UNODC Maritime Crime Programme

A. Introduction

1. In the course of its activities for countering piracy off the coast of Somalia, UNODC is increasingly confronted to new maritime crime challenges. In this context, and building on the expertise gained through the counter-piracy programme and other programmes with a maritime aspect — including container control, counter-drugs programming, terrorism prevention, programmes to counter trafficking in human beings and smuggling of migrants — UNODC is considering developing a Maritime Crime Programme, which will seek to assist Member States in building, enhancing and “joining-up” their capabilities and capacities in countering maritime crime.

B. Background

2. Although 2012 witnessed a decline in number of successful piracy attacks in the Horn of Africa and the Indian Ocean, other forms of maritime crime (including fisheries crimes and trafficking of drugs and weapons) continue to emerge as issues of State and regional concern. Additionally, piracy and maritime crime incidents in other regions continue to rise. The United Nations Security Council, for example, has expressed serious concerns regarding piracy in the Gulf of Guinea. Similarly,
recent seizures of drugs (worth hundreds of millions of dollars) either being transported by sea, or destined for transport by sea in the Indian Ocean region, provide yet another indicator of the increasing use of the oceans for criminal activity.

Somalia

3. In the course of 2012, levels of stability not seen for decades have been reached in South-Central Somalia. With a new democratically elected government and increased stability, maritime crime programming within Somalia itself requires increased focus. Indeed, as the Government of Somalia and the international community have reiterated since late 2012, it is essential that capacity building now focus more explicitly on building Somali capacity within Somalia. Somali authorities have long been agitating for assistance to help them assert some control over their ports, coasts and maritime zones in order to combat what they assess to be unchecked exploitation of and damage to their economic interests adjacent to the Somali coast. It is in response to this pressing need that UNODC has begun focusing upon broader Somali maritime law enforcement programming.

East Africa and Indian Ocean

4. It has simultaneously become clear that the issue of capacity in reducing and responding to maritime crime is of much wider significance than those States most closely associated with counter piracy programming in the East Africa and Indian Ocean region (and also in the Middle East, and South Asia). Through processes such as co-operative (with the International Maritime Organization) maritime law enforcement and jurisdiction workshops, and advice and training for Djibouti Code of Conduct States, it has become apparent that many States in this region are not adequately equipped or supported to deal with fundamental maritime crime and maritime law enforcement issues. This extends across issues such as legal frameworks and maritime policing capacity. Indeed, UNODC has been specifically requested by a number of regional States to provide targeted assistance which focuses not on narrower sectoral concerns such as piracy and drug trafficking (for which programmes exist) but rather on more general legal and policing preparedness to respond to and deal with maritime crime in a broad sense. In particular issues such as general maritime jurisdiction and law enforcement powers, and criminal justice system awareness of maritime crime and maritime law enforcement issues, have specifically emerged as areas in which assistance is both requested and required. Additionally, a number of regionally situated thematic maritime crime issues, including maritime trans-shipment of drugs from Afghanistan as land routes have become harder to utilize, have recently also emerged as more conscious concerns for the broader international community.

West Africa

5. Concurrent with expanded operations in East Africa, West Africa (particularly the Gulf of Guinea) has experienced an alarming surge in both piracy attacks and a number of associated maritime crimes. The region requires, and has requested, support in countering this significant upsurge in piracy and maritime crime. Other UN Agencies and Inter-Governmental Organizations with interests in West Africa also have sectoral interests related to maritime crime — such as fisheries crime,
C. **Why broaden our focus?**

6. There is a gap in our general maritime criminal justice and maritime law enforcement capacity building. As a consequence of the operations and success to date of the UNODC CPP and other UNODC programmes with maritime components, we have developed the expertise, networks, experience and team to contribute on a targeted and inter-regional basis to capacity building in this area. In this process we have forged strong co-operative and synergistic relationships with a range of other actors engaged in components of this field, including the International Maritime Organization, and will seek to increase co-ordination and integration with these actors as their own programming in the maritime crime area further develops. It is vital that the UNODC’s unique organizational focus is fully applied to maritime crime as equally to other venues of crime.

D. **What will the Maritime Crime Programme do?**

7. First, the proposed Maritime Crime Programme will continue the UNODC’s substantial programming in relation to counter-piracy. It will also look to extending counter piracy programming into West Africa.

8. Second, UNODC has significant expertise in a wide variety of crime and criminal justice issues with maritime dimensions, and many of our programmes already include sectoral projects focussing upon the maritime dimensions of crime and criminal justice. These include expertise in capacity building in relation to trafficking of drugs, and in human beings, smuggling of migrants, terrorism prevention, organised crime, and container control. The proposed Maritime Crime Programme will aim to support these existing programmes by seeking to explore and exploit integrated opportunities for both broader maritime crime and maritime law enforcement capacity building, and regionally and inter-regionally sensitive best practice development, or to support existing programmes as they respond to renewed concerns in relation to the maritime domain.

9. Third, the proposed Maritime Crime Programme can act as a UNODC first responder to requests from States for support in relation to both emerging maritime crime issues which are not yet adequately addressed by a UNODC or other thematic or regional programme, but also for more general counter maritime crime capacity building which transcends narrower sectoral and thematic programming concerns. An example of the first is advice, training, and capacity building related to the unique challenges of ensuring human rights compliant policing at sea, including on implementing the Basic Principles on Use of Force and Firearms by Law Enforcement Officials in a variety of different maritime policing contexts. An example of the second is the recent series of requests UNODC has received from a number of East African, Indian Ocean, and South Asian States for support in developing general legal frameworks to empower their maritime police forces to respond to maritime crime, and for their courts to have Law of the Sea compliant jurisdictions over crimes committed at sea.
E.  Our mandate

10. UNODC has a clear mandate to work in the maritime crime and maritime law enforcement field, in line with the UN Convention against Transnational Organized Crime (UNTOC), Commission on Crime Prevention and Criminal Justice (CCPCJ) Resolutions 21/2 (Maritime Piracy), and 20/5 (transnational organized crime at sea), the UN Standards and Norms in Crime Prevention and Criminal Justice, and the Basic Principles on Use of Force and Firearms by Law Enforcement Officials. In short, this is core UNODC business and competence. Additionally, the United Nations General Assembly (UNGA), amongst others, has recently instructed UN Agencies to pay more attention to this field, and specifically to work with States from the Horn of Africa/Indian Ocean/West Africa regions as areas of immediate critical maritime law enforcement and maritime criminal justice concern.

F.  Conclusion

11. The UNODC Maritime Crime Programme currently under consideration will serve as an integrated, inter-regionally focused programme which promotes deployment of UNODC’s maritime expertise in support of existing UNODC programmes, and as the first responder for newly emerging and more general maritime crime issues. Building upon the expertise, experience, networks, and team established in the course of highly successful UNODC programming in relation to counter-piracy, and in other thematic programmes, the Maritime Crime Programme will ensure that UNODC is well placed to continue pursuing its mandate within the 70% of the globe that is the world’s oceans and seas.

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1 UNGA 2012 (23 November 2012).