



## Economic and Social Council

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### Commission on Crime Prevention and Criminal Justice

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Agenda item 5

**Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice**

**Chile, Guatemala, Indonesia, Norway and Philippines: revised draft resolution**

#### **Combating the problem of transnational organized crime committed at sea**

*The Commission on Crime Prevention and Criminal Justice,*

*Taking note* of General Assembly resolution 65/37 of 7 December 2010,

*Recalling* the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988<sup>1</sup> and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>2</sup> which require States parties to cooperate to suppress, respectively, drug trafficking at sea and the smuggling of migrants by sea, as well as the United Nations Convention on the Law of the Sea,<sup>3</sup>

*Recalling also* that all actions taken by States to combat unlawful conduct at sea must be in accordance with their rights and obligations under international law, including the United Nations Convention on the Law of the Sea,

*Concerned* about the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>2</sup> *Ibid.*, vol. 2241, No. 39574.

<sup>3</sup> *Ibid.*, vol. 1833, No. 31363.



energy security and the global economy resulting from such activities, as noted by the General Assembly in its resolution 64/71,

*Gravely concerned* about, in particular, the growing threat posed by piracy and armed robbery at sea targeting vessels, including traditional fishing boats, off the coast of Somalia,

*Concerned* that transnational organized criminal activities at sea are diverse and may in some cases be interrelated and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calling upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law, in accordance with General Assembly resolution 65/37,

*Convinced* that transnational organized crime at sea is a global problem that threatens security, stability and the rule of law, undermines economic prosperity and sustainable development and threatens the environment, making international cooperation to prevent and control it essential,

*Emphasizing* that all States, in particular the parties to the various relevant conventions, have a shared responsibility to take steps to counter the threat of transnational organized crime committed at sea, and the importance of enhancing international cooperation at all levels to fight all forms of transnational organized crime at sea that fall within the scope of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>4</sup> the United Nations Convention against Corruption,<sup>5</sup> the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,<sup>6</sup> the Convention on Psychotropic Substances of 1971,<sup>7</sup> the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention on the Law of the Sea, as appropriate,

*Welcoming* the technical assistance provided by the United Nations Office on Drugs and Crime, within its mandate, upon request, to States with a view to preventing, combating and eradicating transnational organized crime at sea, in accordance with relevant international instruments, including the Organized Crime Convention and its Protocols, and welcoming the cooperation of the United Nations Office on Drugs and Crime with relevant United Nations bodies, international organizations and other bodies,

*Welcoming also* the work jointly carried out by the United Nations Office on Drugs and Crime and the World Customs Organization under the global Container Control Programme and its impact on ensuring maritime safety and security in the containerized trade supply chain,

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<sup>4</sup> Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>5</sup> Ibid., vol. 2349, No. 42146.

<sup>6</sup> Ibid., vol. 976, No. 14152.

<sup>7</sup> Ibid., vol. 1019, No. 14956.

Noting the United Nations Office on Drugs and Crime research touching on transnational organized crime committed at sea,<sup>8</sup>

1. *Urges* States that have not yet done so to consider becoming parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>9</sup> the United Nations Convention against Corruption<sup>10</sup> and other relevant conventions and to take appropriate measures to ensure their effective implementation;

2. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States, upon request, to facilitate the full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in order to more effectively combat transnational organized crime committed at sea;

3. *Encourages* the United Nations Office on Drugs and Crime to continue to provide Member States with technical assistance, upon request, in the areas of capacity-building in the criminal justice sector and the implementation of the relevant conventions for combating organized crime committed at sea, including maritime piracy, and requests the Office to continue to brief Member States on a regular basis on the implementation of its relevant programmes, including that for countering piracy;

4. *Also encourages* the United Nations Office on Drugs and Crime to continue providing Member States with technical assistance, upon request, in the areas of capacity-building in the criminal justice sector and the implementation of conventions relevant to countering maritime piracy off the coast of Somalia, and requests the Office to continue to brief Member States on a regular basis on the implementation of its counter-piracy programme;

5. *Urges* Member States to strengthen international cooperation at all levels in combating transnational organized crime committed at sea;

6. *Encourages* Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement, with a view to preventing, combating and eradicating transnational organized crime committed at sea, in accordance with their rights and obligations under international law, including the United Nations Convention on the Law of the Sea;<sup>11</sup>

7. *Encourages* the United Nations Office on Drugs and Crime, within its mandates, to cooperate with Member States, relevant United Nations bodies, international organizations and other bodies and mechanisms, where appropriate, with regard to sharing of information in its technical assistance activities related to transnational organized crime, in consideration of the challenges posed by transnational organized crime committed at sea;

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<sup>8</sup> United Nations Office on Drugs and Crime issue paper entitled *Transnational Organized Crime in the Fishing Industry: Focus on Trafficking in Persons, Smuggling of Migrants and Illicit Drug Trafficking*, published in April 2011.

<sup>9</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>10</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>11</sup> *Ibid.*, vol. 1833, No. 31363.

8. *Invites* Member States to consider all relevant research conducted by the United Nations Office on Drugs and Crime touching on transnational organized crime committed at sea;

9. *Also invites* Member States to share their experiences and concerns with other Member States and the United Nations Office on Drugs and Crime on the possible gaps and vulnerabilities faced in tackling transnational organized criminal activities at sea, bearing in mind the relevant research conducted by the Office touching on transnational organized crime committed at sea;<sup>12</sup>

10. *Requests*, to that end, the United Nations Office on Drugs and Crime to convene an advisory meeting of experts, consistent with the rules of procedure of the functional commissions of the Economic and Social Council, giving due regard to proportional regional and geographic participation and focusing on the central authorities of Member States and their maritime and other law enforcement experts, to survey the significant and multifaceted challenges to the criminal justice system in the investigation and prosecution of cases arising from organized criminal activities at sea, within the mandates of the United Nations Office on Drugs and Crime, that are not already addressed in other forums or mechanisms, with a view to identifying specific areas where the Office and its resources may facilitate the investigation and prosecution of such cases by Member States, including by identifying gaps or possible areas for harmonization, and measures to strengthen national capacity, in particular in developing countries, to more effectively combat transnational organized crime;

11. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules of procedure of the United Nations;

12. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on the implementation of the present resolution.

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<sup>12</sup> United Nations Office on Drugs and Crime issue paper entitled *Transnational Organized Crime in the Fishing Industry: Focus on Trafficking in Persons, Smuggling of Migrants and Illicit Drug Trafficking*, published in April 2011.