

**Security Council**

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**Letter dated 26 July 2021 from the Permanent Representative of India to the United Nations addressed to the Secretary-General**

I have the pleasure to inform you that, under the presidency of India, the Security Council will hold an open debate on the theme “Enhancing maritime security: a case for international cooperation”, under the item “Maintenance of international peace and security”, to be held as a videoconference on Monday, 9 August 2021, at 8 a.m. (Eastern Daylight Time).

In order to guide the discussions on the topic, India has prepared a concept note (see annex).

Member States and observers wishing to participate are invited to submit a written statement of approximately 500 words through the eSpeakers module on the e-deleGATE+ platform (see enclosure).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

*(Signed)* T. S. Tirumurti



## **Annex to the letter dated 26 July 2021 from the Permanent Representative of India to the United Nations addressed to the Secretary-General**

### **Concept note for the Security Council high-level open debate on the theme “Enhancing maritime security: a case for international cooperation”**

A comprehensive approach to maritime security is indispensable to safeguarding common prosperity and security interests, as it effectively protects and supports legitimate activities while countering the threat of current and emerging hostile, illegal or dangerous acts within the maritime domain.

While there are no universally accepted definitions of the terms “maritime crime” or “maritime security”, former Secretary-General Ban Ki-moon, in his 2008 report entitled “Oceans and the law of the sea”, recognizes terrorist acts involving shipping and offshore installations; piracy and armed robbery at sea; trafficking in narcotics, arms and persons; illegal, unreported and unregulated fishing; and intentional and unlawful damage to the marine environment as threats to human life and safety both at sea and on land, as well as to the social and economic fabric of both coastal and landlocked States.

The Security Council has also passed several resolutions on different aspects of maritime security and related crimes. Resolutions [1772 \(2007\)](#) and [1816 \(2008\)](#), as well as the statement by the President of the Security Council dated 25 April 2016 ([S/PRST/2016/4](#)) in relation to piracy off Somalia and the Gulf of Guinea, respectively; resolutions [1526 \(2004\)](#) and [1735 \(2006\)](#) on terrorism; and resolutions [1540 \(2004\)](#) and [1718 \(2006\)](#) pertaining to non-proliferation. Furthermore, on 5 February 2019, the Council organized its first-ever open debate on “Transnational organized crime at sea as a threat to international peace and security”. As highlighted in the open debate as well as in previous discussions, while the Council’s efforts have been substantial towards tackling these issues, there are areas on which the Council can further augment its attention.

#### **Transnational character of maritime crime and threats to maritime security.**

The high seas are, by definition, a transnational environment, where the State is but one actor among many. In this context, the management of maritime crimes and threats to security and stability must inevitably incorporate a range of different actors and agendas, including those of the littoral States concerned, flag States, local communities and fishermen, multinational shipping or fishing interests, resource extraction and tourism industries and, at times, private security companies. The transnational and mobile nature of maritime crimes has consequently warranted concerted action by the international community to curb them. The international community has sought to achieve this through conventions and instruments. However, since States’ actions pursuant to these instruments are dependent upon States’ implementation of prescribed measures, such a goal is not easy to accomplish.

**Need for maritime domain awareness.** Establishing maritime domain awareness is a key aspect of a comprehensive approach to maritime security. Maritime domain awareness can be achieved by collecting, analysing and disseminating data, information and intelligence to decision makers and applying functional and operational knowledge in the context of known and potential threats. Close cooperation and communication between the Government and the private sector is a critical means of enhancing maritime domain awareness.

**International framework for maritime security.** Stakeholders in the maritime domain recognize that maritime law is important to achieving effective maritime security. A difficult challenge so far has been how to resolve conflicts and gaps that exist between the various levels and types of law. The International Maritime Organization in 2004 adopted the International Ship and Port Facility Security Code, which provides a standardized, consistent framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities and an action plan to address marine plastic litter from ships.

Maritime stakeholders generally agree that the United Nations Convention on the Law of the Sea, which governs all international maritime matters, provides the appropriate framework to address emerging maritime security challenges. The effectiveness of the Convention's framework requires that the regulations and standards outlined in the existing agreements be implemented at the national level.

The United Nations Office on Drugs and Crime (UNODC) has also actively supported Member States to effectively implement relevant international instruments to curb maritime crime, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as global counter-terrorism instruments. UNODC has developed judicial and law enforcement capacity-building through strengthening at the national and regional levels as well as through enhancing international cooperation.

However, no single entity can counter organized crime at sea. Member States must therefore enhance their coordination and cooperation, and thereby the overall response to maritime crime, at the regional and international levels.

**Evolving mechanisms to address threats to maritime security.** The shared challenges of the maritime security agenda are giving rise to several new organizational mechanisms and initiatives with the aim of coordinating action in the face of shared challenges. These mechanisms bridge traditional civil-military and public-private distinctions, incorporating actors ranging from naval forces to shipping interests and private military security companies.

The Contact Group on Piracy off the Coast of Somalia, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, the Indian Ocean Naval Symposium, the Indian Ocean Forum on Maritime Crime, the Maritime Security Programme, the Western Pacific Naval Symposium, the Djibouti Code of Conduct, the Yaoundé Code of Conduct, the Indian Ocean Rim Association and the Indian Ocean Commission, among others, are some of the mechanisms attempting to address various maritime security challenges.

There is growing consensus among Member States that access to the high seas, as part of the global commons, should be free, open and inclusive. Such a vision is based upon a rules-based order which must apply equally to all nations, irrespective of size and strength, with due respect for sovereignty, territorial integrity, mutual consultation, good governance, transparency, financial viability and environmental sustainability. It ensures equal access for all nations, as a right under international law, to the use of the global commons so that sea lanes are rendered as pathways to mutual prosperity and corridors of peace. It promotes freedom of navigation in and overflight above the high seas, unimpeded lawful commerce and the peaceful settlement of maritime disputes in accordance with international law.

#### **A case for international cooperation**

- No single nation has the capacity to control the assets, resources or venues from which transnational threats endanger global security.

- Military capability alone will not solve maritime security challenges. An integrated understanding of the potential synergies of combating maritime crimes, the blue economy and the safety of the marine environment is a prerequisite for coordination and cooperation among the diverse maritime security agencies and actors in this field.
- Information-sharing is the key to improved maritime situational awareness, which constitutes the key “force multiplier” in meeting maritime security challenges. Enhanced interlinking of existing maritime surveillance systems and the building of wider interoperability, and efforts made to better define the scope of shareable information in an open architecture, would enhance maritime security.
- Regional cooperation and capacity-building are likely to provide the most effective basis for long-term, sustainable solutions. The international maritime community should focus on key regions where maritime security is weak or absent, and work in close partnership with regional organizations to help build local capacity for maritime security.

**Objective of the meeting.** The meeting will provide the Member States of the Security Council an opportunity to discuss the measures to be taken by the United Nations and Member States to evolve a framework which would enhance their coordination in responding to non-traditional maritime security threats as well as unprecedented maritime situations, and the ways in which they can individually and jointly better respect their humanitarian commitments with regard to difficulties at sea.

#### **Guiding questions for Member States**

1. What could be done to address the drivers of maritime crime and insecurity in a more effective way? What measures would be required to strengthen coordinated response to maritime crime?
2. How could Member States enhance their capabilities to assess maritime security-related threats and emerging crimes, and enhance data collection, research and analysis to better inform related crime prevention policies and conflict analysis?
3. How could Member States better address the need for increased judicial cooperation and enhanced operational coordination meetings and joint operations to prevent, investigate and prosecute maritime crime?
4. What role could the private sector play in addressing maritime crime and other threats to maritime security?
5. How can Member States ensure respect for international laws, including the United Nations Convention on the Law of the Sea, with respect to the peaceful settlement of maritime disputes?

**Format.** The event will be a high-level open debate and will be chaired by the Prime Minister of India, Narendra Modi, on 9 August 2021 at 8 a.m. (Eastern Daylight Time). Members of the Security Council will participate through videoconference, while non-members will have the opportunity to submit written statements, which will be compiled as an official document.

#### **Briefers**

- Chef de Cabinet to the Secretary-General, representing the Secretary-General
- Executive Director, United Nations Office on Drugs and Crime

## Enclosure

### Guidance note: submission of written statements

#### Security Council open debate on the theme “Enhancing maritime security: a case for international cooperation”

With reference to the Security Council open debate on the theme “Enhancing maritime security: a case for international cooperation”, to be held as a videoconference on 9 August 2021, delegations may submit written statements through the eSpeakers module.

Member States wishing to do so should transmit their statements in Microsoft Word format with a cover letter, duly signed by the Permanent Representative or Chargé d’affaires a.i. and addressed to the President of the Security Council, no later than the date of the meeting, 9 August 2021. The statements will be published as part of an official compilation document containing the interventions submitted in connection with the open debate.

- Delegates are invited to contact their access focal points to be granted access to the eSpeakers module on the e-deleGATE+ platform.
- Delegates can submit written statements by clicking on the eSpeakers sub-item in the Security Council menu item.

For technical support related to user logins and passwords, please contact the Office of Information and Communications Technology help desk at 212-963-3333 or by email at [missions-support@un.int](mailto:missions-support@un.int).

For other questions related to the open debate, please contact the Security Council Affairs Division at [dppa-scsb3@un.org](mailto:dppa-scsb3@un.org).

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