International Tribunal for the Law of the Sea (ITLOS)
Chair Letter

DEAR DELEGATES,

Welcome to the International Tribunal for the Law of the Sea (ITLOS) at CNYMUN 2026! We hope to have you engage in meaningful debate in this committee about everything from maritime law to protecting the marine environment! Your chairs for this conference will be Sanjima Dhakal and Alon Dvorai.

ABOUT THE CHAIRS

Sanjima Dhakal is a senior at Jamesville Dewitt High School and is excited to chair at CNYMUN this year! This is her 4th year in MUN, and her 4th time chairing. Outside of MUN, she likes to play tennis and hang out with her friends. She is also an officer of her school's MUN club and is involved in the HOSA and Science Olympiad clubs. She can't wait to meet and welcome all of CNYMUN 2026's ITLOS delegates!

Alon Dvorai is a junior at Fayetteville-Manlius High School and is honored to be your chair this CNYMUN. This is his third year participating in MUN and his first time serving as a chair. Outside of MUN, he is a part of his school's Link Crew and Science Honors Society. He likes to volunteer at a library near his town, and this previous summer he volunteered at a hospital. For fun, you might see him watching a horror movie or playing with his two cats. He is beyond thrilled to be able to help conduct new and returning delegates to CNYMUN this year!

ABOUT THE COMMITTEE

ITLOS was established as a part of the United Nations Convention on the Law of the Sea, which entered into force in 1994. The Convention created a legal framework for countries to follow to maintain peace, safety, and habitats in the world's oceans. To settle disputes regarding the terms of the Convention, ITLOS was established, given jurisdiction over the interpretation of all provisions outlined in UNCLOS, and became operational in 1996.

Your topics for the International Tribunal for the Law of the Sea at CNYMUN 2026 will be:

1. Piracy and Armed Robbery at Sea
2. CLARIFYING ARTICLE 206 OF UNCLOS

ABOUT THE CONFERENCE:

Keeping in line with CNYMUN tradition, all committees will follow Harvard style debate, meaning delegates are prohibited from using pre-written clauses and/or resolutions during committee. Doing so will make a delegate ineligible for awards. To be eligible for awards, delegates must submit a Georgetown style position paper per each topic, meaning that each topic should be one page, single spaced, with a font size of 12 in Times New Roman. Position papers should outline the stance of your delegation and demonstrate a comprehensive understanding of your topics. The use of AI is prohibited and will result in disqualification from awards. When deciding on awards, chairs will look favorably upon delegates who have put significant effort into preparation prior to the conference, collaborate with other delegates without being overbearing, remain within the bounds of their nation's policies, and encourage other's voices to be heard. CNYMUN committees are structured using a tiered structure, designating each committee as open, intermediate, or advanced. ITLOS is designated as an **intermediate** committee.

Please share position papers prior to the start of the conference. The chairs' emails are listed below for you to contact about any research, position paper, or committee inquiries. It is recommended that all delegates share their position papers to both chair's emails, although chairs will ask for any hard copies of position papers at the start of committee session one if necessary.

We encourage you to scan our delegate preparation resources and award structure on www.cnymun.org. We wish you the best of luck and can't wait to see what you bring to CNYMUN 2026!

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TOPIC 1: Piracy and Armed Robbery at Sea

Piracy and armed robbery at sea are major maritime security challenges due to how they threaten global trade, human life, and regional stability. Piracy refers to illegal acts of violence, detention, or theft committed for private gain on high seas or outside the jurisdiction of any state. The United Nations Convention on the Law of the Sea (UNCLOS)'s Article 101 states that these illegal acts fall within the ambit of international law.[1]

The following is directly from this article:

> *The provisions of this Part apply to all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.*

Armed robbery at sea is within a country's territorial waters and is dealt with by domestic law in accordance with the International Maritime Organization (IMO)'s Resolution A.[2] IMO Resolution A.1025(26) specifically defines armed robbery at sea as the following:

> *any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;*

Both piracy and armed robbery at sea involve attacks on ships, crew, or cargo, but circumstances differ with consideration of legal and geographic factors.

Geographical factors make areas like the Gulf of Guinea, the Horn of Africa, and the Strait of Malacca high-risk for piracy and armed robbery. These factors include narrow, predictable routes, proximity to busy shipping lanes, and hideouts in islands and throughout the coast for perpetrators. Political instability in countries with weak governments and law enforcement leads to corruption, which enables criminal activities. In Venezuela, in recent years, President Nicolás Maduro has allowed illicit gold mining, drug trafficking, and extortion. This has led to roughly seventy percent of the Venezuelan population living in poverty. [3]Regions with high poverty and unemployment rates drive populations towards these activities for income. Culprits looking for economic gain, through organized crime, use small, fast boats to approach larger ships to hijack, kidnap, and steal cargo or personal belongings. Piracy and armed robbery are significant issues because of how they disrupt international trade, the maritime economy, endanger sea travelers' lives, and increase shipping costs. Pirates and armed robbers often target shipping routes carrying essential goods, oil, or raw materials, making incidents costly for businesses and nations. By understanding the cause and legal distinctions of piracy and armed robbery, prevention methods will be more effective through their historical evolution, current hotspots, and strategies to combat them.

Piracy and armed robbery at sea have existed for thousands of years; however, their nature has varied greatly throughout history. The earliest records date back to the 14th century BCE, when the Sea Peoples in the Mediterranean attacked the Egyptian and Hittite.[4] Mediterranean pirates posed massive threats during the classical period, causing the Roman Empire to restrain them. The Golden Age of Piracy took place between the mid-17th and early 18th centuries, with common operations in the Caribbean Sea, the American coast, and the West African coast. However, in the 19th and early 20th centuries, colonial powers were dominant and improved maritime policies and enforcement, limiting piracy and armed robberies. In the later part of the 20th century, economic hardship, political instability, and insufficient law enforcement led to a reexpansion of maritime crime. This was seen in various regions

[1] *United Nations Convention on the Law of the Sea*, www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Accessed 22 Aug. 2025.
[2] *Resolution A.1192(33) Adopted on 6 December 2023 (…*, wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1192(33).pdf. Accessed 22 Aug. 2025.

[3] *Venezuela: Political Crisis and U.S. Policy | Congress.Gov | Library of Congress*, www.congress.gov/crs-product/IF10230. Accessed 15 Sept. 2025.
[4] The Editors of Encyclopaedia Britannica. (2025, July 15). *Sea People | Bronze Age, Mediterranean, Raids*. Encyclopedia Britannica. https://www.britannica.com/topic/Sea-People

like, Somalia, Gulf of Guinea and the Strait of Malacca. Currently, piracy on the high seas and armed robbery in territorial waters continue to be notable worries, with advanced technology, networks, and operations.

During the Golden Age of Piracy, infamous figures like Blackbeard, Black Bart, Anne Bonny, and Mary Read rose with their large raids in the Atlantic and Caribbean. Following the Golden Age of Piracy, strong naval powers rose, specifically the British Royal Navy, carefully patrolling major shipping routes. Merchant vessels became less vulnerable as steam-powered ships were popularized, making them harder for pirates to intercept. During this time period, anti-slavery pushed for the abolition of the transatlantic slave trade, indirectly reducing piracy from an increase in naval presence. Certain treaties and agreements categorized piracy as a universal crime, allowing increased and harsher consequences.

Global political and economic changes in the late 20th century allowed piracy and armed robbery to reemerge. Modern tactics and technology have aided the revival of armed robbery and piracy. Robbers use automatic weapons, often military grade, through the illegal arms trade. With drones and GPS tracking becoming popular, criminals are now able to monitor and scout areas in advance, leading to better plans.[5] New tactics also involve hacking, combining physical theft with digital attacks. The use of Automatic Identification System (AIS) can allow robbers to track or even mislead the target ships. An example of this occurred, involving the UK tanker Stena Impero, which was seized in the Strait of Hormuz in June 2019. Deeper analysis suggested that this ship received AIS signals to mislead its route into Iranian waters.[6] Fake AIS signals can conceal ship locations, while AIS monitoring can recognize ship locations.[7]

Modern piracy focuses on opportunistic theft and hijacking for ransom, compared to earlier piracy, which focused on treasures. As poverty increased throughout communities, so did piracy, bringing chances for wealth, especially in Africa and Asia. Modernly, Somali pirates are very well known, following the 1991 collapse of the country's central government.[8] With the lack of a navy or coast guard, fishermen attempted to fight off pirates themselves. The Gulf of Aden and Somali Basin suffered as a hotspot near the Suez Canal, a major hub of global trade at the time. 80% of global trade is carried by cargo ships, making this very detrimental to the economy as a whole.[9] As this went on, Somali pirates slightly shifted their strategy, focusing on kidnapping crews and ships to get ransom, rather than just cargo. Although piracy and armed robbery at sea remain consistent threats to global maritime security, the International Maritime Bureau (IMB) states that incidents have decreased; however, they are still impacting critical trade routes.[10] The IMB also reports that the Gulf of Guinea has the highest number of crew kidnappings[11], and Southeast Asia has the most armed robbery incidents. Now, there has been an increase in the use of firearms and violence, increasing the risk for everyone involved. Global shipping has also hiked up, through increased insurance, security measures, and route adjustments.[12]

Overall, piracy and armed robbery at sea remain complex and changing threats globally. While seen in history that strong government, naval presence, and

[5] Marques, R. (2024, November 1). Modern Pirates: Do they still exist? Discover how they operate today? - NAVSupply. *NavSupply*. https://navsupply.com.br/news/modern-pirates/#:~:text=How%20Do%20Modern%20Pirates%20Operate,points%20where%20security%20is%20weaker.

[6] Editor. (2019, July 25). *"MI-6 probe if seized British tanker was given 'spoofed' Iran coordinates by Russian spies" - The Register - RNTF*. RNTF. https://rntfnd.org/2019/07/24/mi-6-probe-if-seized-british-tanker-was-given-spoofed-iran-coordinates-by-russian-spies-the-register/

[7] *AIS spoofing: what it is, how it works, and why it matters*. (n.d.). Lmitac. https://www.lmitac.com/articles/what-is-ais-spoofing

[8] Lewis, M, I., Janzen, & HA, J. (2025, August 21). *Somalia | Election, President, news, capital, & Economy*. Encyclopedia Britannica. https://www.britannica.com/place/Somalia/Civil-war

[9] Stelzer, A. (2022, February 27). *Piracy in the Southern Gulf of Mexico: upcoming piracy cluster or outlier?* E-International Relations. https://www.e-ir.info/2022/02/27/piracy-in-the-southern-gulf-of-mexico-upcoming-piracy-cluster-or-outlier/

[10] ICC - International Chamber of Commerce. (2023, January 15). *Sea piracy drops to 21-year low, IMB reports*. https://iccwbo.org/news-publications/news/sea-piracy-drops-to-21-year-low-imb-reports/

[11] Admin. (n.d.). *IMB raises concern on resurgence of maritime piracy and armed robbery in Gulf of Guinea in 2023 mid-year report – ICC – Commercial Crime Services*. https://icc-ccs.org/imb-raises-concern-on-resurgence-of-maritime-piracy-and-armed-robbery-in-gulf-of-guinea-in-2023-mid-year-report/

[12] National Association of Manufacturers. (2024, February 8). *Piracy is up, threatening global shipping*. NAM. https://nam.org/piracy-is-up-threatening-global-shipping-30092/?stream=series-input-stories

international legal frameworks can reduce maritime crime, model piracy has shifted to utilize weaknesses and gaps in political, economic, and social systems. In order to develop effective prevention, the evolution, hotspots, and legal differences between piracy and armed robbery are crucial. Under UNCLOS, piracy enforcement requires naval presence far from local waters. However, due to the narrow definition of piracy, burden of legal work, and costs, many nations are hesitant to enforce these policies. Countries also lack domestic laws, leading states to be unwilling to prosecute captured pirates. Armed robbery heavily relies on local law enforcement, which can actually end up being corrupt, underfunded, or ineffective. States lack resources and the will to cooperate with neighbors, so arrests rarely end in prosecution. Investment in maritime security and addressing poverty and instability in high-risk regions is important to protect the seas and everyone involved.

QUESTIONS TO CONSIDER:

1. Since armed robbery falls under the sovereignty of coastal states, how should the international community respond when those states lack the capacity or willingness to enforce laws?

2. To what degree is piracy driven by poor governance and economic hardship, and should global responses prioritize development programs over military action?

3. Should international shipping companies bear financial or operational responsibility for piracy prevention, or does this incentivize negligence by states?

HELPFUL RESOURCES:

1. The IMB Piracy and Armed Robbery Map 2025
   https://icc-ccs.org/map/
2. Record of piracy & armed robbery incidents \https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/Piracy%20monthly%20report%20May%202025.pdf

TOPIC 2: CLARIFYING ARTICLE 206 OF UNCLOS

Of the many articles established by the United Nations Convention on the Law of the Sea (UNCLOS), one of the most problematic is Article 206. The following is a direct copy of the provision:

> *When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.**

*Article 205 references Article 204; together they create a guideline for states to create and publish reports about the risks or effects of pollution.[13]

Essentially, the article—and the ones it references—provides a framework for nations to follow if they believe activity in their country is responsible for serious marine pollution. Although passed before it was a common term, Article 206 calls for Environmental Impact Assessments (EIAs) for not only monitoring, but also for preventative purposes.

Several areas of weakness linger in the article. One of these issues is its broad language, which may lead to many interpretations, opening the doorway to loopholes: ways in which countries under whose jurisdiction pollution occurs may justify inaction in addressing said harm. For example, the clause specifies "planned activities under their jurisdiction or control," which can be interpreted in court as both private and state actions. This phrase raises several questions: What are the precise geographical implications? How does it apply if the actor is not native to the nation? Does it extend to measures deemed 'not activities,' such as government policies? Etc. Due to the lack of specificity, it is possible to

[13]"United Nations Convention on the Law of the Sea." UN, 1994, www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf. Accessed 1 July 2025.

extrapolate different meanings from the same clause, whether from the aforementioned excerpt or others.[14]

Loopholes aside, a major problem with Article 206 is that it can be undermined by economic disparities among states. There is a positive correlation between the GDP of a nation and its quality of EIAs.[15] This is because wealthier nations with higher GDPs are generally able to produce more rigorous and comprehensive EIAs, while poorer states may lack the resources to meet the same standards.

Historically, Article 206 and the problems surrounding it have been central to several cases brought before the Tribunal. For example, in the MOX Plant Case (Ireland v. United Kingdom), Ireland accused the UK of, among other things, not properly following the instructions set forth by Article 206. Ireland alleged that the British MOX Plant was harmful to marine life in the Irish Sea,[16] and that by failing to assess the potential effects and to release an Environmental Statement about that, the UK was in breach of UNCLOS. [17] The UK's response denied this accusation. According to them, Ireland had no *reasonable grounds* to believe that the MOX Plant would be harmful to its near marine environment.[18] In 2001 ITLOS granted provisional measures urging cooperation and data sharing between the nations. However, the European Court of Justice later assumed jurisdiction on the case.[19]

Although no major reforms directly addressing this issue have been introduced - something that will fall under the responsibility of the delegates - the Tribunal has issued statements immediately applicable to Article 206. Such a case was seen in a 2011 advisory opinion, in which ITLOS promoted Principle 15 of the Rio Declaration of 1992. This principle holds that to protect the environment, precautionary measures should be taken according to a nation's capabilities, but in the case of serious or irreversible damage, all states should take measures to prevent degradation without regard for scientific certainty.[20] In recent years, the Tribunal indicated that the article presumably calls directly for EIAs to be conducted. In the small islands case, they acknowledged that methods for monitoring greenhouse gas emissions in marine environments are still in need of further study. Such monitoring would, therefore, be an implied part of EIAs under the article. The Tribunal also indicated that "planned activities" encompass both private and state ventures, that such activities may occur on land or sea, that the phrase "reasonable grounds for believing" should be grounded in scientific evidence/projection, etc.[21] Most of the newer clarifications on the article are found in the Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law from 2024, making it a worthwhile document to research.

As delegates familiarize themselves with the country of their assigned judge and its environmental history, they should consider which side they might take if they were a part of a case before the Tribunal. Nations with weaker environmental governance and higher levels of industrial labor might be in a block that differs in opinion on how to clarify and resolve

[14] Tianbao, Qin. "EIA in Protection and Preservation of the Marine Environment: A preliminary Study." US Naval War College Digital Commons, digital-commons.usnwc.edu/cgi/viewcontent.cgi?filename=3&article=1002&context=olp-conference&type=additional. Accessed 13 July 2025.

[15] Aung, Thiri Shwesin, and Thomas B. Fischer. "Quality of Environmental Impact Assessment Systems and Economic Growth in Countries Participating in the Belt and Road Initiatives." *Impact Assessment and Project Appraisal*, vol. 38, no. 6, 23 Sept. 2020, pp. 502-20, https://doi.org/10.1080/14615517.2020.1818520. Accessed 22 Aug. 2025.

[16] "The MOX Plant Case (Ireland v. United Kingdom), Provisional Measures." *ITLOS*, www.itlos.org/en/main/cases/list-of-cases/case-no-10/. Accessed 22 Aug. 2025.

[17] *REQUEST for PROVISIONAL MEASURES and STATEMENT of CASE SUBMITTED on BEHALF of IRELAND*. 2001, www.itlos.org/fileadmin/itlos/documents/cases/case_no_10/published/C10_Request_Ireland_20011109.pdf. Accessed 23 Aug. 2025.

[18] The Mox Plant Case, Written Response of the United Kingdom. *ITLOS*, 2001, www.itlos.org/fileadmin/itlos/documents/cases/case_no_10/published/C10_Response_UK_20011115.pdf. Accessed 22 Aug. 2025.

[19] "The MOX Plant Case (Ireland v. United Kingdom), Provisional Measures."*itlos.org*, www.itlos.org/en/main/cases/list-of-cases/case-no-10/.

[20] Advisory Opinion of 1 February 2011. *ITLOS*, 2011, www.itlos.org/fileadmin/itlos/documents/cases/case_no_17/17_adv_op_010211_en.pdf. Accessed 22 Aug. 2025.

[21] Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion. *ITLOS*, 2024, www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf. Accessed 22 Aug. 2025.

some of the issues with Article 206 as compared with an alliance of nations which see less concern with environmental issues, or countries with a high amount of concern and a higher geographical distance to most of where these major problems are being most felt. For example, developing industrialized nations like China, India, etc. are more likely to be flexible with their policies. On the other hand, small island developing states (SIDS) like Cabo Verde, Jamaica, etc. may push for stronger environmental accountability.

QUESTIONS TO CONSIDER:

1. How can we ensure that both states, which are more and less fiscally capable, can comply with the UNCLOS?
2. What steps can ITLOS take to further solidify the unclear language of the original UNCLOS?
3. Which opinion would most likely suit each country?

HELPFUL SOURCES:

- *The International Law of Environmental Impact Assessment: Process, Substance and Integration* by Neil Craik—search this document for references to article 206 or the Mox case if you want a good explanation of those. ndl.ethernet.edu.et/bitstream/123456789/55685/1/169.pdf
- Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf
- Environmental impact assessments, strategic environmental impact assessments, and the right to a clean, healthy, and sustainable environment

  https://www.ohchr.org/en/calls-for-input/2025/environmental-impact-assessments-strategic-environmental-impact-assessments