



Economic and Social Council

Distr.: Limited
23 April 2012

Original: English

Commission on Crime Prevention and Criminal Justice

Twenty-first session

Vienna, 23-27 April 2012

Item 5 (a) of the provisional agenda*

**Integration and coordination of efforts by the
United Nations Office on Drugs and Crime and
Member States in the field of crime prevention and
criminal justice: ratification and implementation of the
United Nations Convention against Transnational
Organized Crime and the Protocols thereto**

Italy: revised draft resolution

Countering maritime piracy

The Commission on Crime Prevention and Criminal Justice,

Recalling its resolutions 19/6 of 21 May 2010, on countering maritime piracy off the coast of Somalia, and 20/5 of 15 April 2011, on combating the problem of transnational organized crime committed at sea,

Recalling also General Assembly resolution 66/181 of 19 December 2011, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ as the main tools of the international community to fight transnational organized crime, drew attention to emerging policy issues such as piracy, cybercrime, abuse and exploitation of children, trafficking in cultural property, illicit financial flows and illicit trafficking in endangered species of wild fauna and flora, and invited the United Nations Office on Drugs and Crime to explore, within its mandate, ways and means of addressing those issues,

Recalling further that, in that same resolution, the Assembly encouraged Member States to support the United Nations Office on Drugs and Crime in

* E/CN.15/2012/1.

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.



continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity,

Mindful of the mandated role of the United Nations Office on Drugs and Crime to assist Member States in countering maritime piracy off the coast of Somalia, in pursuance of Security Council resolutions 1918 (2010) of 27 April 2010, 1950 (2010) of 23 November 2010, 1976 (2011) of 11 April 2011, 2015 (2011) of 24 October 2011, 2020 (2011) of 22 November 2011, and 2036 (2012) of 22 February 2012,

Noting the responsibilities of coastal States to prevent and control maritime crime,

Deeply concerned about the threat posed by piracy and armed robbery at sea in the Gulf of Guinea, as clearly indicated by the Security Council in its resolutions 2018 (2011) of 31 October 2011 and 2039 (2012) of 29 February 2012,

Welcoming the initiatives already taken by States and organizations in the region, including the Economic Community of Central African States, the Economic Community of West African States, the Gulf of Guinea Commission and the Maritime Organization for West and Central Africa, to enhance maritime safety in the Gulf of Guinea,

Aware of the institutional role of the United Nations Office on Drugs and Crime in providing technical assistance, upon request, in the areas of capacity-building in the crime prevention and criminal justice sector and the implementation of relevant United Nations conventions, within its mandate, as they relate to countering maritime piracy,

Welcoming the work of the United Nations Office on Drugs and Crime in providing support to the prosecution and detention of suspected pirates in countries in the Horn of Africa, including jointly with the European Union, in the framework of enhancing the rule of law, in strengthening the legal regime of and prison capacity and reform in Somalia and in deterring piracy through an advocacy programme conducted in communities in Somalia,

Welcoming also the initiative of the United Nations Office on Drugs and Crime to counter illicit financial flows linked to piracy by seeking to establish a mechanism and procedures to identify, freeze and seize illicit financial flows from piracy, leading to the prosecution of the financiers and sponsors of piracy,

Noting that the United Nations Office on Drugs and Crime jointly led the United Nations joint assessment mission to assess the emerging threat of piracy and armed robbery in the Gulf of Guinea and that the Office will develop a national integrated programme with the authorities of Benin to counter piracy and transnational organized crime in the country,

Aware of the function of the United Nations Office on Drugs and Crime in administering the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, whose purpose is to defray the expenses associated with the prosecution of suspected pirates and to support other relevant counter-piracy initiatives in cooperation with other partners, including the consolidation of

international assistance to increase prison capacity, the construction of prisons, the provision of training for prison staff in accordance with relevant international human rights standards, and the monitoring of compliance with such standards,

Keeping in mind the report of the Executive Director on countering maritime piracy off the coast of Somalia,² including in particular the conclusions and recommendations contained in paragraphs 72-74 of that report, as well as more recent information contained in paragraphs 60, 63 and 93 of the report of the Executive Director on activities of the United Nations Office on Drugs and Crime³ and in paragraphs 20 and 21 of the report of the Secretary-General on international cooperation in combating transnational organized crime and corruption,⁴

1. *Expresses its grave concern* at the threat posed by maritime piracy, armed robbery at sea and hostage-taking off the coast of Somalia and in the Gulf of Guinea, as well as in other areas where maritime piracy takes place;

2. *Stresses* the need for a comprehensive and more effective and coordinated response to tackle those dangerous challenges and their possible links with other serious forms of transnational organized crime, including by investigating and prosecuting those who illicitly finance, plan, organize or profit from piracy attacks, as well as the need to deal with complex and time-consuming procedural and jurisdictional problems, which will also assist in combating other forms of transnational organized crime and terrorism;

3. *Also stresses* the importance of strengthening the maritime, prosecution and detention capacities of coastal States, including their legal capacity to uphold relevant norms of international law;

4. *Welcomes* the efforts of the Contact Group on Piracy off the Coast of Somalia, States and international and regional organizations to coordinate the international response to maritime piracy and armed robbery in the Indian Ocean and commends the work of all the Contact Group's working groups, as well as the work towards implementing the International Maritime Organization's *Best Management Practices for Protection against Somalia-based Piracy* (fourth version);

5. *Encourages* Member States to continue to make use of the United Nations Convention against Transnational Organized Crime⁵ as a legal basis for law enforcement cooperation, mutual legal assistance and extradition, as recommended by the Conference of the Parties to the Convention in its resolution 5/8 of 22 October 2010,

6. *Takes note with appreciation* of the contributions of participating States and other partners to the counter-piracy programme of the United Nations Office on Drugs and Crime, the funding for which has increased from the initial amount of 500,000 United States dollars in 2009 to a total of 40 million dollars, with an operating budget of 12 million dollars for a range of projects to be implemented in 2012;

² E/CN.15/2011/18.

³ E/CN.7/2012/3-E/CN.15/2012/3.

⁴ E/CN.15/2012/9.

⁵ United Nations, *Treaty Series*, vol. 2225, No. 39574.

7. *Encourages* Member States and other donors to provide extrabudgetary resources to support the work of the United Nations Office on Drugs and Crime, within its mandate, in countering maritime piracy, including through its Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism used to track the illegal financial flows, its relevant regional programmes, the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and other related bilateral technical assistance efforts;

8. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit a report to the Commission at its twenty-second session on the implementation of the present resolution and to continue to provide technical briefings to Member States on those topics on a regular basis.
