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MEASURES TO ENHANCE MARITIME SECURITY

Code of Management and Good Practices against Transnational Organized Crime at Sea for the Latin America and Caribbean Region "ORION Code of Conduct"

Note submitted by Colombia, xx

SUMMARY

<i>Synopsis:</i>	The document presents a proposal to join activities that contribute to the suppression of Transnational Organized Crime (TOC) at sea, particularly in the Latin America and Caribbean region.
<i>Strategic direction, if applicable::</i>	5
<i>Output:</i>	5.12
<i>Action to be taken::</i>	Paragraph 15-18
<i>Related documents:</i>	A. 33/11/1, Resolución A.924(22), resoluciones 3 y 4 de la Conferencia sobre protección marítima de diciembre de 2002, resoluciones MSC.228(82), FAL 9(34), circular FAL.5/Circ.50, y Resolución A. 1190(30),

1 At the 33rd session of the Assembly, document A. 33/11/1 on Countering Threat of Organized Crime to Maritime Security was presented. Following discussion in plenary, this led to the adoption of resolution A.1190(33) of 2023, 'Enhancing the framework for countering organized crime in the maritime sector'.

2 The resolution calls upon States and interested organizations to submit proposals to the Maritime Safety Committee and the Facilitation Committee regarding organized crime in the maritime sector. It invites them to share strategies that, according to their experience, have contributed to mitigating its impacts on international maritime traffic, ports, seafarers, and port facilities.

3 Latin America and the Caribbean face a complex, dynamic, and transnational problem associated with Transnational Organized Crime (TOC) at sea. Studies conducted by the United

Nations Office on Drugs and Crime (UNODC) have shown that organized crime is constantly evolving and feeds on various offenses to achieve its objectives.

4 Furthermore, these activities pose direct risks to the lives and safety of seafarers, the integrity of vessels, the protection of port facilities, the continuity of maritime trade, trust in supply chains, and the security of coastal communities.

5 The United Nations General Assembly has repeatedly recognized, in its resolutions on oceans and the law of the sea, the importance of strengthening international cooperation to combat transnational organized criminal activities committed at sea. Similarly, the United Nations Convention against Transnational Organized Crime of 2000 constitutes a benchmark framework for building cooperation and institutional capacity against these threats.

6 The Security Council, through resolution 2482 (2019), has also recognized the need to strengthen international cooperation to address TOC, as it affects peace, security, stability, and governance.

7 This context demonstrates the relevance of strengthening a regional, flexible, coordinated, and inclusive maritime response for Latin America and the Caribbean, capable of articulating existing capacities, experiences, and cooperation mechanisms in the region against TOC at sea. In this framework, and alongside other bilateral, subregional, and multilateral efforts developed by States, the ORION Multinational Strategy has established itself as one of the most successful international cooperation initiatives in combating illicit drug trafficking and other manifestations of TOC at sea. It currently brings together 62 countries across 5 continents, sharing information and coordinating law enforcement operations to contribute to neutralizing this threat, with a robust structure incorporating:

International Cooperation: Integrating differential capabilities, respecting doctrines and procedures, and adopting cooperation and technical assistance measures through the International Operational Coordination Center (CCOPI).

Information Analysis: Promoting research and academic analysis through the International Center for Research and Analysis Against Maritime Drug Trafficking (CMCON).

Analysis

8 The persistence and adaptability of TOC in the maritime sector demonstrate that, even with the implementation of the International Ship and Port Facility Security Code (ISPS Code), complementary regional cooperation and coordination measures are required to effectively prevent, detect, deter, and respond to this threat.

9 In this regard, and taking into account the accumulated experience of States in the region, it is appropriate to promote coordination mechanisms among maritime administrations and other competent entities to ensure greater governance of activities carried out at sea.

10 At the international level, complementary regional measures have been established as reference models for flexible and gradual cooperation. These include the Djibouti Code of Conduct (DCoC, 2009) and its Jeddah Amendment (2017), aimed at strengthening maritime cooperation in East Africa and the Western Indian Ocean.

11 Also noteworthy is the Yaoundé Code of Conduct (2013), adopted for West and Central Africa / Gulf of Guinea, which promotes cooperation, information sharing, coordination

among regional centers, and capacity-building against maritime threats affecting security, safety, and the maritime economy of participating States.

12 Furthermore, other regional frameworks exist which, although not codes of conduct, were created to enhance maritime security, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP, 2004), implemented in Asia-Pacific, serving as a mechanism for information sharing, early warning, coordination, and confidence-building among its Contracting Parties.

13 To ensure that this initiative goes beyond a declaratory level and achieves sustainable effectiveness, the regional response must be structured through clear implementation schemes, inter-agency coordination, and continuous evaluation.

14 Based on this analysis, and respecting existing frameworks, it is considered necessary to strengthen regional mechanisms in Latin America and the Caribbean to work jointly in the fight against TOC.

Measures to be adopted

15 The Committee is invited to take note of the information provided in this document and to invite countries in the region to join and contribute to management and good practices in combating crime at sea. For this purpose, interest may be expressed by emailing dicod@armada.mil.co (Directorate Against Drugs, Colombian Navy).

16 Study options to strengthen the strategy's capabilities through the Integrated Technical Cooperation Programme, facilitating the participation of more States, formalizing the Strategy through the draft Code proposed in Annex 1, and implementing technological tools that integrate regional efforts against transnational organized crime.

17 Promote the establishment of Permanent Technical Working Groups and the progressive constitution of an Integrated Regional Maritime Security Network linking Maritime Administrations and other Public Authorities.

18 Request the Secretariat to examine how different regional mechanisms can be integrated or articulated to strengthen maritime security at a global level or achieve their future integration

ANNEX 1.

Code of Management and Good Practices against Transnational Organized Crime at Sea for the Latin America and Caribbean Region “ORION Code of Conduct”

Paragraph 1: Scope

The ORION Code of Conduct applies to cooperative actions among Participating States of Latin America and the Caribbean regarding maritime security against Transnational Organized Crime (TOC).

Paragraph 2: Objective

To strengthen cooperation among Latin American and Caribbean States to prevent, detect, deter, and address Transnational Organized Crime at sea, promoting more secure, resilient, and reliable maritime environments as an essential factor for peace, stability, international trade, safety of navigation, the well-being of coastal communities, and the sustainable development of nations.

Paragraph 3: Principles

- a) **Sovereignty:** To respect the sovereignty, political independence, territorial integrity, and competencies of each State, in accordance with the Charter of the United Nations, applicable international law, and national legal frameworks.
- b) **Good Faith:** To act in good faith in implementing this Code of Conduct to foster mutual trust, transparency, common understanding, and regional maritime security.
- c) **Cooperation:** To promote cooperation and coordination mechanisms among Participants, recognizing that TOC at sea constitutes a common threat requiring complementary responses at national, bilateral, subregional, regional, and international levels.
- d) **Communication:** To foster continuous dialogue among Participants, institutions, and relevant multilateral organizations.
- e) **Legality:** To promote that measures adopted against TOC at sea are developed in accordance with relevant national legislation and applicable international law.
- f) **Observance of Human Rights:** To promote that all actions carried out under this Code are executed with full respect for and observance of Human Rights and applicable International Humanitarian Law, protecting the fundamental guarantees of intercepted individuals and ensuring appropriate treatment of crews and vulnerable migrants.

Paragraph 4: Scope of Application

The geographic area of reference for this Code shall be the Latin America and Caribbean region.

Paragraph 5: Measures to Repress Transnational Organized Crime at Sea

- a) Promote national, bilateral, subregional, and regional measures aimed at preventing, detecting, deterring, and repressing TOC at sea.
- b) Provide capabilities that each participant deems appropriate to contribute to the suppression of TOC at sea.
- c) Exchange information, experience, and good practices for the suppression of TOC at sea, subject to applicable national laws, the protection of classified or sensitive information, and security protocols of each State.
- d) Cooperate, as appropriate, with competent international organizations and bodies that contribute to strengthening maritime security and repressing TOC at sea.
- e) Articulate, to the extent possible, existing national, bilateral, subregional, and regional mechanisms to strengthen global maritime security and facilitate future functional integration of efforts against TOC in the maritime sector, avoiding duplication of efforts or existing maritime cooperation instruments in the region.
- f) Establish secure, agile, and permanent channels for exchanging early warnings, risk profiles, detected operational modalities, suspicious movements of vessels and containers, and strategic intelligence on transnational criminal organizations, promoting interoperability among information fusion centers.
- g) Form technical working groups comprising specialists from participating States to analyze emerging criminal modalities, draft common protocols, evaluate regional trends, and issue operational recommendations.
- h) Promote joint training programs and operational exercises in maritime interdiction, vessel and container inspection, maritime crime analysis, evidence preservation, financial investigations linked to maritime drug trafficking, and port risk management.
- i) Develop standardized manuals on port control, container contamination prevention, illicit cargo detection, port facility protection, and crew safety.
- j) Prepare periodic reports on emerging routes, new logistical modalities, the use of small craft, ship-to-ship transfers, and linkages between regional and extra-regional criminal organizations.
- k) Encourage the exchange of technological tools, satellite tracking, Automatic Identification System (AIS) monitoring, regional information platforms, and the application of Artificial Intelligence to maritime risk analysis.

- l) Promote direct coordination among Maritime Administrations and competent Public Authorities in this field.

Article 11: Final Provisions

This Code of Conduct shall be published in English, French, Portuguese, and Spanish, each text being equally authentic.

Participants may propose amendments to this Code of Conduct by convening follow-up and consultation meetings, which may be considered following mutual agreement among Participants.

This Code of Conduct constitutes a voluntary, non-binding international cooperation framework. Nothing in this Code shall be construed as altering the rights, obligations, or responsibilities of Participants under international law, nor as affecting national sovereignty, jurisdiction, or competencies, nor as replacing existing treaties, agreements, operational arrangements, or cooperation mechanisms.