

ASSEMBLY
28th session
Agenda item 7

A 28/Res.1069
5 February 2014
Original: ENGLISH

Resolution A.1069(28)

**Adopted on 29 November 2013
(Agenda item 7)**

**PREVENTION AND SUPPRESSION OF PIRACY¹, ARMED ROBBERY AGAINST SHIPS²
AND ILLICIT MARITIME ACTIVITY IN THE GULF OF GUINEA**

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,

¹ "Piracy" is defined in article 101 of the United Nations Convention on the Law of the Sea as follows:

"Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)."

² "Armed robbery against ships" is defined in the *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships* (resolution A.1025(26), annex, paragraph 2.2), as follows:

"Armed robbery against ships means any of the following acts:

- .1 any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of "piracy", committed for private ends and directed against a ship or against persons or property on board such ship, within a State's internal waters, archipelagic waters and territorial sea;
- .2 any act of inciting or of intentionally facilitating an act described above."

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 Declaration of the Seventh Ministerial Meeting of "the Zone" held in Montevideo on 15 and 16 January 2013, which stressed the need to continue to preserve the South Atlantic region free from the scourge of war, the instability of conflict, drug trafficking and piracy,

FURTHER CONSIDERING the relevant provisions of the African Maritime Transport Charter adopted in Kampala, Uganda in July 2010 by Heads of State and Government of the African Union,

NOTING WITH APPRECIATION 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, which, inter alia, welcomed the intention to convene a summit of Gulf of Guinea Heads of State in order to consider a comprehensive response in the region and encouraged the States of the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission (GGC) to develop a comprehensive strategy, including through:

- (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,

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 ECCAS, ECOWAS, GGC, and the Maritime Organisation for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

RECALLING that, since 2006, the Organization has cooperated with MOWCA to promote the concept of an "integrated coast guard function network", pursuant to which 15 out of 20 coastal Member States of MOWCA have signed a Memorandum of Understanding on the establishment of a subregional integrated coast guard network in west and central Africa, which sets out a strategy for enhancing maritime security in its widest sense and encourages a multi-agency approach to maritime law enforcement including countering trafficking, border control, maritime safety, security and protection of the marine environment,

NOTING WITH APPRECIATION that on 25 June 2013 Governments from ECCAS, ECOWAS and GGC countries concluded the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa, which has been adopted by 25 States,

NOTING ALSO that the General Assembly of the United Nations, at its sixty-seventh session, adopted, on 11 December 2012, resolution 67/78 on Oceans and the Law of the Sea which, inter alia:

- (a) Noted 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 and trafficking in persons, 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 deplored the loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities;
- (b) Recognized the crucial role of international cooperation at the global, regional, subregional, and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats and the prosecution of offenders, with due regard to national legislation, and the need to sustainably build capacity which permits the attainment of these objectives; and
- (c) Recognized 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 and trafficking in persons, illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime,

RECALLING 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,

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:

- (a) resolution A.545(13) on *Measures to prevent acts of piracy and armed robbery against ships*, adopted on 17 November 1983;
- (b) resolution A.683(17) on *Prevention and suppression of acts of piracy and armed robbery against ships*, adopted on 6 November 1991;
- (c) resolution A.738(18) on *Measures to prevent and suppress piracy and armed robbery against ships*, adopted on 4 November 1993;

- (d) resolution A.923(22) on *Measures to prevent the registration of "phantom" ships*, adopted on 29 November 2001; and
- (e) resolution A.1025(26) on *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships*, adopted on 2 December 2009,

NOTING with satisfaction the actions taken by the Council, the Legal Committee, the Maritime Safety 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 shipping 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 Council at its twenty-seventh extraordinary 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 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 APPEALS to States in the region, in close cooperation with international and regional organizations, 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;

5 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, within the provisions of international law, piracy, armed robbery against ships and other illicit maritime activities; 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;

6 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;

7 REITERATES deep appreciation for:

- (a) the efforts made by the shipping industry to develop the regional Maritime Trade Information Sharing Centre for the Gulf of Guinea (MTISC-GoG) and ship protection advice which, when operational, will assist ships 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;
- (b) the efforts of those who have contributed towards resolving cases involving ships that had been hijacked and seafarers who had been held hostage; and
- (c) 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 Memorandum of Understanding on the establishment of a subregional integrated coast guard network in west and central Africa and 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;

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 transmission³ of relevant advice and warnings (through the World-Wide Navigation Warning Service; the International SafetyNet 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 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;

10 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;

³ Resolution MSC.305(87) on *Guidelines on operational procedures for the promulgation of Maritime Safety Information concerning acts of piracy and piracy countermeasure operations*.

- (c) continue to consult with interested Governments 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;
- (e) continue the efforts of the Organization to assist States which have signed or contemplate signing the Memorandum of Understanding on the establishment of a subregional integrated coast guard network in west and central Africa and the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa in ensuring, as soon as possible, the complete and effective implementation of the provisions therein; and
- (f) 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;

11 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;

12 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;

13 REQUESTS ALSO 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 ships sailing 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 ships sailing in those waters and to ensure appropriate cooperation with other organizations and entities tasked with relevant activities.
