

United Nations Department of Political and Peacebuilding Affairs

Inputs for the next Report of the Secretary-General on Oceans and the Law of the Sea June 2023 (September 2022-August 2023)

General Assembly resolution [77/248](#)

II Capacity-building

OP36. Recognizes the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

IX Maritime safety and security and flag State implementation

OP149. Recognizes the primary responsibility of the Federal Government of Somalia in combating piracy and armed robbery at sea off the coast of Somalia, acknowledges the importance of a comprehensive and sustainable settlement of the situation in Somalia, and emphasizes the need to address the underlying causes of piracy and to assist Somalia and States in the region, at their request, in strengthening institutional capacity to fight piracy and tackle its underlying causes, including the financing or facilitation of acts of piracy, and armed robbery against ships off the coast of Somalia and to bring to justice those involved in such acts;

Eastern Africa

- The United Nations Assistance Mission in Somalia (UNSOM) continued to support the Federal Government of Somalia in strengthening maritime capacity in Somalia through its work in support of the National Maritime Coordination Committee (NMCC), the Somalia Maritime Administration (SMA) and the Women in Maritime Sector (WiMS) initiative, and increased engagement with IOM, UNODC and FAO to facilitate coordination, in support of maritime safety and security in Somalia.
- UNSOM has facilitated regular engagements of the Somali Navy and Coast Guard (SNCG) Working Group as a platform to strengthen cooperation between Somali Federal authorities and international partners, including Italy, Turkey, the United States, the European Union Capacity Building Mission in Somalia (EUCAP), the European Union Naval Force (EU NAVFOR), and the European Union Training Mission in Somalia (EUTM). The SNCG Working Group has made considerable progress in advancing the repair of maritime security assets, training and capacity building of the SNCG, and thereby strengthening Somalia's maritime security capability.
- The Somalia Maritime Administration (SMA) and UNSOM continued working closely with representatives of the Ministry of Ports and Marine Transport (MPMT) under the SMA by providing strategic guidance and support for the SMA to make progress towards achieving Initial

Operational Capabilities, as part of Somalia's increased focus on developing its Blue Economy. Women are playing a strong and visible role in the SMA, with both the Director and Deputy Director positions currently held by women.

- On 15 February 2023, as part of the cross-sectoral initiatives in the maritime sector, UNSOM, along with EUCAP, supported the launch of the National Action Plan for the WiMS initiative. The Deputy Prime Minister of Somalia launched the initiative on behalf of the Federal Government of Somalia and federal member states, which will see eight ministries promote the importance of women in Somalia's maritime sector, working closely with civil society organizations. The adoption of the National Action Plan was a significant step for Somalia in advancing gender equality and benefitting from the opportunities provided by the Blue Economy, as well as garnering support from international partners.
- Development of Somalia's National Maritime Strategy (NMS) has been undertaken as a joint venture between the FGS, UNSOM and EUCAP. UNSOM is working closely with the stakeholders as part of the consultation process that will deliver a broader governance strategy, including security, marine-environmental, youth and gender cross-cutting issues. The NMS will replace the Maritime Resource and Security Strategy, which was published in 2013 and last updated in 2016.
- On 10 May 2022, UNSOM facilitated a training for representatives of the Federal Government of Somalia and federal member states on the subject of "Elements of Ocean Governance". The training was delivered virtually by the Division for Ocean Affairs and the Law of the Sea to 21 participants, including five women.

VII Effective functioning of the Authority and the Tribunal

OP88. Calls upon States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal 52 and to the Protocol on the Privileges and Immunities of the Authority;

XI Marine biodiversity

OP282. Calls upon States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems, and national policies in relation to area-based management tools, including marine protected areas;

Western Africa

- On 4 May 2023, the National Assembly of Togo adopted two important bills, on the privileges and immunities of the International Tribunal for the Law of the Sea, and on the conservation of Atlantic tuna species.
- The first bill authorizes Togo's accession to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted on 23 May 1997. Togo became a party to the United Nations Convention on the Law of the Sea (UNCLOS) in 1985 and signed the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea. However, Togo has not ratified it yet, although it has accepted the jurisdiction of the Tribunal as one of the legal mechanisms for the settlement of potential disputes related to the interpretation or application of UNCLOS.

- The second bill authorizes Togo's accession to the International Convention for the Conservation of Atlantic Tunas. By joining this convention, Togo promotes the development of industrial tuna fishing, which serves as a significant source of revenue through foreign currency inflows. This accession contributes to the strengthening of international cooperation in marine fishing for sustainable resource management, and the fight against illegal fishing.

IX Maritime safety and security and flag State implementation

OP138. Notes with concern that **piracy and armed robbery at sea** affect a wide range of vessels engaged in maritime activities, and expresses grave concern at the threats posed by piracy and armed robbery at sea to the safety and welfare of seafarers and other persons;

OP 155. Expresses its deep concern at the continuing incidents **of piracy and armed robbery at sea in the Gulf of Guinea**, in particular violence against innocent crew members of vessels, notes the adoption by the Security Council of resolutions 2018 (2011) of 31 October 2011, 2039 (2012) of 29 February 2012 and 2634 (2022) of 31 May 2022 and the statement by the President of the Council of 25 April 2016, 68 supports the recent efforts to address this problem at the global and regional levels, including the adoption of resolution MSC.489(103) on recommended action to address piracy and armed robbery in the Gulf of Guinea, by the Maritime Safety Committee of the International Maritime Organization at its 103rd session,⁶⁹ recalls the primary role of States in the region to counter the threat and address the underlying causes of piracy and armed robbery at sea in the Gulf of Guinea, welcomes the adoption in Yaoundé on 25 June 2013 of the Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activity in West and Central Africa, and calls upon States in the region to implement the Code of Conduct as soon as possible and consistent with international law, in particular the Convention;

Western Africa

- With three piracy incidents reported during the period under review, instances of piracy in the maritime domain of the Economic Community of Western African States (ECOWAS) have remained relatively low. Nonetheless, ships were advised to continue adopting enhanced safety measures when operating or transiting in the Gulf of Guinea. Of note, armed robbery at sea continues to threaten the security of ships in the anchorage areas and Illegal, Unreported and Unregulated (IUU) fishing remains a matter of concern due to limited regional capacity to enforce relevant regulation.

Central and Southern Africa

- The Gulf of Guinea has recorded a substantive and consistent decrease in the number of piracy and armed robbery against ships, since its peak in 2020 (81 reported incidents in 2020, 35 in 2021 and 19 in 2022). A similar downward trend has been recorded in the area of the Economic Community of Central African States (ECCAS) of the Gulf of Guinea (16 incidents were recorded in 2020, 18 in 2021 and 8 in 2022). Of note, the ratio of reported incidents in the ECCAS zone against those in the ECOWAS zone substantially increased, from 19% (16 out of 84 incidents) in 2020 to 51% (18 out of 35) in 2021, remaining high at 42% (8 out of 19) in 2022. In the first quarters in 2023, two incidents were reported in the ECCAS zone, out of a total of five across the Gulf of Guinea.
- The decline in the number of reported maritime incidents, such as piracy, has coincided with reduced movement at sea, due to the restrictions imposed because of the COVID-19 pandemic. Therefore, it is unclear if this positive trend can be sustained as restrictions on maritime movement are lifted.

- [There are multiple causes to maritime crime in the Gulf of Guinea, including grievances stemming from poverty, underemployment and lack of access to public services, among others, creating an environment conducive for piracy and armed robbery at sea. Environmental degradation and the impact of climate change must also be taken into consideration. A climate security project run by the United Nations Regional Office for Central Africa (UNOCA) has revealed that Central African' coastline, with both densely populated cities (Douala, Luanda, etc.) and numerous fishing communities, is set to suffer from the wide-reaching impacts of rapid sea-level rise, significant coastal erosion, caused and exacerbated by climate change. Moreover, warmer temperatures in the sea – again due to climate change – has changed the fish migration patterns and has led to a significant decline of annual landed value of fish in coastal countries on the Gulf of Guinea. This again supports the notion that environmental shocks are among the causes of the rise in maritime piracy, since it leaves local communities without enough resources, pushing them into criminal alternatives. Community-based prevention efforts, therefore, must take this element into account.]

PP36. Noting with concern the continuing problem of transnational organized crime committed at sea, including **illicit traffic in narcotic drugs** and psychotropic substances, the smuggling of migrants, trafficking in persons and illicit trafficking in firearms, 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, energy security and the global economy resulting from such activities,

IX Maritime safety and security and flag State implementation

OP163. Recognizes the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including **illicit traffic in narcotic drugs** and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants, trafficking in persons and illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

Western Africa

- With regard to drug trafficking at sea, the Gulf of Guinea continues to be a major transit point between South America and Europe. From November 2022 to April 2023, 11.6 tons of cocaine were seized by national and international navies in the ECOWAS maritime domain.

IX Maritime safety and security and flag State implementation

OP160. Emphasizes the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on Safety of Navigation and Environmental Protection in the Straits of Malacca and Singapore (the Cooperative Mechanism) to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industries and other stakeholders in line with article 43 of the Convention, notes with appreciation the convening of the thirteenth Cooperation Forum in Malaysia and by videoconference on 18 and 19 July 2022, the thirteenth Project Coordination Committee Meeting, in Malaysia on 22 July 2022, the forty-fifth Tripartite Technical Experts Group Meeting in Malaysia on 20 and 21 July 2022 and the twenty-sixth Aids to Navigation Fund Committee Meeting in Indonesia and by videoconference on 21 and 22 June 2022, also notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon

States to give immediate attention to **adopting, concluding and implementing cooperation agreements at the regional level**;

Western Africa

- On 26 October 2022, in Praia, the ECOWAS Commission and the Government of Cabo Verde signed the headquarters agreement on the establishment of the Maritime Multinational Coordination Centre (MMCC) Zone G, as part of the operationalization of the Yaoundé Maritime Safety and Security Architecture of the Gulf of Guinea. This agreement will facilitate the full operationalization of the MMCCs in the ECOWAS maritime space, which has a total of three MMCCs (Zone E in Cotonou, Zone F in Accra and Zone G in Praia). On 5 May 2023, Navy Captain Seydina Djibril Mbengue (Senegal) was appointed as Director of MMCC in Praia.
- On 25 April 2023, a ceremony took place to launch joint maritime patrols in Zone G, as part of the operationalization of the Yaoundé Maritime Safety and Security Architecture of the Gulf of Guinea. The objective of the joint maritime patrols is to pool the resources of member States and ensure interoperability of maritime assets. Additionally, it aims to establish and assess standard operational procedures and secure the maritime areas within the zone. Joint naval patrols allow for a wide range of naval tasks, including energy security, countering piracy and illicit trafficking, and combating IUU fishing.
- On 25 April 2023, in Accra, the Gulf of Guinea Commission (GGC) held its 3rd Extraordinary Session of the Assembly of Heads of State and Government to appoint new members to its Executive Secretariat. The leaders discussed ways to promote inter-regional maritime trade and strengthen its role in maritime security in the Gulf of Guinea. Member States of the GGC were urged to remit their outstanding annual assessed contributions to the Secretariat as to enable the Commission to effectively address maritime challenges in the region.

XVI Coordination and cooperation

OP379. Encourages States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues

Western Africa

- On 15 September 2022, the United Nations Office for West Africa and the Sahel (UNOWAS) convened a workshop on Maritime Insecurity in the Gulf of Guinea on “Strengthening the Adjudicative and Enforcement Jurisdiction of States in the fight against Maritime Crimes in the Gulf of Guinea through adherence to relevant International Maritime Organization and African Union instruments”. The workshop raised awareness among ECOWAS members about the importance of ratifying the relevant maritime security instruments, and their incorporation into the national legislation as to empower judicial authority in the fight against maritime insecurity. Through various sessions, participants discussed a series of issues and themes related to maritime insecurity in the Gulf of Guinea, and relevant ways of strengthening the implementation and the adherence of ECOWAS member States to established legal framework.

Western, Central and Southern Africa

- Ahead of the 10th Anniversary of the Yaoundé Code of Conduct in June 2023, UNOWAS and UNOCA enhanced their consultations with ECOWAS, ECCAS, the G7++ Group of Friends of

the Gulf of Guinea and other partners, in order to coordinate the provision of logistical and technical support to the Inter-regional Coordination Centre (ICC). Of note, the ICC is expected to conduct an assessment of the status of operationalization of the Yaoundé Architecture and a review of the 21 articles of the Yaoundé Code of Conduct with United Nations support. In this regard, UNOCA and UNOWAS have jointly developed an interregional project in support of regional stakeholders to carry out the review, in close collaboration with UNODC.