

Resolution A.1159(32) Adopted on 15 December 2021 (Agenda item 5)
PREVENTION AND SUPPRESSION OF PIRACY, ARMED ROBBERY AGAINST SHIPS
AND ILLICIT MARITIME ACTIVITY IN THE GULF OF GUINEA



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**PREVENTION AND SUPPRESSION OF PIRACY, ARMED ROBBERY AGAINST SHIPS
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THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

CONSIDERING the relevant provisions of United Nations General Assembly resolution 55/2, adopted on 8 September 2000, on the United Nations Millennium Declaration and, in particular, section II on Peace, security and disarmament; section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa,

CONSIDERING ALSO the initiatives of the Zone of Peace and Cooperation in the South Atlantic, established by United Nations General Assembly resolution 41/11 and, in particular, the request to all relevant organizations of the United Nations to render all appropriate assistance that States may seek in their joint efforts to continue to implement the Montevideo Plan of Action, as included in United Nations General Assembly resolution 69/322,

CONSIDERING FURTHER the intensified need caused by the global pandemic to strengthen support for the Sustainable Development Goals (SDGs) through the effective implementation of wider initiatives such as:

- (a) the African Integrated Maritime Strategy for 2050 (AIMS 2050), including its relevant provisions on inter-agency and transnational cooperation and coordination on maritime safety and security; illegal oil bunkering/crude oil theft; illegal arms and drug trafficking; piracy and armed robbery at sea; maritime terrorism; human trafficking, human smuggling and asylum seekers travelling by sea;
- (b) the Economic Community of West African States (ECOWAS) Integrated Maritime Strategy (EIMS), including its strategic objectives on strengthening maritime governance, ensuring a safe and secure maritime domain and optimizing the ECOWAS maritime economy;

- (c) the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), including its objectives and measures to prevent and combat crimes at sea;
- (d) the African Maritime Transport Charter and the aspirations of the 2018 Sustainable Blue Economy Conference, held in Nairobi; and
- (e) the Global Maritime Security Conference (GMSC) hosted by Nigeria in 2019 on the challenges of maritime security in the Gulf of Guinea region and the development of tailored solutions,

REAFFIRMING ITS APPRECIATION of the actions taken by the Security Council of the United Nations ("the Security Council") and, in particular, the adoption of Security Council resolutions 2018 (2011) and 2039 (2012) in relation to piracy and armed robbery in the Gulf of Guinea,

NOTING IN PARTICULAR that resolution 2039 (2012) recognized the urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea; reiterated the leadership role and responsibility of States in the region in countering the threat and addressing the underlying causes of piracy and armed robbery at sea in the Gulf of Guinea, in close cooperation with organizations in the region and their partners; emphasized the importance of building on existing national, regional and extra-regional initiatives to enhance maritime safety and security in the Gulf of Guinea; and welcomed the initiatives already taken by States in the region and regional organizations, including the Economic Community of Central African States (ECCAS), ECOWAS, the Gulf of Guinea Commission (GGC), and the Maritime Organisation for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

NOTING ALSO the presidential statement of the Security Council on 25 April 2016 condemning murders, kidnappings and hostage-taking occurring in the Gulf of Guinea; expressing its deep concern over piracy and armed robbery at sea in the area; and stressing the importance of a comprehensive approach – led by States of the region, with international support – to address the problem and its root causes,

NOTING FURTHER the presidential statement of the Security Council on 3 February 2021 expressing concern at the threat that piracy and armed robbery in the Gulf of Guinea pose to international navigation, security and development in the region and welcoming the work of the United Nations Office for West Africa and the Sahel (UNOWAS) on regional cooperation in response; and underlining the need for security efforts to be aligned with political objectives, to promote the restoration of civilian security, the establishment of effective governance to deliver essential services, the administration of justice and accountability, and humanitarian assistance, and the revival of local economies to provide livelihood opportunities for surging youth populations,

REAFFIRMING ITS SUPPORT for, and continued development of, the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa (the Yaoundé Code of Conduct architecture), which has been adopted by 25 States, comprising:

- (a) the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea;

- (b) the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region; and
- (c) the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law,

RECALLING that the General Assembly of the United Nations, at its seventy-fifth session, adopted, on 31 December 2020, resolution 75/239 on Oceans and the Law of the Sea including its paragraphs 133, 134, 135, 138, 145, 146, 149, 151 and 153, which, inter alia:

- (a) emphasized the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships at sea and, in the case of armed robbery against ships at sea, by affected vessels to the coastal State; underlined the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships at sea; noted with appreciation the important role of the Organization and the important contribution of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, which aspires to be recognized as a centre of excellence within its purpose and mandate; and noted the Maritime Domain Awareness for Trade – Gulf of Guinea mechanism;
- (b) urged all States, in cooperation with the Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, by bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as by providing enforcement vessels and equipment and guarding against fraudulent ship registration; and
- (c) encouraged States to ensure effective implementation of international law applicable to combating piracy, as reflected in the Convention; called upon States to take appropriate steps under their national law to facilitate, in accordance with international law, the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, also taking into account other relevant instruments that are consistent with the Convention; and encouraged States to cooperate, as appropriate, with a view to developing their national legislation in this regard,

RECALLING ALSO article 100 of the United Nations Convention on the Law of the Sea (UNCLOS), which requires all States to cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State; article 101, which provides for the definition of piracy; and the *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships* (resolution A.1025(26)), which provides for the definition of armed robbery against ships,

RECALLING FURTHER article 105 of UNCLOS, which, inter alia, provides that, on the high seas or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board,

REAFFIRMING resolutions:

- (a) A.545(13) on *Measures to prevent acts of piracy and armed robbery against ships*, adopted on 17 November 1983;
- (b) A.683(17) on *Prevention and suppression of acts of piracy and armed robbery against ships*, adopted on 6 November 1991;
- (c) A.738(18) on *Measures to prevent and suppress piracy and armed robbery against ships*, adopted on 4 November 1993;
- (d) A.923(22) on *Measures to prevent the registration of "phantom" ships*, adopted on 29 November 2001;
- (e) A.1025(26) on *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships*, adopted on 2 December 2009;
- (f) A.1069(28) on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, adopted on 29 November 2013;
- (g) A.1117(30) on *IMO Ship Identification Number Scheme*, adopted on 6 December 2017; and
- (h) A.1142(31) on *Measures to prevent the fraudulent registration and fraudulent registries of ships*, adopted on 4 December 2019,

NOTING with satisfaction the actions taken by the Council, the Maritime Safety Committee, the Legal Committee, the Technical Cooperation Committee, the Facilitation Committee and the Secretary-General aiming at preventing and suppressing acts of piracy and armed robbery against ships,

BEING AWARE of the serious safety and security concerns of the industry and the seafaring community as a result of the attacks against ships sailing in the Gulf of Guinea,

MINDFUL OF the grave danger to life and the serious risks to navigational safety and the environment that attacks by pirates, armed robbers and other criminals may cause,

REITERATING its full respect for the sovereignty, sovereign rights, jurisdiction and territorial integrity of all States and the relevant provisions of international law, in particular UNCLOS,

HAVING CONSIDERED, in the light of the situation prevailing in the Gulf of Guinea, the recommendations of the Maritime Safety Committee at its 104th session,

1 CONDEMNNS AND DEPLORES piracy, armed robbery against ships and other illicit maritime activity, irrespective of where such acts have occurred or may occur;

2 EXPRESSES deep sympathy for the loss of seafarers' lives during attacks and while in captivity; for their plight while held hostage in appalling conditions; and for their families;

3 ACKNOWLEDGES the leadership role and responsibility of the States of the Gulf of Guinea to counter piracy, armed robbery against ships and illicit activity in their region;

4 EXPRESSES deep appreciation for the assistance already provided by the Organization to States in the Gulf of Guinea to help them repress piracy, armed robbery against ships and other illicit maritime activities in their region;

5 EXPRESSES deep appreciation for:

- (a) the initiatives of the G7++ Friends of the Gulf of Guinea (G7++FoGG) in collaboration with the Organization involving all stakeholders to support the effective implementation and the sustainability of the Yaoundé Code of Conduct, including its Interregional Coordination Centre (ICC);
- (b) the continuous efforts made by the region to curb piracy and armed robbery against ships in the Gulf of Guinea, including drafting anti-piracy laws, the Deep Blue project, and the establishment of the GoG Maritime Collaboration Forum (GoG-MCF/SHADE GoG) working with law enforcement and the Interregional Coordination Centre (ICC Yaoundé), utilizing useful platforms working in the region, such as the G7++ Friends of the Gulf of Guinea (FOGG) in support of the Framework;
- (c) the pilot case of the Coordinated Maritime Presences (CMP) concept in the Gulf of Guinea, recently launched by the European Union, which aims to provide further support to address the security challenges in the region affecting freedom of navigation, and to increase cooperation and partnership with the coastal States of the Gulf of Guinea as well as regional and maritime security organizations of the Yaoundé Architecture, and stresses the need to ensure consistency with international law, in particular the rights of coastal States in the area;
- (d) the contribution by the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) in support of the Yaoundé process to maintain coherent maritime situational awareness in the Central and West African maritime areas, with the ability to inform and support industry to avoid, deter, delay and respond to piracy attacks and armed robbery against ships; and the reports to inform the Organization in relation to this issue;
- (e) the efforts undertaken by the industry stakeholders to engage in proactive dialogue with Member States in the region to address maritime insecurity;
- (f) the efforts of those who have contributed towards resolving cases involving ships that had been hijacked and seafarers who had been held hostage; and
- (g) the financial contributions made to the IMO West and Central Africa Maritime Security Trust Fund, the in-kind contributions made to further the implementation of the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa, and the work done by the Secretary-General and the Secretariat towards the implementation of the provisions therein;

6 APPEALS to States in the region, in close cooperation with international and regional organizations, and other interested States to take all measures possible within the provisions of international law, to ensure that:

- (a) all acts or attempted acts of piracy, armed robbery against ships and other illicit maritime activities are terminated forthwith and any plans for committing such acts are also forthwith abandoned; and
- (b) any hijacked ships, kidnapped seafarers held on them and any other persons on board such ships are immediately and unconditionally released and that no harm is caused to them;

7 URGES Governments to cooperate with and assist States in the Gulf of Guinea to develop their national and regional capabilities to improve maritime governance in waters under their jurisdiction; to prevent piracy, armed robbery against ships and other illicit maritime activities in accordance with international law, in particular UNCLOS; and to assist States to build capacity to interdict and bring to justice those who commit crimes; such assistance might include strengthening of the legal frameworks, including anti-piracy laws and enforcement regulations, the training of national maritime law enforcement agencies, promoting anti-piracy and law enforcement coordination and cooperation procedures between and among States, regions, organizations and industry, and the sharing of information;

8 REQUESTS Governments to instruct national rescue coordination centres, information-sharing centres or other agencies involved on receipt of a report of an attack to promptly initiate the transmission¹ of relevant advice and warnings (through the World-Wide Navigational Warning Service, the International Enhanced Group Call Service, or any other appropriate means) to ships sailing in the Gulf of Guinea, so as to warn shipping in the immediate area of the attack;

9 URGES companies, masters and seafarers to continue the diligent application of existing IMO guidance and the effective implementation of Best Management Practices (BMP) West Africa (WA),² which provides guidance to assist companies and seafarers to assess the risks associated with voyages through the Gulf of Guinea and mitigate any potential threats to their safety and well-being;

10 CALLS UPON Governments, in cooperation with the Organization and as may be requested by Governments of the region, to assist these efforts and to consider making financial contributions to the IMO West and Central Africa Maritime Security Trust Fund;

11 REQUESTS the Secretary-General to:

- (a) transmit a copy of the present resolution to the Secretary-General of the United Nations for consideration and any further action he may deem appropriate; and to express to him, and through him to the Security Council, the gratitude and appreciation of the Organization for the actions he and the Security Council have taken on this issue to date;
- (b) continue monitoring the situation in relation to threats to ships sailing in the Gulf of Guinea and report to the Council, the Maritime Safety Committee, the Legal Committee, the Technical Cooperation Committee and the Facilitation Committee, as and when appropriate, on developments and any further actions that may be required;

¹ Resolution MSC.305(87) on *Guidelines on operational procedures for the promulgation of maritime safety information concerning acts of piracy and piracy countermeasure operations*.

² MSC.1/Circ.1601 *Revised industry counter piracy guidance*, as revised.

- (c) continue to consult with interested Governments, industry and organizations in establishing a process and means by which technical assistance can be provided for the coastal States of the Gulf of Guinea to enhance their capacity in order to give effect to the present resolution, as appropriate;
- (d) continue the efforts of the Organization to contribute to an effective response to acts and attempted acts of piracy, armed robbery against ships and illicit maritime activity, in particular in the Gulf of Guinea, including by promoting cooperation, coordination and avoidance of duplication of efforts among the States and organizations that provide or seek to provide assistance to the States in the region; and
- (e) undertake, as and when necessary, any other actions which would promote the implementation of the provisions of this resolution or would be conducive to the efforts of those seeking to implement its provisions;

12 REQUESTS the Maritime Safety Committee to review the provisions of this resolution as well as any salient provisions of related resolutions which have been or may be adopted by the Security Council in this respect and to develop, where and when necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement its provisions, taking into account current and emerging trends and practices;

13 REQUESTS the Legal Committee, the Technical Cooperation Committee and the Facilitation Committee to assist, as appropriate, the Maritime Safety Committee in pursuing the objectives of this resolution;

14 REQUESTS the Council to continue to monitor the situation in relation to acts and attempted acts of piracy and armed robbery against ships, illicit maritime activity and threats to vessels navigating in the Gulf of Guinea; and to initiate any actions which it may deem necessary, including coordinating the work of the competent Committees of the Organization to ensure the protection of seafarers and vessels navigating in those waters, and to ensure appropriate cooperation with other organizations and entities tasked with relevant activities.

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