

**UNODC contribution to the report of the Secretary-General on Oceans and the law of
the sea, pursuant to GA resolution 76/72
September 2021 to August 2022**

I. Implementation of the Convention and related agreements and instruments

Through its Global Maritime Crime Programme (GMCP), UNODC provides training on the UN Convention on Law of the Sea and case scenarios as part of the Visit, Board Search, Seizure (VBSS) training programmes to Maritime Law Enforcement officers to apply the knowledge of what has been taught to real case situations. Furthermore, UNODC recently created an online course on Law of the Sea to provide necessary knowledge to its staff and published a handbook on “[A Practical Framework for Maritime Strategy Development](#)”. The handbook provides procedural and substantive guidance on maritime strategies to develop and implement each core variant of maritime strategy at both the national and regional level.

II. Capacity building

Through its regional teams in the Atlantic, Indian and Pacific oceans and the Caribbean, Mediterranean, and Red seas, UNODC operates in 69 countries, delivering technical assistance on the ground for capacity building in maritime law enforcement.

Atlantic Ocean

During the reporting period, UNODC delivered a range of capacity building activities and mentoring for maritime law enforcement with the main aim of handling piracy and maritime crime cases more broadly and fostering regional cooperation among the Member States of the Economic Community of Central African States (ECCAS) and of the Economic Community of West African States (ECOWAS). From September 2021 through May 2022, 790 maritime law enforcement officers, judges, and prosecutors from Angola, Benin, Congo, Cote d’Ivoire, Gabon, Nigeria, Sao Tome & Principe, and Togo were trained over 24 sessions.

Moreover, UNODC delivered four Visit Board Search and Seizure (VBSS) and three Maritime Domain Awareness (MDA) trainings to support Member States to successfully execute safe and legally sound operations and procedures that follow national and international maritime laws and use various data sources including Automatic Identification System (AIS) and satellite imagery. Harmonized Standard Operating Procedure (HSOP) were drafted over multiple sessions and tested during tabletop exercises to further strengthen inter-agency collaboration. Several training sessions on the Law of the Sea were organized with a view to make State actors at sea familiar with relevant legislation and other related legal instruments. Finally, practical exercises to collect evidence through scenarios of crimes committed at sea and mock trials were used to supplement theoretical training.

To confront crime at sea in West Africa, UNODC is assisting in the review of legislation and regulatory frameworks in 16 coastal countries in West and Central Africa, and has trained almost 2,000 judges, prosecutors, and law enforcement officers. Furthermore, UNODC technical assistance activities supported Togo and Nigeria in achieving the first-ever successful prosecutions of piracy in the region in 2021, a landmark step towards achieving maritime security in West Africa. Finally, UNODC is supporting governments in the Gulf of Guinea, and across West Africa, to strengthen criminal justice capacities and cooperation through the

UN conventions against transnational organized crime and corruption, as well as the global counter-terrorism instruments.

Indian Ocean

In the eastern Indian Ocean region, UNODC is delivering extensive capacity building to Maritime Law Enforcement agencies in Bangladesh, Maldives and Sri Lanka. In Bangladesh, this includes coastguard, navy, customs, river police and prosecution. The courses delivered to MLE agencies are based mainly on Visit Board Search and Seizure (VBSS) training curriculums where UNODC delivers specialised modules including Counter-Improvised Explosive Devices (C-IED), Chemical, Biological Radiological and Nuclear (CBRN) defence, trafficking in persons and smuggling of migrants, as well as crimes in the fisheries sector. A specialised module on evidence handling has also been developed to become part of all VBSS courses, in order to ensure the chain of custody. In support of prosecution, UNODC delivers training on the United Nations Convention on the Law of the Sea (UNCLOS) and prosecution of maritime crime. Additionally, UNODC conducts simulated trials, which build on a simulated search exercise within the framework of VBSS courses.

In the western Indian Ocean region, UNODC provided various practical and tactical training for MLE officers from more than nine countries in the region and Pakistan. Through its maritime training centre in Seychelles, UNODC delivered a series of VBSS trainings, including courses on the smuggling of migrants and the safety of life at sea, as well as on Pierside Vessel Search Techniques. UNODC also provided Maritime Domain Awareness (MDA) courses for Member States as well as the Regional Maritime Information Fusion Centre and the Regional Coordination Operations Centre in the region to enhance the ability to detect illicit activity at sea. In the eastern and southern African region, UNODC continues the implementation of a capacity building programme to enhance Port Security and Safety of Navigation, in partnership with the International Maritime Organization (IMO), Interpol and the Indian Ocean Commission (IOC).

Furthermore, UNODC provided continued support to piracy trials, while leading on efforts to improve arrests and prosecutions of those who smuggle heroin and migrants across the Indian Ocean into East Africa. This included simulated trials in Comoros, Djibouti, Mauritius, Mozambique, Seychelles and Tanzania, as well as in-country mentorship in Madagascar, Mauritius, and Tanzania. UNODC conducted legal reviews on drug trafficking and port security in the western Indian Ocean region, while supporting the digitalization of court administration and prosecutor offices through electronic case management system and the provision of IT equipment in Comoros, Mozambique, Madagascar, Mauritius and Seychelles.

Pacific Ocean

During the period under review, in South-East Asia, UNODC convened the Maritime Law Enforcement Dialogues (MLED), a mechanism for enhancing regional cooperation in maritime law enforcement and strengthening “White-hull”¹ diplomacy and conflict resolution skills when tense situations at sea arise. As part of the MLED process, UNODC conducted several capacity building initiatives for MLE personnel on the implementation of the United Nations

¹ “White hulls” is a term used to refer to coast guard-type forces, as opposed to regular navy forces, called “grey hulls”. Examples of white hulls include Coast Guard and civilian Maritime Law Enforcement professionals, such as key decision makers and Vessel Commanders.

Convention on the Law of the Sea (UNLOS) in operational situations and examined incidents at sea that breached UNLOS in the South-East Asian maritime zones. Moreover, UNODC conducted tabletop exercises on “De-escalation of tense situations at sea”² in efforts to better implement UNLOS without violent confrontations at sea. Additionally, UNODC is developing a modality for the facilitation of multilingual communication at sea in the South-East Asian region. Given the use of eight different languages at sea in the region, the modality uses agreed practices when coastguard vessels engage with foreign civilian vessels in unplanned encounters and have access to pre-recorded messaging on MP3 players in eight languages. This modality prevents miscommunication and improves the capability to maintain rule of law at sea.

Latin America and the Caribbean

In Latin America and the Caribbean, UNODC, through GMCP, delivered a Law of the Sea and Maritime Crime course in four modules for 29 prosecutors, navy legal advisors and investigators from Colombia, Costa Rica, Ecuador and Panama. UNODC delivered a second Law of the Sea and Maritime Crime course also in four modules to 15 legal advisors from the Ecuadorian Navy, two prosecutors from Colombia and eight prosecutors from Panama. Finally, in the region UNODC has provided access to its virtual learning course on the Law of the Sea and Maritime Crime to prosecution offices and legal adviser units in Barbados, Colombia, Costa Rica, Dominican Republic, Ecuador, Guyana, Jamaica, Panama, Suriname, Trinidad and Tobago, and The Bahamas. One of the objectives of this course is to address the contents of the document "[Maritime Crime: A Manual for Criminal Justice Practitioners](#)", which contains topics such as Maritime Law Enforcement; Human Rights in the Maritime Domain; and Search and Seizure.

Mediterranean Sea

In the Mediterranean, UNODC has been supporting Maritime Law Enforcement agencies of Lebanon in addressing need for boarding capacities³ to tackle maritime drug trafficking and smuggling of migrants by sea, including through the provision of technical material and simulation at sea. UNODC has also supported the plan to launch a VBSS training centre at the Cyprus Centre for Land, Open-Seas and Port Security (CYCLOPS) in 2022.

Gulf of Aden and Red Sea

UNODC executed a capacity building programme for the Yemen Coast Guard (YCG) in the Gulf of Aden and expanded it to the Red Sea and Arabian Sea. In partnership with the Jordanian Navy, UNODC established a MLE training centre in Aqaba to build the capacity of Maritime Law Enforcement (MLE) personnel in the countries on the Red Sea. In addition, UNODC continued to support Somalia and Yemen to develop their Maritime Domain Awareness (MDA) capabilities and delivered capacity building activities in support of the MLE agencies in Somalia on Maritime Law Enforcement Operations, Marine Engineering and Maritime Communications.

² More information available at:

https://www.unodc.org/documents/Maritime_crime/UNODC_GMCP_Tabletop_Exercise_Training_Catalogue.pdf p.8

³ Boarding capacity refers to the ability of maritime law enforcement officers to successfully visit, board, search a vessel and seize illegal substances or persons involved in illegal activities.

In Yemen, UNODC supported the YCG in getting eight vessels operational again. These vessels were subsequently used for two boarding operations in November 2021 during regular patrol. A thematic and regional expansion also led to the initiation of work with maritime authorities in Port Sudan aimed at establishing a basis for support in the areas of communications, MDA and MLE. Moreover, in Somalia UNODC is involved in providing infrastructure and capacity building equipment including the procurement of one patrol boat for the Galmudug Maritime Police Unit, one patrol boat for the Bossaso Port Maritime Police Unit, as well as assorted communications equipment for the Mogadishu Maritime Police, the Bossaso Port Maritime Police Unit and the Somaliland Coastguard.

VIII. Maritime safety and security and flag State implementation

Undersea cables and trade

Undersea cables make instant communications possible, transporting around 95 percent of data and voice traffic that cross international boundaries. Some countries do not have a submarine cables protection or resilience plan. To strengthen protection and security surrounding submarine cables in the eastern Indian Ocean, UNODC is providing guidance to governments of Bangladesh, Maldives and Sri Lanka to create a framework for national submarine cables protection and resilience based on UNODC's resilience plan for submarine cables protection.

The Gulf of Aden is one of the world's most important shipping lanes. Every month, millions of tons of commodities, including crude oil, petroleum products, gas, iron ore, coal and containerized goods are ferried through the Gulf. In view of this, UNODC has been providing technical assistance to the Yemen Coast Guard (YCG) to build the MLE skills needed to conduct operations to exercise control over Yemen's territorial seas. This initiative was conducted under UNODC's port security programme in Yemen, which has expanded to cover maritime and land borders between Oman and Yemen. The programme also supports the YCG to safeguard the internet cables that will be laid down in Yemeni waters and helps the YCG respond to incidents that disrupt the global maritime trade route.

Transnational organized crime

Regarding the promotion of international cooperation and the strengthening of capacity to combat the problem of transnational organized crime committed at sea, in November 2021 UNODC launched the '[Strengthening Transregional Action and Responses Against the Smuggling of Migrants](#)' (STARSOM) initiative. STARSOM aims to counter migrant smuggling and protect the lives and rights of migrants across routes leading to North America, especially Canada, and crossing multiple countries in South Asia, the Middle East, Africa and Latin America and the Caribbean, including along major migration routes in the Caribbean Sea and the Indian Ocean. Funded by Canada, this initiative is a two-year project from 2021 till 2023.

Furthermore, during the reporting period, through the [Global Action against Trafficking in Persons and the Smuggling of Migrants](#) (GLO.ACT), UNODC has expanded its work in Bangladesh aimed to prevent and address trafficking in persons and smuggling of migrants in the Andaman Sea. GLO.ACT-Bangladesh is a joint initiative by UNODC and the European Union, implemented in partnership with the International Organization for Migration.

UNODC is a member of the UNHCR-led Inter-Agency Group on Protection of Refugees and Migrants Moving by Sea. The Group has met throughout 2021 and 2022 to advance protection

of life at sea in line with international obligations. Topics of focus have been the search and rescue capacity on the Atlantic migration route (including the involvement of private vessels) and the existing regional frameworks fostering international cooperation to enhance protection at sea. UNODC and other members of the Group developed a joint statement on “[The concept of place of safety under international law and the respect of the rights of migrants and refugees rescued at sea by all States](#)”, which represents a stepping-stone on future policy development by the Group.

UNODC, in partnership with the Stable Seas non-profit, launched a report on the cost of piracy in the Gulf of Guinea in December 2021. The report, titled *Pirates of the Gulf of Guinea: A Cost Analysis for Coastal States* estimates the costs of piracy to twelve Gulf of Guinea nations, looking specifically at the area of increased risk that stretches from Côte d’Ivoire in the northwest to Angola in the southeast. Piracy and armed robbery at sea are costing a total of some 1.94 billion dollars annually, while port fees and import tariffs lost due to decreased shipping activity are estimated at 1.4 billion dollars per year.

UNODC provided recommendations and guidance for the drafting of a resolution on criminalizing piracy and armed robbery in the Gulf of Guinea, which was adopted in May 2022 by the Security Council. The resolution “*calls upon UNODC, in close cooperation with other UN entities and in consultation with IMO, as well as INTERPOL, to continue to provide advice and, subject to the availability of extrabudgetary resources, the delivery of integrated and technical assistance that will improve the capacity of Member States, upon their request, to implement this resolution [..]*”.

In August 2021, at a United Nations Security Council High Level Virtual Open Debate held this week under the theme ‘Enhancing Maritime Security: A Case for International Cooperation’, UNODC Executive Director Ghada Waly spoke on the myriad challenges (including piracy and armed robbery; terrorism; drug trafficking and trafficking in nuclear materials and firearms; human trafficking and the smuggling of migrants; illegal activities in the fisheries sector; waste trafficking, and intentional and unlawful damage to the marine environment) to global efforts to maintain international peace and security, and to keep the world’s oceans accessible and safe for seafarers and for shipping.

In June 2022, UNODC participated in the UN Ocean Conference in Portugal and contributed by co-organizing side events on maritime security, criminal justice approach for ocean action and plastic waste trade and illegal trafficking at sea.

IX. Marine environment and marine resources

UNODC is providing support and training to prosecution officials on how to detect, investigate and prosecute crimes that affect the environment, including crimes in the fisheries sector, marine pollution, and waste trafficking. The technical assistance offered in this area is provided following an assessment of needs and gaps of relevant States, and offers support for the development, implementation and enforcement of legal frameworks and national plans, with a particular focus on cross-agency coordination and cooperation.

In Somalia, UNODC is delivering enforcement training for fisheries inspectors and prosecutors to enhance their capabilities to monitor, investigate and prosecute crimes in the fisheries sector. The Office is also procuring specialized equipment to further support the newly established Fisheries Monitoring Centre in Mogadishu.

In the western Indian Ocean, UNODC improved the understanding and capability of maritime law enforcers to respond to crimes that affect the environment taking place at sea, by supporting Maritime Law Enforcement (MLE) personnel in strengthening their capacity in responding to marine pollution. For example, the Office delivered training on oil spills and crimes that affect the environment to MLE agencies from Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles and Tanzania. Likewise, in partnership with UNEP, UNODC organized four inter-agency workshops on addressing marine pollution in Maldives, Mauritius, Seychelles and Sri Lanka.

UNODC, in partnership with FAO, is working on the development of a legislative guide on crimes in the fisheries sector as a practical tool for States to enact or strengthen domestic legislation to prevent and combat these illicit activities, which can represent a lucrative source of profit for organized criminal groups.

XIII. Regional cooperation

UNODC is heavily invested in regional cooperation on maritime law enforcement, with the United Nations Convention on the Law of the Sea (UNCLOS) being at the foundation of any effective maritime law enforcement efforts against maritime crime that can be taken to court. For this reason, UNODC has been committed to advocacy, training, and awareness raising about the authorities and powers that UNCLOS establishes vis-à-vis maritime law enforcement globally.

In the Indian Ocean, UNODC continued supporting the Indian Ocean Forum on Maritime Crime and the Prosecutors Network Forum, bringing together national law enforcement and prosecutorial authorities to promote cooperation between Member States across the Indian Ocean region, to address piracy and maritime crime. Additionally, UNODC supports regional cooperation among Member States in the western Indian Ocean region through its Southern Route Partnership Forum, which provides a platform to discuss strategies to counter narcotics trafficking in the Indian Ocean. Moreover, the Office facilitated the governments of Mozambique, South Africa, and Tanzania in establishing a Trilateral Planning Cell to enhance cooperation between drug enforcement agencies of these countries, and continued to provide them with technical support, including through joint operational training.

Furthermore, UNODC is promoting the cooperation between port authorities and maritime law enforcement agencies in the Red Sea region by improving regional information sharing and exploring the possibility of establishing a Maritime Crime Information Centre in Djibouti.

UNODC has been supporting ECOWAS to adopt a regional hand-over agreement of piracy suspects and their associated property and/or evidence. Such hand-over is to be made within ECOWAS Member States, by using an ECOWAS mechanism spelled out in the Supplementary Act to ECOWAS revised treaty. This Supplementary Act would set out the conditions and modalities for (a) the transfer of persons suspected of having committed or having attempted to commit acts of piracy under international law, arrested at sea, and detained by any of the ECOWAS Member States; (b) the transfer, from and to any of the Member States, of associated property and/or evidence in the possession of one of the Member States; and (c) the treatment of suspected and transferred persons. The draft Supplementary Act will be presented to upcoming ECOWAS statutory meetings in June 2022, with the objective of having it adopted by Heads of States and Governments during the ECOWAS Summit on 3 July in Accra, Ghana.

Finally, UNODC successfully supported the conduct of a joint maritime patrol in the ECOWAS maritime Zone E⁴ to operationalize the Memorandum of Understanding signed by the Chiefs of Navies/Coastguards of Benin, Nigeria and Togo. The joint exercise was conducted in November 2021 and saw the deployment of surface assets by the navies of all three countries.

⁴ Zone E is one of the seven maritime zones in which the coast over the Gulf of Guinea is divided. Zone E covers Benin, Nigeria and Togo.