



TECHNIUM
SOCIAL SCIENCES JOURNAL

Vol. 31, 2022

**A new decade
for social changes**

www.techniumscience.com

ISSN 2668-7798



9 772668 779000

Operation 30 days at Sea: Infringements and sanctions

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Abstract. The COVID-19 pandemic has affected every aspect of our lives and institutions, and unfortunately marine crime is also an area that has not been bypassed. Although we could say that during the lockdown period the environment was somewhat protected, it seems that after things started to return to normal and the crimes started to appear again. Between 1 and 30 March 2021, 67 states, including Romania, joined forces in a large-scale global operation coordinated by Europol and Frontex, as part of the EMPACT action plan on environmental crime, with global activities coordinated by INTERPOL. As a result of the 30 Days at Sea action, which is in its third edition, a large number of crimes against the pollution of the marine environment have been detected, and several sanctions have been applied, which proves that humanity is taking a stand against any form of environmental aggression in which we all live together. Through this article we have proposed to present and analyze both the crimes detected and the sanctions that have been applied by carrying out this extensive action, in all its three editions.

Keywords. action, operation, sea, offenses, sanctions

1. Introduction

According to the provisions of the "Convention for the Protection of Cross-border Waters" adopted in Helsinki on 17.03.1992, ratified by Romania through Law no. 30 of 05.05.1995, the signatory states have the obligation to control and reduce water pollution that can cause cross-border impact. They must ensure that cross-border waters are used for the purposes of rational and environmentally sound management, the conservation of water resources and the protection of the environment.

A special emphasis is placed in the document evoked on the conservation and restoration of ecosystems within the framework of the procedure of negative effects through pollution. (Marinescu, 2008)

Pollution of the marine environment means the introduction by any natural or legal person, directly or indirectly, of substances or energy into the marine environment, where it has or is liable to have harmful effects such as damage to biological resources, marine fauna and flora, risks to human health, obstacles to marine activities, including fishing and other legitimate uses of the sea, the alteration of the quality of sea water in terms of its use and the degradation of its recreational values. (Nicolau, 2021)

There are several international documents that have included in their content provisions relating to the protection of the marine environment, among which we mention: *the International Convention for the Prevention of Pollution of the Sea Waters by Oil*, adopted in London in 1954; the *Convention on the High Seas*, adopted at Geneva in 1958; *the United Nations Convention on the Law of the Sea*, concluded at Montego Bay in 1982; *the Convention on the Protection of the Marine Environment of the Baltic Sea Area*, adopted in Helsinki in 1992; *The Convention on the Protection of the Black Sea against Pollution*, adopted in Bucharest in 1992.

Under these provisions, mentioned above, several operations have been carried out over time, entitled "30 days at sea", which had as main purpose the detection of violations of the legal provisions and the accountability of those who violated the law.

Operation 30 Days at Sea has so far had three editions, all of which have been carried out with funding from the Norwegian Agency for Development Cooperation (Norad).

All three editions of the Operation were based on the collaboration between the institutions of all the villages participating in them, their number constantly increasing from one edition to another. Thus, if at the first edition the number of participating states was 58, in the second one it was 62, and in the third edition the number of participants reached 67.

European operations were coordinated by Europol (The European Union Agency for Law Enforcement Cooperation) and Frontex (The European Border and Coast Guard Agency) as part of the EMPACT (European Multidisciplinary Platform Against Criminal Threats) action plan on environmental crime, and global activities were coordinated by INTERPOL (The International Criminal Police Organization). All these institutions collaborated to carry out the action in the best conditions, which was also clear from the results they obtained. Jürgen Stock, Secretary-General of INTERPOL said: "The threat of pollution-related crimes is constantly evolving, endangering the air we breathe, our water and our soil. Although this is the third edition of 30 days at Sea, it is never the same exercise. Thanks to a global but agile network, we have seen that the number of inspections is more than double since the first edition: a clear sign that the international community will not endure criminal attacks on our environment."

Europol Executive Director Catherine De Bolle said: "Marine pollution is a serious threat that endangers not only the environment, but also our health and, in the long term, our global economy. Criminals don't care about the environment; they are not thinking about tomorrow, but only about increasing their profits on the backs of our society. Enhanced law enforcement efforts, such as the 30 days at sea, are essential to combat these crimes without borders and protect our environmental heritage for future generations."

And Frontex Executive Director Fabrice Leggeri said: "Environmental crimes are one of the many criminal activities targeted by Frontex as part of our mission as a European Border and Coast Guard Agency. This is our contribution to environmental protection. I am proud that, during the 30 days at sea, frontex air and maritime assets have monitored almost 1 000 ships."

2. Infringements and sanctions

At the first edition of the operation, which took place from 1 to 31 October 2018, Interpol and the United Nations Environment Programme (UNEP) released the results of the operation, in which 122 national coordinators supported the international law enforcement operation against maritime pollution.

As a result of this global effort, 276 law enforcement and environmental agencies detected more than 500 crimes in 58 countries. The narrative behind the operation focuses on the risks posed by marine pollution and the needs to address them at international level.

In addition, '30 days at sea' aimed to raise awareness of the impact of marine pollution on economic development and human and environmental security. Innovative technologies such as satellite imagery, aerial surveillance, the use of drones and night vision cameras have helped the authorities detect crime. Overall, the operation exposed severe cases of marine contamination in different contexts involving different actors.

Since its first edition in 2018, Operation 30 Days at Sea has served as a powerful global mechanism for mobilizing law enforcement so that appropriate and developed operational tactics and capabilities can be identified.

Operation 30 Days at Sea 2.0, the second edition of the operation, ran from 1 to 31 October 2019 and was INTERPOL's second global application targeting marine pollution crime. It aimed to strengthen global law enforcement and response to pollution crimes that lead to marine pollution, with the ultimate objectives of improving the quality of the sea and combating criminal networks involved in these crimes.

The operation involved 62 countries from around the world, including Romania, coordinated at international level by INTERPOL, in consultation with its Working Group on Pollution-Related Crimes (PCWG) and in cooperation with the European Law Enforcement Agency (Europol) and the European Border and Coast Guard Agency (FRONTEX) in the European Region, in total, 249 national government agencies participated in this operation.

Operation 30 Days at Sea 2.0 exposed 3,789 marine pollution-related crimes through more than 17,715 inspections and more than 15,215 hours of surveillance conducted globally. The operation was twice as effective as its first edition, with an over-twice increase in detection rates. It also led to 1,318 arrests, disruption of 90 criminal networks, the issuance of more than half a million USD in fines and the detection of 401 suspicious companies and 150 suspicious ships. Execution extended beyond the 30 operational days, with 192 subsequent investigations launched and 104 prosecution cases from February 2020.

The results of operation 30 days at sea 2.0 were presented between 4-6 March 2020 in Spain, in Madrid, within the framework of the organization of the Guardia Civil and European Union funding, chaired by the Spanish Ministry of the Interior, in which more than 70 delegates from the countries and regional/international organisations participating in the operation participated, in order to review the results and lessons learned from operation 2.0 and to consult the countries on the next steps forward.

The purpose of operation 30 Days at Sea 3.0 was to carry out an unprecedented 34,000 inspections at sea and inland waterways, coastal areas and ports to detect marine pollution violations. Thus, the competent institutions carried out during March 2021 an extensive operation against marine pollution, which was carried out simultaneously by 300 law enforcement agencies from 67 countries of the world.

The countries that participated in the third edition of the operation were 17 Member States of the European Union: Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Malta, The Netherlands, Poland, Portugal, Romania, Spain, Sweden, as well as 50 non-EU states: Angola, Argentina, Australia, Bangladesh, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Chile, China, Ivory Coast, Democratic Republic of the Congo, Ecuador Ethiopia, Fiji, Georgia, Ghana, Guatemala, Guinea Bissau, Honduras, India, Israel, Kenya, Kuwait, Liberia, Malaysia, Maldives, Namibia, Nigeria, Norway, Philippines, Qatar, Republic of Korea, Russia, Saudi Arabia, Senegal, South Africa, Tanzania, Thailand, Ukraine, United Kingdom, United States, Uruguay, Zimbabwe.

As part of the action, more than 1,600 environmental crimes were detected, from the illegal unloading of waste trafficking to the investigation of thousands of suspects around the

world. By using INTERPOL's wide range of databases and analytical capabilities, countries have been able to link pollution-related crimes with other serious crimes such as fraud, corruption, tax evasion, money laundering, piracy and illegal fishing.

As we are still in the pandemic and many enforcement resources have been allocated to combat it, criminals have rushed to exploit the growing vulnerabilities in various areas of crime, including environmental crime.

Thus, the inspectors discovered in the action, typical forms of marine pollution offenses, from ship unloading to waste traffic at sea, but also criminal tendencies that have increased amid the pandemic. Growing trends have included COVID-19 single-use items such as masks and gloves, with 13 cases involving open medical waste.

At the end of the five months that the action lasted, after collecting and analysing the information obtained, the participating States identified several serious problems.

Thus, in total, 1,600 marine pollution offenses, 500 illegal acts of pollution committed at sea were discovered, including oil spills, illegal ship burglaries and sulfur emissions from ships, 1,000 pollution offenses in coastal areas and rivers, including illegal discharges of polluting substances and 130 cases of waste trafficking through ports.

A major criminal network trafficking plastic waste between Europe and Asia was exposed, triggering cooperation between authorities in both regions.

22 suspects were arrested and thousands of tons of waste were prevented from being illegally transported to Asia. It is very likely that the waste will be dumped there, contaminating the soils and generating considerable marine litter.

Several countries in Europe, Asia and Africa have reported illegal shipments of contaminated or mixed scrap metal, falsely declared as scrap metal.

As the value of gold is increasing, agencies in Africa, Central and South America have been working to track illegal mining, which often leads to devastating contamination due to mercury discharges.

Indonesian authorities detected 65 oil spills and detained two ships that tried to evade detection by stopping geolocation systems and hiding their national flags.

In another case, the Italian Coast Guard seized and prevented the loading of 11,000 tons of metal debris mixed with plastic, rubber, mineral oil and other contaminants on bulk carriers bound for Turkey. Namibia, the Philippines and Croatia have also reported cases of illegal shipments of waste from Europe.

3. Conclusions

Participants in the three editions of Operation 30 Days at Sea should continue to invest in the assets that made it known as a world-leading operation against marine pollution-related crime by: organising regular strategic consultations and investigative meetings; inclusion of both maritime and land-based objectives relevant to marine pollution; continuous innovation by identifying emerging crimes and sharing new expertise on how to address them; operational support through specialized training in investigations and not least through a growing global network of specialized national agencies and international partnerships in order to protect the environment as efficiently as possible.

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