



Contact Group on Piracy off the Coast of Somalia
Seventeenth Plenary Session, Dubai, 28 October 2014
Communiqué (Final)

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Seventeenth Plenary Session in Dubai, United Arab Emirates on 28 October 2014 under the Chairmanship of the European Union.
2. The Plenary Session and the Working Group meetings of the CGPCS formed, together with the fourth UAE Counter-piracy Conference, the 2014 UAE Counter-piracy Week. The CGPCS extends its profound gratitude to the Government of the United Arab Emirates for its generosity and hospitality of inviting the CGPCS stakeholders to hold their meetings in the United Arab Emirates.
3. The Contact Group welcomed the report of the United Nations Secretary General (S/2014/740) pursuant to Security Council resolution 2125 (2013) on the situation with respect to piracy and armed robbery at sea off the coast of Somalia. As noted in the report, without the continued deterrence and support provided by the international naval presence, the self-protection measures adopted by the shipping industry and until such time as capacity-building efforts ashore have taken sufficient effect, piracy may potentially return.
4. The CGPCS welcomes the release of eleven innocent seafarers, belonging to the crew of M/V Albedo that was hijacked by pirates off the coast of Somalia on 26 November in 2010. These men have endured their horrible ordeal for over 1200 days in captivity. The CGPCS salutes their resilience, steadfastness and moral strength. The CGPCS notes that 37 seafarers are still being held captive in Somalia, with one more having died since the last meeting. All of these men have been held hostage for more than 30 months and many for over four years. The CGPCS calls for the immediate release of these men and urges all stakeholders to engage initiatives to secure their expeditious and safe return, as well as tracing urgently the whereabouts of seafarers who went missing from Somalia while being held in captivity by pirates.
5. On 10 October 2014 the Somali Coast Guard has, after 23 years of absence, taken up its operational duty station at the entrance of Mogadishu Sea Port. A week later, on 16 October 2014, 61 Somali cadets from Coast Guard and Port Police graduated from their seven week training course in Djibouti. The CGPCS commends and congratulates the Somali government

and maritime authorities for this success. The Somali authorities are encouraged to continue their efforts in (re)building their national Coast Guard organization.

6. The CGPCS calls upon the Somali authorities to bring the perpetrators of maritime piracy to justice and work together with the international community to secure the release of the remaining seafarers being held by Somali pirates.

7. The CGPCS regrets the release of Mohammed Garfanje, known pirate leader and kingpin, by the Federal Government of Somalia earlier this year. The successful prosecution of suspected pirates and the imprisonment of those convicted would send a strong message to the perpetrators and their backers that impunity would not be allowed.

8. Sustained international cooperation and continued support remains critical to further suppressing organized criminal networks that target merchant vessels. Until those networks are dismantled, maritime routes in the western Indian Ocean will remain vulnerable. As there is strong evidence that existing pirate networks are still intact, the CGPCS calls upon the Federal and Regional governments in Somalia to arrest, prosecute or extradite pirate leaders operating with impunity in and from their territory.

9. The CGPCS calls upon all States, in the region and elsewhere, to arrest and bring to justice pirate leaders, negotiators, middlemen and financiers.

10. The data charting the success of the international efforts against Somali piracy is irrefutable. After the piracy crisis peak in 2011, the numbers fell to zero successful attacks over the last two and a half years. Key elements that have contributed to this reversal were the deployment of naval forces to deter and suppress piracy, enhanced situational awareness, implementation by the shipping industry of the self-protection measures detailed in IMO guidance and Best Management Practices, the establishment of regional mechanisms for prosecution, transfer and detention of pirates, and the employment of armed security personnel on board civilian shipping. The CGPCS remains concerned, however, that, without the continued support provided by the international naval presence and the self-protection measures adopted by the shipping industry, piracy may potentially return. While capacity-building efforts ashore are under way, they have yet to produce lasting and sustainable effects.

11. The CGPCS remains committed to continuing its work to eliminate piracy off the coast of Somalia, including by assisting and encouraging Somalia to lead an effective and sustainable response to piracy.

12. The CGPCS received key note speeches by H.E. Faris Al Mazrouei, Assistant Minister of Security and Military Affairs, Ministry of Foreign Affairs, United Arab Emirates; Mr. Sam Ibok, Director of the Africa 1 Division, Department of Political Affairs, United Nations; Admiral Nurey, Commander of the Somali Coast Guard and Captain Moghe, senior technical adviser of the

Somali Navy and Coastguard, Somali Federal Government. Commodore Tony Millar, Commander CTF 151, provided an operational update on naval operations in the Indian Ocean on behalf of the SHADE co-chairs, Ambassador Etienne de Poncins, Head of Mission of EUCAP Nestor, provided an update on recent and planned capacity building activities in Somalia.

13. The WG on Capacity Building met ahead of the Plenary and hosted pre-meetings of key-stakeholders in Nairobi and Mogadishu earlier in October. The WG recognised the urgent need for the SFG to establish and implement a maritime coastguard law. The WG welcomed the commitment by the SFG to do so in the coming six months and to report progress at the next WG meeting in May 2015. In this context the SFG should identify any obstacles so that the international community can help to unblock these obstacles if and when required.

14. The WG underlined the need to clarify the roles and responsibilities in the field of maritime security within the internal structures of the SFG. The WG reiterated the invitation made to the SFG in May 2014 to clarify both the working and high level points of contact for the international community on counter-piracy issue. The WG also invited the SFG to clarify its position regarding the arrest and prosecution of pirate kingpins. The WG agreed that ownership of counter-piracy capacity building initiatives remained with the SFG and regional authorities but stressed the need for enhanced and strengthened coordination between the SFG and the regional authorities to optimise implementation of counter piracy programmes, minimise duplication and gaps to improve efficiencies. The WG agreed in principle to the draft paper on priorities for counter piracy capacity building to end of 2016, together, with the further proposal of EUCAP Nestor to rebrand the Capacity Building Coordination Group as the 'technical group on Capacity Building' with a revised high level strategic role to monitor the emerging work on priorities for 2016. The WG agreed that it was important when considering capacity building in the maritime domain to make the necessary linkages to land based institutions to address the root causes of piracy ashore.

15. The WG Counter maritime piracy and mitigation operations had its constituent meeting back to back with the Plenary. The WG had presentations on Maritime Situational Awareness (MSA) from Oceans Beyond Piracy and the Joint Research Centre. The WG received updates from the SHADE co chairs, the Russian Federation and India. The agreed that MSA should be included in the work plan of the WG and agreed to meet back to back with the next Plenary Session of the CGPCS.

16. The WG Combatting Piracy Networks Ashore observed that pirate leaders and financiers are enjoying de facto impunity in Somalia: they are neither arrested nor prosecuted nor extradited and can invest undisturbed the illegal proceeds of piracy in other trades, both legal and illegal, or move them abroad. This represents a permanent threat of a future resurgence of piracy off the Somali coast. All the efforts of the international community against piracy, including the promising work of the LETF, could be undermined unless there is a significant change in the

attitude of the Somali Government toward this problem. Countries and organisations supporting Somalia are urged to step-up the pressure on the Somali Government to obtain its full adherence to and implementation of international standards, including by becoming party to the UNCTOC, the strengthening of its law enforcement capacity and an enhanced collaboration with other countries, including on extradition agreements.

17. The CGPCS takes note of the latest report from the Monitoring Group on Somalia and Eritrea that highlights the persistence of piracy networks: “pirate operations can easily resume, even on a large scale, if circumstances at sea again become favorable.”

18. The Legal Forum of the CGPCS met on an ad hoc basis, back to back with the CGPCS Plenary Session. The Strategic Plan of this legal network was discussed and adopted, thus framing the mission of the Legal Forum as a platform for the study, analysis and discussion of legal matters related to piracy issues. A new dedicated website (www.piracylegalforum.org) was launched for that purpose, enabling the update of relevant legal information, the discussion of new or ongoing challenges and the assistance upon request in the implementation of the legal toolbox. The Legal Forum has also discussed some relevant topics of continued importance regarding piracy legal matters, identifying challenges and issues that deserve further attention. The Legal Forum decided to continue the discussion on those issues through its website.

19. The CGPCS welcomed contributions from Republic of Korea, Qatar, Spain and United Kingdom to the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia since the sixteenth Plenary in May 2014, bringing the total deposited contributions to the Trust Fund to nearly \$21.74 million since its inception in January 2010, which has largely been committed and disbursed. During the 28 October 2014 meeting of the Trust Fund Board, three projects worth \$900,000 million submitted by the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Office on Drugs and Crime (UNODC) were approved. It further urged States and the private sector to ensure that the national commitment of Somalia and regional countries to prosecute and imprison pirates, and to develop their maritime domain is matched by strong support and assistance from the international community, including through generous financial contributions to the Trust Fund.

20. The CGPCS Lessons Learned Consortium has completed the first stage of analysis. The EUISS is soon to publish a report that follows the structure of the Working Groups and adds thematic chapters. A repository of lessons learned is available at www.lessonsfrompiracy.net. It includes stakeholder contributions and reports from a group of international analysts on different features, including the legitimacy of the CGPCS or capacity building coordination. Initial analyses shows how the CGPCS has achieved a position as an effective multilateral mechanism, and that its experimental governance and multi-layered approach has the potential to be replicated elsewhere. The Lessons Learned Consortium will continue to document the lessons of the CGPCS as they arise.

21. A special, ad hoc meeting on the scope of the High Risk Area (HRA) was convened on 26 October 2014, ahead of the Plenary. The purpose of this meeting was to allow all stakeholders to explain their position and put forward ideas on the scope of the HRA. Stakeholders agreed to a high degree of responsibility by all stakeholders in approaching this subject. Stakeholders expressed the wish to identify a shared, common, way forward. While it is evident that the decision to change or revoke the HRA procedurally rests with industry, it is acknowledged that interested, non-industry stakeholders should be consulted when reviewing the scope of the HRA. The meeting agreed that a future meeting on the same subject should be convened by the Chair of the CGPCS by end of March 2015 to facilitate a recommendation on the review of the scope of the HRA.

21a. The delegations from Djibouti, Egypt, Pakistan and Saudi Arabia have noted that the extended HRA as outlined in BMP3 and 4 does not reflect the reality regarding the absence of piracy activity in the Red Sea and the Northern Arabian Sea in the EEZ of Pakistan.

22. The CGPCS agreed that close international coordination and cooperation continue to be crucial to counter piracy effectively. In this framework, it recognized the need to fully respect the relevant international law in international waters.

23. The importance of promoting regional cooperation in counter-piracy capacity development cannot be overemphasized. In this respect, the Djibouti Regional Training Centre (DRTC) as well as the information sharing centres created within the DCoC process, will play an extremely significant role. DRTC will offer a well-equipped training facility in the Region around Somalia. Preparations to start its cooperation are now being proceeded in cooperation mainly between IMO, Djibouti, EU and Japan. The CGPCS calls on related countries and organizations to support the DRTC by making the most of its facility in conducting capacity building programmes for officials of Somalia and its neighbouring countries.

24. The CGPCS urges governments, industry and humanitarian organisations to, as a matter of high priority, take initiatives to alleviate the suffering of piracy survivors and their families. For this purpose the CGPCS establishes a Piracy Survivor Family Fund.

25. The Chair reiterates his request to interested CGPCS stakeholders to consider putting forward their candidacy to chair the CGPCS in 2015.

26. The CGPCS agreed that in 2015 one Plenary Session will be held in the region at a date to be announced by the incoming Chair.

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