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Commission on Crime Prevention and Criminal Justice

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Agenda item 5 (a)

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

Albania and Denmark:* revised draft resolution

Countering maritime piracy, especially off the coast of Somalia and in the Gulf of Guinea

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,

* On behalf of the States Members of the United Nations that are States members of the European Union.

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



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

Stressing the need for a comprehensive response, taking into account socioeconomic and other factors, to counter maritime piracy and armed robbery at sea,

Taking into account the conditions faced by Somalia, where piracy is affecting its efforts to achieve a more just and stable society for all its citizens,

Noting 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,²

Mindful that maritime piracy and armed robbery at sea off the coast of Somalia and in the Gulf of Guinea have different features,

Concerned about the threat posed by piracy and armed robbery at sea in the Gulf of Guinea, and 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,

Noting with appreciation the work of the United Nations Office on Drugs and Crime in providing support to the prosecution and detention of suspected pirates and the incarceration of convicted 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 as part of a broad and coherent approach to countering maritime piracy,

Recalling General Assembly resolution 66/177 of 19 December 2011, entitled “Strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities”, and welcoming the efforts of the United Nations Office on Drugs and Crime to counter illicit financial flows linked to maritime piracy by identifying, freezing, seizing and, as appropriate, recovering illicit financial flows from maritime piracy, leading to the prosecution of the financiers and sponsors of maritime piracy,

² [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 role played by other organizations and mechanisms, inter alia, the International Criminal Police Organization (INTERPOL) and the World Bank, in countering illicit financial flows linked to maritime piracy,

Noting also the Secretary-General's assessment mission on piracy in the Gulf of Guinea, which was dispatched with the participation of the United Nations Office on Drugs and Crime to assess the emerging threat of maritime piracy and armed robbery in the Gulf of Guinea and that the Office will provide support to the efforts of the countries in the region,

Aware of 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,³ including in particular the conclusions and recommendations contained in paragraphs 72-74 of that report, as well as the more recent information contained in the progress report of the Secretary-General on the work of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption,⁴

1. *Expresses its grave concern* at the threats and challenges posed by maritime piracy and armed robbery at sea off the coast of Somalia and in the Gulf of Guinea;

2. *Stresses* the need for a comprehensive, effective and coordinated response to tackle those threats and challenges and their possible links with other serious forms of transnational organized crime, including by investigating and prosecuting suspects captured at sea, as well as anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, finance or profit from such attacks, and preventing the financing of acts of maritime piracy and the laundering of its proceeds;

3. *Also stresses* the importance of strengthening the capacity of affected States to investigate, prosecute, incarcerate and, as appropriate, repatriate and transfer offenders, in accordance with applicable domestic and international law, and requests the United Nations Office on Drugs and Crime to continue its ongoing efforts in this regard;

4. *Acknowledges* the leading role of the Contact Group on Piracy off the Coast of Somalia in facilitating coordination in order to prevent, deter and respond to acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with States and international organizations, as well as the significant contributions of the States working independently to counter maritime piracy off the coast of Somalia;

³ E/CN.15/2011/18.

⁴ E/CN.15/2012/9.

5. *Requests* the United Nations Office on Drugs and Crime, in cooperation with the United Nations Development Programme and other international partners, as appropriate, to further their efforts to support the development of domestic legislation, agreements and mechanisms that would allow the effective prosecution of suspected pirates and the transfer and imprisonment of convicted pirates;
6. *Calls upon* Member States to criminalize maritime piracy and armed robbery at sea under their domestic law;
7. *Encourages* Member States to continue cooperating with each other, using relevant and applicable bilateral or multilateral instruments for law enforcement cooperation, mutual legal assistance and extradition, inter alia, the United Nations Convention against Transnational Organized Crime and its Protocols⁵ and the United Nations Convention against Corruption;⁶
8. *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 substantially increased since 2009;
9. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance, upon request, to affected Member States in order to enhance their capacity in countering maritime piracy and armed robbery at sea;
10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution in accordance with the rules and procedures of the United Nations and 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;
11. *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 the regular briefing of Member States on those topics.

⁵ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

⁶ *Ibid.*, vol. 2349, No. 42146.