



**Tenth Plenary Session of the  
Contact Group on Piracy off the Coast of Somalia  
New York, 17 November 2011**

**COMMUNIQUE**

1 The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Tenth Plenary Session in New York on 17 November 2011, under the chairmanship of the Netherlands.

2 The CGPCS emphasized that close international coordination continues to be of central importance to effectively tackle piracy off the coast of Somalia and in the wider Indian Ocean. The CGPCS underlined that the ultimate responsibility to tackle piracy lies with Somalia. It welcomed significant developments in counter-piracy efforts by the international community since the Ninth CGPCS Plenary Session in July 2011.

In particular, it:

- stressed the international community's anger at the ongoing suffering of kidnapped innocent seafarers and reports of longer captivity periods and increasingly violent treatment at the hands of pirates, resulting in psychological, physical and medical stress, and expressed the unacceptability of this situation and its deep sympathy for the captive seafarers and their families, urged flag administrations to effectively engage with ship-owners to provide information, including on the welfare of the crew, measures being taken for their release and the status of payment of their wages, to the substantially interested states so that the families can be kept informed, and called on the shipping industry to provide all necessary assistance to seafarers after their release;
- concluded that piracy continues to pose a serious threat, despite the positive trend of fewer ships and crew being held hostage since the Ninth CGPCS Plenary Session (10 ships and 240 crew were held hostage as of 17 November 2011, compared to 17 ships and 393 hostages in July 2011), as the number of attacks is still on the rise, albeit with a decreasing rate of success and that the situation requires continued strong engagement by the international community and sustained contributions to the military operations;
- therefore expressed its grave concern that the provision of military forces for the anti-piracy operations is likely to fall short of the numbers required; and called upon states to remedy this situation;
- welcomed the start of the construction of the regional training center in Djibouti, which will be used to coordinate regional training as well as provide a venue augmenting existing training centres for training in the framework of the Djibouti Code of Conduct;

- noted the important deterrent role of military Vessel Protection Detachments (VPDs) in preventing vessels being pirated;
- noted the increased use of privately contracted armed security personnel (PCASP), as well as the fact that no vessel with PCASP on board has been successfully pirated, and the ongoing work in the IMO on guidance for the role of PCASP on board merchant vessels and the complementary efforts at self-regulation undertaken by the sector itself;
- reconfirmed the persisting need to facilitate criminal investigation and prosecution of apprehended pirates as a top priority for the CGPCS, as this is a requisite to the effectiveness of the anti-piracy coalition, and therefore welcomed the adoption of UN Security Council Resolution 2015 (2011), in which, inter alia, the UN Security Council decided to continue its consideration as a matter of urgency, without prejudice to any further steps to ensure that pirates be held accountable, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support;
- expressed its appreciation for the valued efforts of Somalia, the Seychelles and Kenya and other countries in and outside the region in undertaking prosecutions and detaining convicted pirates, and encouraged other regional countries to contribute to these efforts and noted the need to look into the issue of communication between detained suspected pirates, Somali authorities and their families;
- stressed the urgent need to increase the number of prosecutions as a top priority and for all States to update their national legislation and relevant procedures, in order to actually undertake prosecutions, including of pirate leaders, financiers and organizers, whenever evidentiary standards are met;
- welcomed the new contributions of \$4.9 million and outstanding pledges of about \$1.3 million to the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia in 2011, as well as the total contributions of \$10 million received by the Trust Fund since its inception in January 2010, of which \$6.9 million has been disbursed, and called on States as well as on the private sector to continue to contribute to the Trust Fund;
- confirmed its strong support for the Roadmap agreed by the Transitional Federal Government (TFG) and the regional administrations of Somalia in September 2011, and the need for its early and full implementation, including the urgent establishment of an Exclusive Economic Zone, consistent with international law, an agreed maritime security strategy, a coordinated maritime law enforcement capability, and the enactment of anti-piracy legislation, as well as the building of capacity to prosecute, try and imprison piracy and maritime law cases, the appointment of a counter-piracy co-ordinator under a designated Minister and the development of programmes for anti-piracy community engagement and linked coastal economic projects;
- underlined therefore its support for the “Kampala Process”, which ensures effective dialogue and co-ordination between Somali authorities, and made clear the need for UNPOS and the CGPCS to keep each other updated on current and planned activity in implementing these elements of the Roadmap, including priorities and funding shortfalls,

to enable donors to make best informed decisions, and further noted the United Nations' call to consider convening future meetings of the CGPCS and/or its Working Groups inside Somalia to strengthen coordination on the ground;

- acknowledged the important role of UNODC and UNDP in supporting Somali and regional authorities to prosecute and detain suspected pirates and the strengthening of the Somali judicial system as a whole, and stressed the importance of elaborating modalities for repatriation of piracy suspects who have been acquitted or those that have completed their prison terms;

3 The CGPCS further welcomed the progress being made by the five CGPCS Working Groups. In particular, it:

- strongly stressed the continued primary importance of merchant shipping implementation of the successful industry-agreed self-defense measures and welcomed the updated and widely disseminated Best Management Practices (BMP4), as well as reports that industry self-awareness and implementation of BMP4 has been increasing, and also noted the continued need for provision of Long Range Identification and Tracking information, particularly by flag states;
- expressed its continued support for robust action and its appreciation for the achievements of the international naval forces over the past few months, including action taken against mother ships, disruption of pirate operations and continued safe escort of WFP and AMISOM shipments and welcomed the improved information flow between the various naval anti-piracy forces, which has significantly reduced the pirates' opportunities to operate undetected;
- further stressed the importance of deployment of military VPDs as a measure to prevent vessels from being pirated, as well as the need for close cooperation between coastal states in the region, flag states and countries deploying military VPDs, and encouraged WFP and AMISOM to take all necessary measures to enable the deployment of military VPDs or other suitable protection measures for their transports;
- welcomed the continued strong improvements in convoy coordination by the main deployers in the Gulf of Aden;
- stressed the importance of ongoing work to support and coordinate capacity building in the wider region, including implementation of the Djibouti Code of Conduct and the Regional Plan of Action, and further welcomes recent efforts by the EU in this regard;
- expressed its strong support for the continued progress in implementing the post-trial transfer arrangements between the Seychelles and the TFG and the authorities of Puntland and Somaliland; invited other states to conclude similar arrangements, noted the offer of assistance in this regard from UNODC and the Working Group 2 chair, and expressed concern about the recent release of a number of convicted pirates in Somaliland;
- noted the conclusion that the definition of piracy under international law may comprise pirate leaders, financiers and organizers operating ashore and called upon all states to

review their national legislation and procedures to ensure these authorities of international law are properly reflected in their national system, as well as to engage actively in international efforts to prosecute these individuals;

- noted the work carried out and progress made by the relevant Working Groups, on formulating advice, complementary to the IMO interim guidelines, regarding PCASP;
- urged flag states, while recognizing that all ships enjoy the right of innocent passage through the territorial sea and freedom of navigation through the EEZ, to establish a robust system of regulation of PCASP and their companies;
- encouraged coastal states, through IMO Maritime Safety Committee work, to keep the international community advised of reporting requirements in connection with the transiting of shipping with PCASP aboard;
- stressed the need for a more effective dialogue with the shipping industry and related private sector organisations, to further improve the exchange of information, especially to ensure that national authorities and international organizations receive detailed reports on piracy cases in a timely fashion, to facilitate effective investigation and prosecution;
- encouraged national and military authorities to declassify intelligence and information, as appropriate, that may be relevant to the investigation and prosecution of piracy;
- welcomed the progress made by INTERPOL, EUROPOL and other relevant organizations to systematically collect and organize information regarding piracy cases and to make this information accessible to relevant national judicial and law enforcement authorities, and further welcomed efforts undertaken to bring about structural cooperation between public prosecutors working on piracy cases, including cases against pirate leaders, financiers and organizers, including the efforts by EUROJUST in this regard;
- appreciated the efforts by the Egmont Group to foster closer collaboration amongst Financial Information Units and welcomed the research and capacity-building efforts by UNODC and the World Bank to improve the international community's understanding of the financial flows related to piracy and to reinforce the region's capacities to disrupt these flows, in particular through strengthening the regional Financial Intelligence Units, and further noted with appreciation that UNODC will organize a second conference on piracy-related financial flows in Djibouti on 14-15 December 2011;
- underlined the need for a set of coordinated media messages to be delivered by all CGPCS partners to the Somali community and diaspora, and welcomed the initiatives of UNPOS and UNODC in Somalia in this regard, and emphasized the importance of exploring innovative means to support implementation of the CGPCS communication strategy.

The CGPCS endorsed the progress made in each of its Working Groups, and tasked them to continue their work in conformity with the conclusions of their respective chairmen.

4 The CGPCS noted the announcement by the United States and the Republic of Korea that the Republic of Korea will take over the chairmanship of Working Group 3 in March 2012.

5 The CGPCS emphasized that adequate means must be provided to the international response to piracy, covering, amongst others: sufficient military assets to ensure an effective military response; furthering efforts of law enforcement and judicial agencies to effectively investigate and prosecute all those engaged in and profiting from piracy; stronger support from the international community for the development of prosecution and detention capacity in Somalia and in the region, to be provided, inter alia, through the Trust Fund, which the private sector is called upon to contribute to as well;

6 The CGPCS noted that a solution to piracy can only be found by combining the counter-piracy activities outlined above with the wider efforts aimed at stabilizing Somalia, which include promoting good governance and rule of law, strengthening the Somali government's institutions and fostering socio-economic development through a comprehensive, multi-faceted approach. The CGPCS therefore welcomed the engagement by the Special Representative of the Secretary-General for Somalia with the CGPCS and welcomed the strengthened cooperation between the CGPCS and the International Contact Group on Somalia.

7 The CGPCS welcomed the launch of the official CGPCS website and expressed its gratitude to the Republic of Korea for developing and maintaining the website, which is accessible at [www.thecgpcs.org](http://www.thecgpcs.org).

8 The CGPCS decided upon a rotation schedule for membership of the Trust Fund Board for 2012 and 2013.

9 The Eleventh Plenary Session will be held under the chairmanship of the United Arab Emirates.

. . . . .