

#haydarpasamun'24



# STUDY GUIDE

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## GA6: LEGAL



**HAYDARPAŞAMUN'24**  
**SIXTH GENERAL ASSEMBLY COMMITTEE**  
**LEGAL**  
**STUDY GUIDE**

**Agenda Item 1: Reserving Cultural Heritage in Conflict Zones**



***1. Table of Contents***

***2. Letter from the Chairboard***

***3. Introduction to the Committee***

***4. Introduction to the Agenda Item***

***5. Key Terms***

- a. ICCROM*
- b. Pillage*
- c. Humanitarian Assistance*
- d. Institutional Arrangements*

***6. General Overview***

- a. Cultural Heritages Affected by Armed Conflicts*
- b. Abandoned Sites*
- c. Preservation & Conservation of the Heritages*

***7. Previous Actions***

***8. Possible Solutions***

***9. Bibliography***



## 2. Letters from Chairboard

Dear Delegates,

It is with great pleasure and anticipation that I extend a warm welcome to the esteemed participants of the LEGAL Committee at Haydarapaşa Mun'24. As the Student Officer of the Sixth Committee of the General Assembly, I will be guiding you throughout these four days. The LEGAL Committee offers a unique chance to analyze, discuss, and develop legal frameworks that address urgent global concerns. It also acts as a testing ground for the complexities of international law. I want you to devote yourselves to cooperative problem-solving, approach your duties with an interest in law and an inquisitive mind. I hope that in this committee, from first-timers to experienced delegates, we will accumulate remarkable experiences and amazing memories together. Should you have any questions or require further clarification regarding the committee or topic, please do not hesitate to reach out to me through [balkandefnesu@gmail.com](mailto:balkandefnesu@gmail.com) I have no doubt this is going to be a vibrant and enriching conference with your contribution.

Sincerely, Defne Su BALKAN

Dear Esteemed Delegates,

My name is Barbaros Şıracı and It is with great pleasure and a profound sense of responsibility that I extend a warm welcome to each of you as the President Chair of the Legal Committee. Your presence here signifies your commitment to addressing the pressing legal issues that confront our world today. As we convene to engage in fruitful debates, negotiations, and resolutions, let us remember the importance of diplomacy, collaboration, and empathy in our pursuit of global justice and peace. I am confident that together, we will navigate through complex legal frameworks, propose innovative solutions, and make meaningful strides towards a brighter, more equitable future for all nations. I look forward to productive discussions and fruitful outcomes during our time together. If you have any questions please don't hesitate to ask. Here is my contact information: [barbarossiraci@gmail.com](mailto:barbarossiraci@gmail.com) 05423884060

Best regards, Barbaros Şıracı

### **3. Introduction to the Committee**

The Legal Committee, officially known as the Sixth Committee of the UN General Assembly, was founded in 1947. By drafting treaties and other legal instruments, the Legal Committee serves as the main forum that supports the General Assembly in carrying out Article 13 of the United Nations Charter, which is centered on the creation and codification of international law. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide was one of the committee's early major accomplishments. In addition, the Legal Committee is responsible for receiving and examining reports from the International Law Commission, the Special Committee on the Charter of the United Nations and the Strengthening of the Organization, and the United Nations Commission on International Trade Law (UNCITRAL). Last but not least, the committee advances the growth of international law by debating, among many other topics, the rule of law, the criminal liability of UN personnel, and the extent of universal jurisdiction.



## 4. Introduction to the Agenda Item

A cultural heritage site is an area or location which holds significant cultural value and is recognized for its historical, artistic, architectural, or archaeological importance. Cultural heritage sites can include a wide range of places such as historic buildings, monuments, archaeological sites, landscapes, museums, and other structures that are deemed to be of cultural significance. Preserving and protecting cultural heritage sites is without a doubt a priority to maintain a connection with the past, promote cultural understanding, and safeguard valuable aspects of a community's history and identity for future generations. However, doing so can be challenging in conflict zones. Warfare not only affects people but also the collective narrative of their environments, history, culture, and identity. Consequently, deliberate destruction of cultural heritage becomes part of any political struggle. (Bleibleh & Awad, 2020, 196) In wars, the attacking side may aim to damage cultural heritage sites because this can harm the other side's cultural unity and preservation of its past. As we embark on discussions surrounding 'Reserving Cultural Heritage in Conflict Zones,' it is imperative to recognize the multifaceted impact of armed conflicts on these invaluable sites. The destruction or loss of cultural heritage not only diminishes the physical remnants of the past but also weakens the social fabric that ties communities together. The urgency of this topic is underscored by the need to address the unique challenges posed by conflict zones, where the preservation of cultural heritage faces unprecedented threats. Through our deliberations, we must navigate the complexities of balancing security concerns with the imperative to protect and respect the cultural heritage that defines the collective identity of nations. By exploring innovative solutions, fostering international cooperation, and promoting a shared commitment to heritage conservation, we can endeavor to mitigate the destructive consequences of conflict and ensure the resilience of cultural heritage for the benefit of present and future generations.

## 5. Key Terms

- **ICCROM:** ICCROM stands for International Centre for the Study of the Preservation and Restoration of Cultural Property. It is an intergovernmental organization working in service to its Member States to promote the conservation of all forms of cultural heritage in every region of the world. (*What Is ICCROM*, n.d.)
- **Pillage:** To pillage means to take everything of value from a place that you've conquered. To pillage in our discussion refers to the attacking side in a conflict stealing from and damaging the cultural heritage sites. For example, the invaders can take an important statue from the place they conquered and exhibit it in their museums. This obviously damages the cultural heritage of the invaded nation.
- **Humanitarian Assistance:** Humanitarian assistance, also called “humanitarian aid” is physically or psychologically helping people in need in natural disasters, conflicts, wars, etc. As we are talking about preserving cultural heritage, human life is still the first priority as it should be.
- **Institutional Arrangements:** Reserving cultural heritage in conflict zones necessitates well-crafted institutional arrangements that can effectively navigate the complexities and challenges inherent in such environments. Institutions play a pivotal role in establishing frameworks for the protection, documentation, and recovery of cultural artifacts during and after armed conflicts.

## 6. General Overview

### *a. Cultural Heritages Affected by Armed Conflicts:*

Armed conflicts have a profound and often devastating impact on the cultural heritage of nations. The preservation of cultural zones in conflict areas is an urgent concern, as historical, artistic, and archaeological treasures become collateral damage in the midst of violence. The deliberate targeting of cultural heritage sites, coupled with the unintended consequences of conflict, results in irreparable losses that extend beyond physical structures to encompass the very essence of a community's identity and history.

Armed conflicts often witness intentional attacks on cultural heritage sites, with structures and artifacts becoming casualties of war. This direct destruction not only erases tangible aspects of history but also inflicts lasting wounds on the collective memory of affected populations. Cultural heritage in conflict zones is susceptible to illicit activities such as pillaging and trafficking of artifacts. The chaos of conflict provides cover for criminal networks to exploit vulnerabilities, leading to the loss of invaluable cultural artifacts that may never be recovered.

The displacement of communities during armed conflicts disrupts the living heritage tied to specific regions. As populations are forced to abandon their homes and cultural sites, there is a risk of irreversibly severing the connection between communities and their historical landscapes. The protection of cultural zones is not merely a matter of preserving physical structures; it is an endeavor to safeguard the very soul of communities, ensuring the continuity of their narratives and identities in the face of adversity.

Conflict-induced environmental damage, including bombings and other military activities, poses a threat to cultural heritage sites. Pollution, habitat destruction, and alterations to the natural landscape further challenge the resilience of these sites. The environmental damage is just as important and should not be overlooked.



### ***b. Abandoned Sites:***

Armed conflicts often force communities to abandon their homes and cultural zones, leaving behind sites that once held profound historical and cultural significance. The phenomenon of abandoned cultural sites in conflict zones poses unique challenges to the preservation of cultural heritage, as these places become susceptible to neglect, deterioration, and illicit activities. Understanding the implications of abandoned sites is crucial in formulating strategies to mitigate the impact of armed conflicts on our shared cultural legacy.

Abandoned cultural sites that lack human care and maintenance are prone to deterioration. The absence of human presence and care allows environmental factors, such as weathering and natural decay, to accelerate the degradation of structures and artifacts. Without human care, these sites slowly fade away due to said environmental factors. The lack of oversight in abandoned cultural zones also makes them vulnerable to vandalism and illicit activities, including looting and trafficking of artifacts like we mentioned earlier. Criminal networks exploit the vacuum left by displaced communities, further jeopardizing the integrity of these sites. These are just some reasons why these sites need human care and supervision. Abandoned sites signify the disruption of cultural practices tied to specific locations. The absence of community engagement and rituals diminishes the vibrancy and authenticity of these cultural zones, impacting the living heritage that is an integral part of their identity.

The legal implications of abandoned cultural sites, including questions related to ownership, responsibility for maintenance, and the potential transfer of custodianship in cases where communities are unable to return must be considered. In addressing the challenges posed by abandoned cultural sites, the LEGAL Committee is tasked with developing legal frameworks that encourage the responsible stewardship of these areas during and after armed conflicts. Delegates are encouraged to explore mechanisms for international cooperation, legal obligations for the protection of abandoned cultural zones, and the establishment of frameworks that facilitate the return and revitalization of displaced communities, ensuring the continuity of their cultural heritage. The objective is not only to preserve the physical structures but also to revitalize the

cultural essence embedded in these abandoned sites, fostering a resilient connection between communities and their heritage.

### ***c. Preservation & Conservation of the Heritages:***

In the challenging landscape of conflict zones, the preservation and conservation of cultural heritages emerge as paramount considerations for the international community. Legal frameworks that not only mitigate the immediate impact of armed conflicts but also lay the foundation for long-term conservation efforts must be sought.

Preservation and conservation efforts in conflict zones often necessitate emergency measures to safeguard cultural heritages from imminent threats. Legal frameworks should address the authorization and implementation of rapid-response mechanisms, including evacuation plans and temporary protective measures during active conflicts.

Establishing comprehensive documentation and inventories of cultural heritages is a crucial legal aspect. Mechanisms that mandate the creation of detailed records, including digital documentation, to aid in the recovery and reconstruction of damaged or lost cultural artifacts should be explored.

The LEGAL Committee must consider legal frameworks that foster international cooperation in preservation and conservation efforts. Collaborative initiatives, resource-sharing mechanisms, and the establishment of joint task forces can enhance the collective capacity to protect cultural zones across borders.

Legal considerations should extend beyond the conflict period to address post-conflict rehabilitation. The committee may explore legal frameworks that facilitate the reconstruction of damaged cultural sites, the return of displaced communities, and the revitalization of cultural practices integral to these heritages.

Delegates should deliberate on legal mechanisms that hold accountable those responsible for the intentional destruction or neglect of cultural heritages during armed conflicts. This may involve exploring avenues for prosecution at international

tribunals or through national legal systems. Preservation and conservation of cultural heritages in conflict zones require nuanced legal approaches that balance the imperative to protect with the practicalities of implementation.

## 7. Previous Actions

- **1954 Hague Convention for the Protection of Cultural Property:** The 1954 Hague Convention aims to protect cultural property, such as monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections of any kind regardless of their origin or ownership.
- **United Nations Security Council Resolution 2347:** “Condemns the unlawful destruction of cultural heritage, including the destruction of religious sites and artifacts, and the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, notably by terrorist groups. Urges Member States to develop broad law enforcement and judicial cooperation in preventing and countering trafficking in cultural property and calls upon Member States to consider adopting a number of measures specified in the resolution.”, directly taken from the resolution.
- **NGO Initiatives:** Non-governmental organizations (NGOs) have played a crucial role in complementing international efforts. Delegates should investigate initiatives by NGOs specializing in cultural heritage preservation, examining their approaches, successes, and challenges. NGOs often serve as boots on the ground, implementing practical solutions and advocating for cultural heritage protection.
- **ICCROM:** ICCROM stands for International Centre for the Study of the Preservation and Restoration of Cultural Property. It is an intergovernmental organization working in service to its Member States to promote the conservation of all forms of cultural heritage in every region of the world.

## 8. Possible Solutions

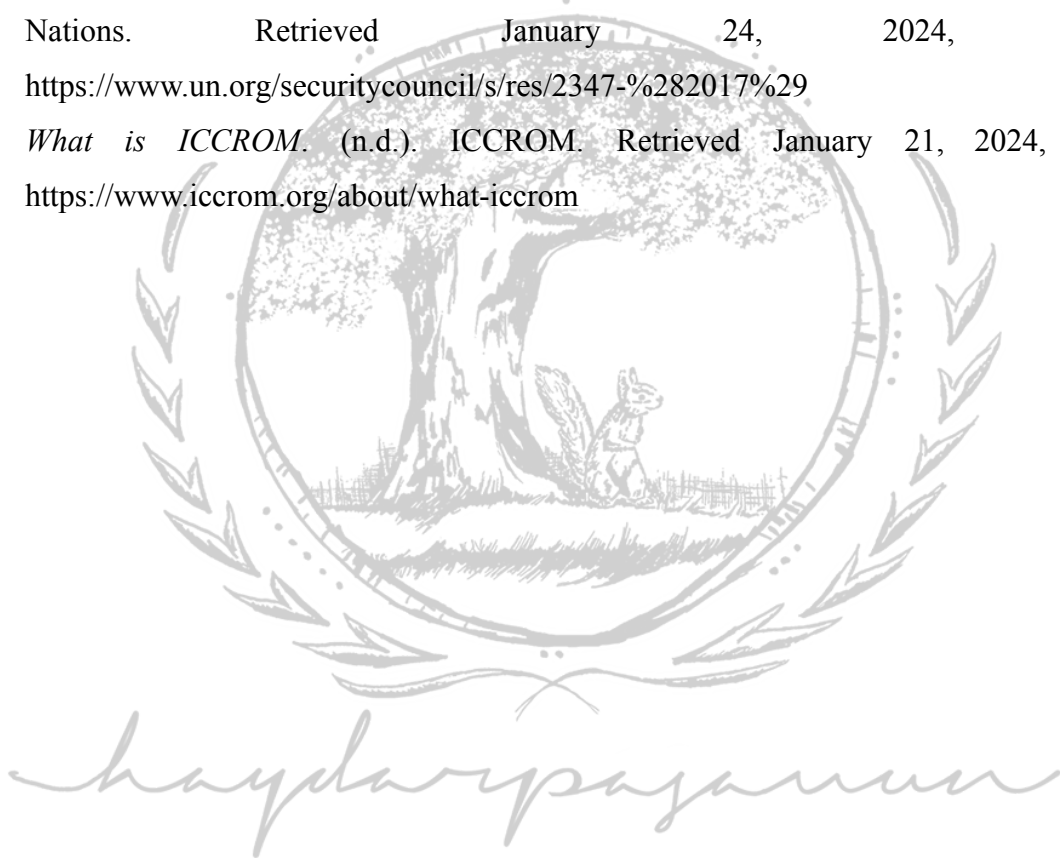
- 1. *Strengthening International Cooperation:*** It is needed to explore ways to strengthen international cooperation in the preservation of cultural zones during armed conflicts. This could involve the creation of a collaborative network for information-sharing, joint protection initiatives, and coordinated emergency response mechanisms. Crafting legal frameworks that incentivize and facilitate cross-border collaboration will be crucial in addressing the transnational nature of cultural heritage preservation.
- 2. *Enhancing Legal Protection:*** Consideration should be given to the enhancement of legal protections for cultural zones. Amendments or additions to existing international conventions, protocols, or resolutions, with a focus on specifying obligations, defining accountability mechanisms, and reinforcing the legal safeguards against intentional destruction, looting, and trafficking can be proposed.
- 3. *Establishing Rapid-Response Teams:*** To address the immediate threats posed to cultural zones during armed conflicts, delegates may propose the creation of international rapid-response teams. These teams, equipped with legal mandates and resources, could swiftly intervene to implement protective measures, document at-risk artifacts, and coordinate with local authorities to ensure the safety of cultural heritages.
- 4. *Community Engagement and Empowerment:*** Recognizing the integral role of local communities in the preservation of cultural heritage, solutions should emphasize community engagement and empowerment. We may explore legal frameworks that encourage the active involvement of communities in the protection, documentation, and rehabilitation of cultural zones, ensuring that their voices and practices are integral to preservation efforts.
- 5. *Utilizing Technology for Documentation:*** Leveraging technological advancements, we may propose the integration of digital tools for the documentation and preservation of cultural heritages. Legal frameworks could incentivize the use of cutting-edge technologies, such as 3D scanning and virtual reality, to create comprehensive digital archives that enhance the resilience of cultural zones against physical threats.

6. ***Establishing a Global Fund for Cultural Heritage Preservation:*** The establishment of a global fund dedicated to cultural heritage preservation in conflict zones may be considered. Legal mechanisms can be explored to allocate resources for emergency response, restoration efforts, and community empowerment. Such a fund could be sustained through international contributions, partnerships, and fundraising initiatives.
7. ***Education and Awareness Programs:*** To address the root causes of intentional destruction and neglect, we may propose legal frameworks that support educational and awareness programs. Initiatives promoting cultural sensitivity, historical understanding, and the significance of cultural heritage could be integrated into national curricula and international campaigns, fostering a global culture of respect for cultural diversity. Bangladesh and Myanmar were driven to seek the tribunal's opinion because both realized that continued uncertainty over their maritime boundary was worse than almost any award the judges might realistically grant. The undefined status of the continental shelf in the northeastern Bay of Bengal was scaring away international investors and energy companies who would otherwise have jumped at the chance to explore potentially vast new natural gas fields. The dispute cast a pall over the whole region; energy companies were reluctant to invest even in areas far from the disputed waters. And since any ruling was likely to leave each country with some of the area believed to hold gas deposits, both were able to accept the risk of submitting to a neutral arbiter.



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**HAYDARPAŞAMUN'24**  
**SIXTH GENERAL ASSEMBLY COMMITTEE**  
**LEGAL**  
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**Agenda Item 2: Jurisdictional Boundaries and Sovereignty Concerns in  
Maritime Matters**



## ***1. Table of Contents***

## ***2. Introduction to the Agenda Item***

## ***3. Key Terms***

- a. Maritime Zones*
- b. UNCLOS*
- c. Territoriality*

## ***4. General Overview***

- a. Maritime Boundaries*
- b. States and Their Territories*

## ***7. Previous Actions and Cases***

## ***8 Possible Solutions***

## ***9. Bibliography***



## **4. Introduction to the Agenda Item**

In a world connected by great bodies of water, the specifics of maritime matters and the policies that need to be followed should be discussed. No country owns the seas, no country



owns the oceans; so we need jurisdictional boundaries in the bodies of water to decide where we can carry out maritime activities such as shipping or transformation, fishing, offshore oil and gas exploration, maritime security and defense, tourism, infrastructure development, scientific research and much more. Deciding on these boundaries are usually quite difficult and there may be some disagreement between the countries involved as well as sovereignty concerns. That is why this agenda item requires to be discussed in our committee.

The seas and oceans, vast and interconnected, form a crucial part of the international domain, playing a pivotal role in global trade, environmental sustainability, and geopolitical stability. Maritime activities, ranging from shipping and resource extraction to environmental conservation, often traverse complex and disputed jurisdictional boundaries, raising questions of sovereignty and governance. As representatives of our respective nations, it is our duty to engage in thoughtful and diplomatic discourse to navigate the challenges posed by these maritime issues. The discussions in this committee will undoubtedly shape the future trajectory of international maritime cooperation and set the course for sustainable and equitable utilization of our shared maritime resources. In the pursuit of finding common ground, the delicate balance between respecting the sovereignty of nations and fostering collaborative efforts for the greater good must be acknowledged. We need to address concerns related to maritime boundaries, delineation disputes, and the development of frameworks that uphold both national interests and the collective well-being of the international community. This agenda item should be approached with a spirit of cooperation, seeking innovative solutions that promote peaceful coexistence and mutual benefit. The world needs to stand on the precipice of shaping a more secure and harmonious maritime world.

## 5. Key Terms

- **Maritime Zones:** Maritime zones are areas of ocean or sea which are or will be subject to national or international authority. They are delimited as parts of the seabed, water column and sea surface, the subdivision being on the grounds of political jurisdiction relating to the use and ownership of marine resources. (GOODALL, 1990, 477-479)
- **UNCLOS:** UNCLOS stands for “United Nations Convention on the Law of the Sea”. It starts with "Prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the historic

significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world..." which well explains its duty.

- **Territoriality:** Territoriality refers to the behavior or attitude of individuals, groups, or entities in asserting control and ownership over a specific geographic area, known as a territory.

## 6. General Overview

### *a. Maritime Boundaries:*

Maritime boundaries refer to the lines that delineate the extent of a coastal state's sovereignty and jurisdiction over its adjacent waters. These boundaries play a crucial role in defining the rights and responsibilities of states in maritime spaces, addressing issues related to resource management, security, and environmental protection.

There are different types of maritime boundaries such as Territorial Sea, Contiguous Zone, Exclusive Economic Zone, Continental Shelf and such.

States with adjacent coastlines may have overlapping claims to maritime zones, leading to disputes over the delimitation of boundaries. Historical factors, such as long standing usage or traditional fishing grounds, may contribute to conflicting claims over maritime areas. For example, Israel and Palestine both think Jerusalem is holy and want to have control of it. Of course that one is not about a body of water but it is a recent example.

The status of islands and rocks can impact maritime boundaries, especially in cases where they generate overlapping claims. We see an example of this in Turkey and Greece. Also maritime boundaries can become points of contention in regions where land borders are yet to be clearly defined or agreed upon.

States often negotiate and enter into agreements to resolve maritime boundary disputes, either bilaterally or through multilateral forums.

### *b. States and their territories:*

The concept of territorial integrity is fundamental to the sovereignty of a state. States possess the inherent right to exercise authority over their territories, encompassing both land and

maritime domains. In the context of maritime matters, the definition and defense of a state's territorial boundaries become crucial aspects of upholding sovereignty.

**Maritime Sovereignty:** The baseline, usually the low-water line along the coast, serves as the starting point for measuring maritime zones. The accurate determination of the baseline is essential in establishing a state's maritime sovereignty. Areas within the baseline, such as bays and estuaries, are considered internal waters, where a state exercises full sovereignty. Archipelagic states have unique considerations, with straight archipelagic baselines connecting the outermost points of the archipelago. These states have sovereignty over internal waters, archipelagic waters, and the airspace above.

**Challenges to Territorial Integrity:**

- **Illegal Incursions:** States face challenges from illegal activities, including piracy, smuggling, and unauthorized fishing, which infringe upon their territorial waters.
- **Cross-Border Disputes:** Maritime territories may be subject to disputes with neighboring states, challenging the established boundaries and requiring diplomatic solutions.
- **Environmental Threats:** Environmental concerns, such as oil spills or marine pollution, can impact a state's territorial waters, necessitating cooperative efforts for mitigation and resolution.

Delegates in the Legal Committee are tasked with scrutinizing the legal aspects of states' territorial claims in maritime areas, evaluating the implications of jurisdictional boundaries, and working towards equitable solutions that respect the rights and sovereignty of each state. It is imperative to consider historical, cultural, and geopolitical factors in crafting resolutions that contribute to regional stability and global cooperation.

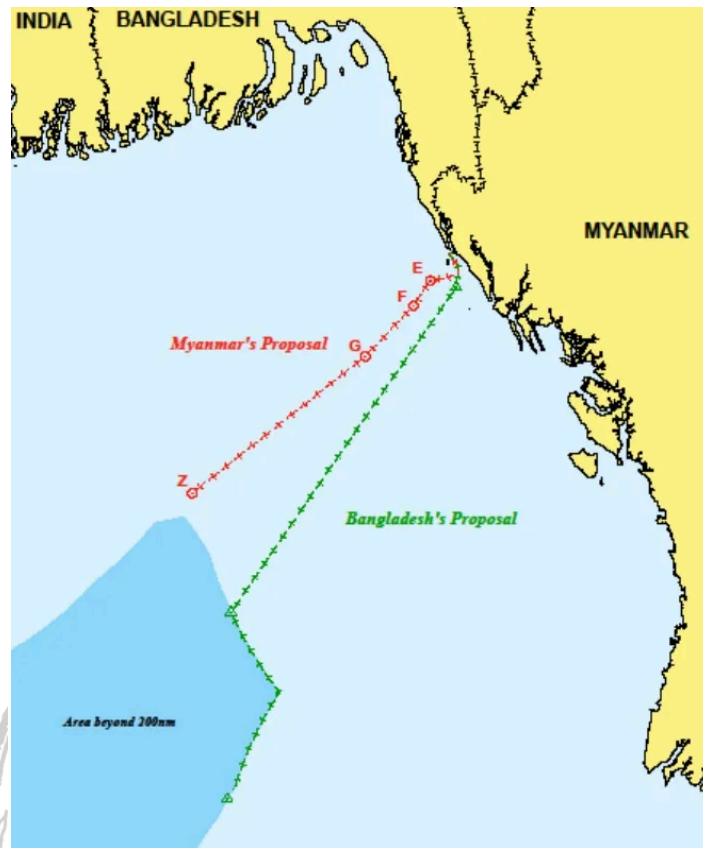
## **7. Previous Actions and Cases**

**The Gulf of Maine Case (1984):** On 25 November 1981, Canada and the United States notified to the Court a Special Agreement whereby they referred to a Chamber of the Court the question of the delimitation of the maritime boundary dividing the continental shelf and fisheries zones of the two Parties in the Gulf of Maine area. This Chamber was constituted by an Order of 20 January 1982, and it was the first time that a case had been heard by an ad hoc Chamber of the Court.

The Chamber delivered its Judgment on 12 October 1984. Having established its jurisdiction and defined the area to be delimited, it reviewed the origin and development of the dispute and laid down the principles and rules of international law governing the issue. It indicated that the delimitation was to be affected by the application of equitable criteria and by the use of practical methods capable of ensuring, with regard to the geographical configuration of the area and the other relevant circumstances, an equitable result. It rejected the delimitation lines proposed by the Parties, and defined the criteria and methods which it considered to be applicable to the single delimitation line which it was asked to draw. (Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America), 1981)

**The Bangladesh-Myanmar Maritime Dispute (2012):** The March 2012 decision of the International Tribunal for the Law of the Sea (ITLOS) in the long-standing Bangladesh/Myanmar maritime border dispute opened up new possibilities for peaceful resolution of such disputes in Asia. While the judgment itself broke important—if technical—legal ground, the two parties’ incentives for entering into litigation in the first place offer equally valuable lessons for future disputes.

This is a reminder of the rather obvious—it is easier to convince both parties in a dispute to submit to a third-party resolution when the result is likely to objectively benefit both. The tribunal’s judgment was accepted with some degree of warmth by both sides (each of whom could plausibly claim that it had “won” the case). Even more importantly, the decision has stuck; the two states have not returned to conflict and have instead been competing to offer the most favorable terms to international energy companies interested in natural gas deposits in the Bay of Bengal. The case had its origins equally in law and politics. Bangladesh’s long, concave coastline makes maritime boundary disputes almost inevitable. Under a standard application of maritime boundary law, the intersecting arcs of India’s and Myanmar’s 200 nautical mile exclusive economic zones (EEZs) would cut off Bangladesh’s access to the continental shelf and leave it with a disproportionately small EEZ relative to the length of its coastline. As a result Myanmar and Bangladesh made competing claims to a section of ocean and seabed extending southwest in a widening sliver from the seaward terminus of their land border. (Watson, 2015)



**UNCLOS:** The UNCLOS, adopted in 1982, serves as a comprehensive legal framework addressing various aspects of maritime governance, including the delimitation of maritime boundaries.

**International Court of Justice (ICJ):** The ICJ has played a vital role in adjudicating maritime disputes between states, offering legal opinions and judgments to resolve conflicts.

## 8. Possible Solutions

**Diplomatic Negotiations, Bilateral and Multilateral Dialogues:** States can be encouraged to engage in diplomatic negotiations to address maritime disputes, emphasizing the importance of open communication and collaboration. We can promote the use of bilateral and multilateral forums to facilitate dialogue and build mutual understanding among coastal states.

**International Third-Party Mediation:** We can advocate for the use of neutral third-party mediation, including international organizations or respected mediators, to assist states in resolving maritime disputes. Frameworks for mediation processes that ensure fairness, transparency, and compliance with international law can be established.

**Adherence to UNCLOS and Clarification of Ambiguous Terms:** We can emphasize the importance of states adhering to the principles outlined in the United Nations Convention on the Law of the Sea (UNCLOS) for the delimitation of maritime boundaries. States can be guided to ratify and implement UNCLOS provisions to establish a common legal framework for maritime governance. Discussions on clarifying ambiguous terms within UNCLOS that may contribute to disputes, with the aim of preventing misunderstandings and promoting clearer interpretations could be initiated.

**Joint Scientific Research:** Coastal states can be motivated to engage in joint scientific research initiatives to assess and manage shared maritime resources. Foster technological cooperation for the collection and sharing of data related to the delineation of maritime boundaries is also important.

**Regional Cooperation and Agreements:** We can promote the establishment of regional mechanisms and agreements that facilitate cooperation on maritime issues, taking into account shared interests and regional dynamics. States participating in regional organizations addressing maritime challenges is also a possible route.

**Technical Assistance:** We can advocate for the provision of technical assistance and capacity-building programs to help states develop the necessary expertise and infrastructure for effective maritime governance. Initiatives that enhance the legal and technical capabilities of coastal states need to be supported. This one is specifically for the sovereignty issues.

*Haydar Pazarcı*

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