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United Nations Office on Drugs and Crime

UNODC Contribution to the Secretary General's Report on Oceans and the Law of the Sea

*(pursuant to United Nations General Assembly resolution 73/124 of 11 December 2018 entitled
"Oceans and the law of the sea")*

UNODC Contribution to the Implementation of A/RES/73/124

II Capacity-building

Through its Global Maritime Crime Programme (GMCP), UNODC has expanded its thematic and geographic coverage to the Atlantic Ocean, the Horn of Africa, Indian Ocean and the Pacific Ocean, as reflected below.

In its assistance to the **Atlantic Ocean** member states, UNODC helped authorities to use the latest maritime domain awareness technology to detect and detain vessels moving drugs by sea or plundering the precious natural resources of coastal states. Additionally, the Office focused on the capacity building of prosecutors, judges and law enforcement officers to effectively try cases of maritime crime, including piracy, armed robbery, drugs and weapon trafficking, smuggling of migrants and human trafficking by sea.

Attention was given to maritime zones and exercise of jurisdiction both at law enforcement and courts' level. The strengthening of the continuum sea to land relation was a focus for specific capacity building activities, including the maritime exercise Obangame Express, organised by the United States, where most of the Navies and Coast Guards in the Gulf of Guinea practiced law enforcement techniques at sea. UNODC partnered with INTERPOL in providing a boarding team of experts for evidence collection, then using the evidence collected at sea in a simulated criminal proceeding on land. Nigerian Federal Court rooms has been made available by the Nigerian authorities for federal prosecutors and judges to handle the simulated court proceeding. This resulted in increased capacities in tackling piracy and other maritime crimes through a training mechanism that covers the entire criminal justice chain to ensure a legal finishing to maritime crimes.

Embedded UNODC mentors have supported maritime law enforcement agencies in their work on a daily basis in Cape Verde, Ghana, Guinea Bissau, Liberia, Nigeria, Senegal, Sierra Leone and Togo. Mentoring and daily training have been provided including planning of maritime law enforcement operations, navigation, maintenance and maritime engineering, as well as legal procedures. In Nigeria, particularly, an embedded UNODC mentor has been provided with access to the office of the Federal Department of Public Prosecution for almost two years, during which he accompanied an established Maritime Crime Group of specialised federal prosecutors.

UNODC has also supported legal reform in the entire Gulf of Guinea through conducted assessments in almost all countries in the region including recommendations for legal texts as part of an effective legal reform. Togo, Gabon and Benin now have a legal framework on piracy in place.



UNODC

United Nations Office on Drugs and Crime

In the **Horn of Africa**, with a permanent presence in the three largest Somali ports and an active programme of support to Yemen, UNODC is working to build up the capacity of Somali and Yemeni maritime law enforcement officers to police these strategic and dangerous waters. With the war in Yemen still raging and active organised crime groups moving drugs, charcoal, terrorist fighters, migrants and guns through the region, often in breach of UN sanctions, UNODC is assisting Somali and Yemeni law enforcement partners in re-establishing peace and security.

In this context, UNODC continued with its capacity building initiatives to support Member States in combating transnational organized crime at sea. Support was delivered through procurement, infrastructural development, training and mentorship of Somali maritime law enforcement (MLE) authorities. UNODC also provided support to the development and implementation of the Somali Maritime Resource and Security Strategy (SMRSS) - a comprehensive maritime strategy that remains the foundation of maritime security engagement in Somalia. During the reporting period, UNODC was also able to extend its assistance to the Yemen Coast Guard (YCG).

In Berbera, UNODC delivered trainings to the maritime law enforcement authorities in the areas of: Maritime Domain Awareness, Tactical communication, Search and Rescue (SAR), Maritime Jurisdictions and authorities including use of force and human rights compliant policing, Naval Architecture, Marine Pollution (MARPOL) Annexes I-VI, United Nations Convention on the Law of the Sea (UNCLOS) with a focus on classifications of seas, innocent passage and coastal state laws, international straits and Archipelagos, nationality of ships, registration, flag state responsibilities, requirements and penal jurisdiction. Further, trainings were also delivered on Visit, Board, Search and Seizure (VBSS). Attributable to these training courses was the ability of the Somaliland Coast Guard to launch and successfully intercept a fishing vessel involved in illegal fishing activities in their territorial waters.

In Bossaso, UNODC was engaged in delivering a number of training courses and mentorship to maritime law enforcement authorities including: Advanced engineering; Sea Vision and radar system; Emergency Procedures training with a focus on the use of Emergency Position Indicating Radio-Beacon (EPIRB) and electronic navigation, and Maritime Domain Awareness. With these training courses, BPMPU have continued to exhibit the ability to conduct more numerous and complex maritime policing and interdiction operations including illegal fishing, countering ISIS groups, weapons and people smuggling, and search and rescue.

In Mogadishu, support has been delivered to maritime law enforcement authorities. UNODC delivered crewman ship, coxswain and basic boat engineering courses to develop the operational capacity and capability of the officers in meteorology, marine terminology, Rope work, Surface Swimming, Firefighting, Emergency procedures and precautions.

In Yemen, UNODC delivered 2 VBSS training courses to the Yemen Coast Guard (YCG) enabling them to secure the waters of one of the world's busiest shipping routes. The main objective of the trainings was to get the YCG participants to learn and acquire skills in exercising control over their territorial waters. Along with that, the YCG aimed to deepen their understanding on focus areas to identify and respond to chemical, biological, radiological, nuclear and high yield explosives (CBRNE), Weapons of Mass Destruction (WMD) and military equipment being moved through the maritime domain. In this regard, the core concepts covered during the training included: identification of WMDs, boarding preparation and



UNODC

United Nations Office on Drugs and Crime

procedures, embarkation and disembarkation, sweep and search, hidden compartments, space accountability, proliferation awareness and interdiction of proliferation-related items.

In the **Indian Ocean**, UNODC is using vessels confiscated from drugs traffickers, pirates and illegal fishermen to train the maritime law enforcement officers of more than a dozen states to board and search the vessels that criminals use, especially through UNODC's maritime training centres in Sri Lanka and Seychelles. UNODC is also providing continued support to piracy trials and leading the work to see that more of those who smuggle heroin across the Indian Ocean into East Africa are arrested and prosecuted.

UNODC offered a wide range of programme support ranging from legislative reform, capacity building, induction of technology and infrastructure support. As part of introducing new technology to counter maritime crime, UNODC supported Member States develop maritime domain awareness technology as an effective tool to strengthen maritime law enforcement capability. UNODC initiatives on MDA technology focuses on three broad areas, (i) regional maritime information fusion mechanisms, (ii) developing terrestrial technology to augment MDA picture, and (iii) developing dark targeting and behavioural analysis capability. In the last three years there has been a significant increase in illicit activity in the Indian Ocean, in particular trafficking of Afghan heroin on the Southern Route. Maritime routes account for a majority of the Afghan opiates trafficked to East African and South Asian regions. UNODC has been closely involved in facilitating the provision of near real-time MDA information to drug enforcement agencies and navy/coast guard services in member countries to have better visibility of the maritime surface picture and identify illicit activity at sea.

UNODC also delivered vessel board search and seizure training to boarding teams from Sri Lanka, Bangladesh, Maldives, Seychelles, Mauritius, Kenya, Tanzania and Mozambique. The training included the use of captured drug dhows as training platforms in Sri Lanka and Seychelles. The availability of drug dhows to conduct the boarding and search training enhanced the capability of boarding teams to locate concealed compartments on dhows.

Further, UNODC facilitated the governments of Mozambique, South Africa and Tanzania develop a Trilateral Strategy to Counter Drug Trafficking on Maritime Routes. The trilateral strategy was endorsed at a Ministerial meeting in March 2019 in Maputo. The strategy supports the establishment of a Trilateral Planning Cell (TPC) to enhance cooperation between drug enforcement agencies of the trilateral states.

Apart from the above-mentioned areas of focus, illicit trafficking in narcotic drugs and psychotropic substances by sea continued to be prevalent. Such activities are being countered jointly by the UNODC and the World Customs Organization (WCO). The Office focuses on capacity building to detect high-risk shipment for physical examination. In 2018 more than 50 tons of cocaine, 1 ton of heroin, 2,5 tons of cannabis and 75 tons of precursor chemicals have been seized.

Further, UNODC supports Member States to confront the many serious offences committed along the fisheries value chain. UNODC works at the frontline with criminal justice institutions, fisheries authorities and other stakeholders to enhance criminal justice and law enforcement responses to fisheries crime, promote accountability for sustainable use of marine resources. In the reporting period, UNODC provided technical assistance to enhance the capacity of Member States to effectively prevent and respond to fisheries crime.



UNODC

United Nations Office on Drugs and Crime

Under the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) (<http://sherloc.unodc.org>), UNODC collects legal resources on the domestic application of the law of the sea in six different databases. Currently, users can access over 80 legal provisions and over 60 court cases on piracy and maritime crimes as well as 247 legal provisions related to jurisdiction.

VIII Maritime safety and security and flag State implementation

UNODC is the key United Nations entity with the mandate to provide counter-terrorism legal technical assistance to Member States for the ratification, legislative incorporation and implementation of the international legal instruments against terrorism, including those focused on maritime navigation and continental platforms. An effective legal framework and adequate criminal justice response measures are essential to prevent and counter terrorist attacks and serious criminal offences against maritime navigation. Responding to these needs, UNODC implemented in 2018 a project on ‘Strengthening national capacity to implement maritime-related counter-terrorism international legal instruments in selected South and South East Asian countries.’ The project aimed at enhancing the knowledge and capacity to effectively implement the relevant international provisions, standards and good practices related to unlawful acts against maritime navigation, port facilities and off-shore platforms as well as the security requirements for the shipping, port facilities and off-shore platforms, according to international rules. The project capacity building activities were implemented in close cooperation with the International Maritime Organization.

At the more strategic and policy level, there is a need to adopt an integrated approach when addressing maritime security issues, to include the terrorism threat. Also, it is important to emphasize the need to promote inter-agency coordination and effective international cooperation mechanisms to ensure maritime safety and security.

Further, UNODC has developed Member States’ capacities to Maritime Domain Awareness through use of satellite images provided by the European Union Maritime Safety Agency (EMSA) and the EU Copernicus Programme in the context of maritime operations conducted by the Member States with the technical support of UNODC. This has strengthened the capacity of Member States to patrol areas far from the coast line and hence provide a better understanding of planning, maintenance, operational needs.

IX Marine environment and marine resources

Satellite images provided by the European Union Maritime Safety Agency (EMSA) and the EU Copernicus Programme have also allowed detection of intentional oil spills in the Gulf of Guinea, increasing awareness of maritime law enforcement agencies in the region on the pervasive existence of the oil pollution problem in the maritime areas and their opportunity to patrol and intervene.



UNODC

United Nations Office on Drugs and Crime

XIII Regional cooperation

In Southeast Asia, UNODC continued to support regional programmes to promote cooperation and capacity in maritime law enforcement entities to combat maritime crime and secure maritime spaces. Regular Maritime Law Enforcement Dialogues, aimed at improving maritime law enforcement responses and cooperation between Indonesia, Malaysia, Philippines, Thailand and Vietnam are ongoing and participants train in table top exercises and develop tools to enhance cooperation. A multi-stakeholder contact group has also been launched to identify trends and develop responses to maritime crime and insecurity in the Sulu and Celebes seas. Maritime law enforcement officers from Indonesia, Philippines and Malaysia participated in VBSS training including modules of boarding preparation and procedures, embarkation and disembarkation, sweep and search, hidden compartments and space accountability. Prosecutors from those same three states participated in the UNODC Maritime Crime Prosecutor's Network for the first time, providing a broad platform for sharing of best practices and training.

UNODC and the Government of Ecuador organized the first 'Regional Meeting on Fisheries Crime'. Held in Guayaquil, Ecuador (September 2018), the meeting brought together delegates from 12 countries and international organizations to generate a common understanding on the concept, scope and implications of fisheries crime, and to identify needs and priorities for technical assistance to enhance the detection, investigation and prosecution of crimes in the fisheries value chain. The meeting promoted sub-regional and bilateral cooperation to tackle fisheries crime and thus protect the marine environment.

UNODC hosted 'Justice for Fish, a Seminar on Prosecution of Fisheries Crime' in Vienna, Austria (September 2018). Representatives from African and Asian countries shared experiences and challenges faced in the prosecution of fisheries crime. Through the seminar, UNODC and the Government of Norway built the knowledge and capacity of the participants through practical and theoretical training sessions on fisheries crime, mutual legal assistance, financial investigations and prosecutorial skills.

UNODC co-organised the '4th International Symposium on Fisheries Crime', held in Copenhagen, Denmark (October 2018). The symposium brought together 300 senior experts and 11 Ministers and high-level senior officials from countries in Southeast Asia, Indian Ocean, Africa and Central and South America. A Ministerial Declaration was signed by the participating Ministers from 11 countries recognizing the existence of transnational organized crime in the fisheries sector and pledging political commitment in tackling this serious issue in a cooperative manner.

XV Coordination and cooperation

In the fisheries sector, UNODC developed 'Rotten Fish – A Guide on Addressing Corruption in the Fisheries Sector' (launched May 2019). The Guide is a tool to assist policymakers to identify specific areas in their legal and regulatory frameworks susceptible to corruption, and to act to address those weaknesses. It also aims to sensitize the authorities working on fisheries management to the threat that corruption poses. And where corruption already has gained a foothold, the guide suggests ways to reduce its impact and develop safeguards to prevent its return. UNODC piloted the use of the Guide in Namibia (March 2019), supporting national authorities to conduct a corruption risk assessment and develop a risk mitigation plan.