is the largest of the five offshore plastic accumulation zones in the world's oceans. It is located halfway between Hawaii and California in the Pacific Ocean.

It is estimated that 1.15 to 2.41 million tonnes of plastic are entering the ocean each year from rivers. More than half of this plastic is less dense than the water, meaning that it will not sink once it encounters the sea.

The stronger, more buoyant plastics show resiliency in the marine environment, allowing them to be transported over extended distances. They persist at the sea surface as they make their way offshore, transported by converging currents and finally accumulating in the patch.

Once these plastics enter the gyre, they are unlikely to leave the area until they degrade into smaller microplastics under the effects of sun, waves and marine life. As more and more plastics are discarded into the environment, microplastic concentration in the Great Pacific Garbage Patch will only continue to increase.

The GPGP covers an estimated surface area of 1.6 million square kilometers, an area twice the size of Texas or three times the size of France.

No one knows how much debris makes up the Great Pacific Garbage Patch. The North Pacific Subtropical Gyre is too large for scientists to trawl. In addition, not all of the trash floats on the surface. Denser debris can sink centimeters or even several meters beneath the surface, making the vortex's area nearly impossible to measure.

80 percent of plastic in the ocean is estimated to come from land-based sources, with the remaining 20 percent coming from boats and other marine sources. These percentages vary by region, however. A 2018 study found that synthetic fishing nets made up nearly half the mass of the Great Pacific Garbage Patch, due largely to ocean current dynamics and increased fishing activity in the Pacific Ocean.

While many different types of trash enter the ocean, plastics make up the majority of marine debris for two reasons. First, plastic's durability, low cost, and malleability mean that it's being used in more and more consumer and industrial products. Second, plastic goods do not biodegrade but instead, break down into smaller pieces.

Because the Great Pacific Garbage Patch is so far from any country's coastline, no nation will take responsibility or provide the funding to clean it up. Charles Moore, the man who discovered the vortex, says cleaning up the garbage patch would "bankrupt any country" that tried it.

Many expeditions have traveled through the Great Pacific Garbage Patch. Charles Moore, who discovered the patch in 1997, continues to raise awareness through his own



environmental organization, the Algalita Marine Research Foundation. During a 2014 expedition, Moore and his team used aerial drones, to assess from above the extent of the trash below. The drones determined that there is 100 times more plastic by weight than previously measured. The team also discovered more permanent plastic

features, or islands, some over 15 meters (50 feet) in length.

Scientists and explorers agree that limiting or eliminating our use of disposable plastics and increasing our use of biodegradable resources will be the best way to clean up the Great Pacific Garbage Patch. Organizations such as the Plastic Pollution Coalition and the Plastic Oceans Foundation are using social media and direct action campaigns to support individuals,

manufacturers, and businesses in their transition from toxic, disposable plastics to biodegradable or reusable materials.

6. Questions to be Addressed

1. How can ecocide be recognized as an international crime under existing international criminal law frameworks?
2. What measures can be taken to hold corporations accountable for large-scale environmental destruction in oceans?
3. What new policies can be introduced to prevent illegal activities that harm marine ecosystems?
4. What legal challenges make it difficult to prosecute environmental crimes that happen outside national territories?
5. What responsibilities should states have in ensuring accountability for companies under their jurisdiction that cause significant environmental damage in international waters?
6. How can satellite monitoring and digital evidence systems be used to strengthen investigations of environmental crimes committed in international waters?

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