

CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال الخاصة بالقرصنة قبالة السواحل الصومالية • Groupe de contact sur la piraterie au large de la Somalie
Grupo de Contacto sobre la Piratería frente a costas de Somalia • 打击索马里海域海盗联络组
Контактная группа по борьбе с пиратством у берегов Сомали

FIFTEENTH PLENARY SESSION OF THE CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

11 AND 14 NOVEMBER 2013

Communiqué

The Contact Group on Piracy off the Coast of Somalia (CGPCS) concluded its 15th Plenary Session in Djibouti on November 14, 2013 under the Chairmanship of the United States of America. This marked the first time the CGPCS convened in the region and the meetings benefitted greatly from participation by representatives of the Federal Government of Somalia and regional authorities. The CGPCS thanked the Government of Djibouti for hosting the plenary and for its continued partnership on this important issue. Djibouti's leadership made possible this first-ever extended "Counter Piracy Week" in the region, which ran from November 10-14, and potentially serves as a model for future meetings of extended duration.

Participants agreed that sustained efforts by the international community and regional partners have suppressed maritime piracy off the Horn of Africa but have not yet eradicated it. The CGPCS welcomed the report of the United Nations Secretary General (S/2013/623) pursuant to Security Council resolution 2077 (2012) on the situation with respect to piracy and armed robbery at sea off the coast of Somalia. As noted in the report, the gains seen over the last 18 months are reversible, as the fundamental conditions that permitted piracy to flourish remain. The CGPCS reaffirmed the importance of regional ownership. The CGPCS remains committed to enabling the Federal Government of Somalia to assume its rightful role in leading the fight against piracy through near-term activities ashore and eventually through action at sea with the support of regional organizations.

Participants received a comprehensive briefing from the European Union (EU) Naval Force 'Operation Atalanta' chief of staff and the NATO 'Operation Ocean Shield' representative on behalf of the SHADE co-chairs (EU, NATO, and CMF), who reported that while pirate activity continues to trend at the lowest levels since 2008, there has been an unexpected upsurge in pirate activity in recent weeks as pirate action groups put to sea to replenish their stocks of hostage vessels. While pirate gangs operating from Somalia have not successfully hijacked a major merchant vessel since May 10, 2012, and currently hold no major merchant vessels hostage, they continue to hold more than 50 hostages and remain a threat to mariners in the region.

The CGPCS welcomed remarks by the Chairman of the Anti-Piracy Task Force of Somalia describing his country's progress in pursuing a Somali response to eliminating piracy.

The European Union briefed the CGPCS on the conference 'A New Deal for Somalia' held in Brussels on September 16, 2013. EU and Somali authorities endorsed a New Deal Compact. The aim is to create a better future for all Somali people by means of a dialogue and process that promotes political reconciliation and establishes peace, security, justice, and sustainable

development throughout the country. International partners have committed to provide political and financial support (1.8 billion Euros) to the New Deal Compact.

CGPCS participants visited the Japan Self Defense Forces' operational facility and the flagship of the EU Naval Force 'Operation Atalanta,' HNLMS JOHAN DE WITT, to receive an update on counter piracy from the SHADE co-chairs, an operational briefing, and review first-hand the capabilities that international maritime forces bring to counter-piracy efforts. The CGPCS welcomed the success of international forces in suppressing piracy off the coast of Somalia; the continued downturn in piracy is due in no small part to their vigilance and cooperation. The CGPCS noted the continuing need for maritime forces to suppress piracy at sea and urged contributing nations to continue the deployment of counter piracy missions and forces to the region, and welcomed in this regard the Japanese decision to participate in Combined Task Force 151 of Combined Maritime Forces after December 2013. The CGPCS noted that continued pressure from maritime forces is a critical component of further dismantling criminal networks that prey on shipping by making their business model unprofitable and unsustainable, and until these networks are dismantled, maritime trade will remain vulnerable.

The Contact Group endorsed the document *Messaging to the International Community* produced by Working Group 4 (WG4) and reaffirmed that the Federal Government of Somalia should lead counter piracy messaging efforts to Somalis and that the CGPCS should support those authorities to ensure messages be consistent with those of the international community. WG4 participants agreed that the Working Group had completed its mission and, noting the importance of messaging, recommended that future CGPCS Chairs develop an annual strategic communications plan.

The CGPCS welcomed Somalia's stated intent to adopt the Somali Maritime Resource and Security Strategy, noted the reaffirmation of that strategy during the New Deal Conference in Brussels, and encouraged continued international commitment from partners positioned to support its implementation. There is now a need to establish an effective mechanism by which the donor community can engage with both the Federal Government of Somalia and regional partners.

United Nations Assistant Secretary-General for Political Affairs Mr. Taye-Brook Zerihoun briefed CGPCS participants on ongoing UN efforts, including through the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. Following the conclusion of the United Nations Political Office for Somalia (UNPOS) mandate, the Trust Fund Board decided to designate the United Nations Assistance Mission to Somalia (UNSOM) as one of the Recipient UN Organizations in place of UNPOS in the Trust Fund Board.

The CGPCS welcomed contributions from France, Italy, Norway, and the Netherlands to the Trust Fund since the fourteenth plenary in May 2013, bringing the total deposited contributions to the Trust Fund to nearly **\$19.21** million since its inception in January 2010, of which **\$16.92** million has been committed and disbursed. During the November 14 meeting of the Trust Fund Board, four projects worth \$1.7 million submitted by INTERPOL, International Maritime Bureau, and United Nations Office on Drugs and Crime (UNODC) were approved.

The CGPCS approved the Trust Fund Board of Directors for 2014-2015, to include representatives from the following countries: France, Germany, Japan, Kenya,

Netherlands/Norway (shared seat), Seychelles, Somalia, the United Arab Emirates, the United Kingdom, and the United States of America.

The CGPCS welcomed the contribution of the European Union of 37.5 million Euros for regional maritime security program of which a major part will benefit Somalia.

The Director of Operations for UNODC reiterated the commitment of UNODC to ongoing capacity building programs. He noted specifically the commencement of UNODC efforts to support Somali maritime law enforcement and ongoing maritime legal reform activities designed for delivery under the Kampala Process.

The United Kingdom updated the CGPCS on the second Somalia Conference, co-chaired by the President of the Federal Government of Somalia and the British Prime Minister on May 7, 2013. The Federal Government of Somalia presented its plans and immediate priorities on security, justice, and public financial management. International partners committed expertise and over \$350 million in funding.

The United Arab Emirates shared the conclusions of its Dubai Conference, and reiterated the commitment of the UAE to support Somalia in its efforts to recover its stability and build the capacity to combat piracy. The CGPCS noted with appreciation the UAE's focus on public-private partnerships in this endeavor.

CGPCS members visited the EU's regional maritime capacity building mission EUCAP Nestor where they received an extensive presentation of the mission's on-going activities to increase the maritime security capacity of countries of the Horn of Africa and the Indian Ocean. The CGPCS noted with satisfaction that EUCAP Nestor is now fully operational.

The CGPCS attended a briefing on the successful operation of the Djibouti Regional Training Center (DRTC) being built under the auspices of the Djibouti Code of Conduct implemented by the International Maritime Organization (IMO). The CGPCS noted the continuous efforts of the Government of Djibouti, EU MARSIC project, and IMO to deliver training that benefits the region. The CGPCS commended the efforts of donors such as Japan for work in building regional capacity, including through contributions to the establishment of the DRTC. The CGPCS toured the future site of the training center now under construction.

Working Group 1 (WG1) focused on regional engagement, capacity building, and information sharing. There was strong support for greater regional ownership and strengthening capabilities. Participants received updates from the Federal Government of Somalia, Somaliland, Puntland, and Galmadug on the positive progress achieved on the ground and their respective priorities and challenges looking forward. There was continued endorsement of the Somali Maritime Resource and Security Strategy and the technical-level coordination between the parties achieved through the Kampala Process. There was support for preserving such an inclusive process while also ensuring more regular engagement with the international community. WG1 participants discussed different mechanisms; UNODC and WG1 will convene a meeting of Somali and key international stakeholders in the region to take forward this work. WG1 also heard updates from the Governments of Djibouti, Kenya, Mauritius and Seychelles, and UNSOM, UNODC, EU, Regional Fusion and Law Enforcement Center for Safety and Security at Sea (REFLECS³), formerly RAPPICC, and the Djibouti Code of Conduct. The Intergovernmental Authority on

Development provided a briefing on its security sector reform program. WG1 received updates on the work of the Capacity Building Coordination Group (CBCG) and its outreach to facilitate the input and validation of regional countries' capacity building requirements. The CBCG met for its fifth session and continued to pursue an analysis of the maritime security needs of Somalia and other regional countries. The CBCG agreed that maritime commercial capacity building projects should be included in the CBCG process.

On information sharing, WG1 noted the intent of SHADE to form a working group dedicated to arriving at the most accurate possible statistics and threat analysis for the region. In addition, a technical sub group of WG1 will consider future information sharing requirements in the maritime domain and present a paper on the anticipated challenges and potential solutions for discussion by WG1 in early 2014.

The Chair of Working Group 3 (WG3) noted the enduring concern of some countries over the scope of the High Risk Area (HRA). He reported that WG3 was not able to agree on the convening of an ad hoc meeting this year to discuss the matter as industry desired more time for internal deliberation after the first meeting of a SHADE working group to conduct a threat analysis in December 2013. Several delegations expressed the importance of implementing the decision taken by the 14th Plenary meeting of the CGPCS to hold an ad hoc meeting to review the scope of HRA before the end of the year, while expressing regret that the meeting has not been convened. Those delegations have noted their view that the extended HRA as outlined in BMPs 3 and 4 does not reflect the reality regarding piracy activity in the Red Sea and some parts of the Indian Ocean.

The CGPCS commended the efforts of WG2 to provide legal guidance on all legal issues related to the fight against piracy, including in regard to ensuring the prosecution of suspected pirates. Legal capacity building remained a focus of the CGPCS. Working Group 2 (WG2) discussed ongoing activities, including the November 5-9, 2013 Kampala Process meetings in Djibouti in which Somali technical experts developed a three-year training plan for key legal partners engaged in combating maritime crime. WG2 also welcomed the continuing infrastructure, training, and mentoring focus of UNODC's prisons and corrections work in Somalia. In this regard, WG2 strongly urged states and organizations to remember that the incarceration of pirates is an important long-term element of counter piracy actions that will require sustained future support. WG2 reported that 1130 Somali pirates are now detained for trial, undergoing trial, or convicted, in 22 nations.

WG2 discussed legal aspects of the use of Privately Contracted Armed Security Personnel (PCASP) and discussed practical examples of situations involving PCASP onboard private vessels and noted the submission by the United Nations Interregional Crime and Justice Research Institute (UNICRI) of the draft report by the Informal Expert Working Group on the use of Privately Contracted Armed Security Personnel (PCASP) on Board Ships. It noted the development and implementation of standards through ISO PAS 28007 and the disposition of seized pirate equipment and compensation, and discussed Somali child pirate suspects, and detention and human rights in the counter piracy context. The comprehensive list of WG2 legal papers addressing legal counter piracy challenges can be found in the WG2 Legal Toolbox on the CGPCS webpage.

Oceans Beyond Piracy (OBP) presented remarks on “Sustaining Progress” emphasizing the necessity of continued efforts by navies, industry, and regional states to provide the operating time and space for solutions ashore. OBP also stressed the urgent need to pragmatically address priority issues on land, since comprehensive solutions will take time to demonstrate a lasting impact on maritime crime. The CGPCS welcomed the presentation and noted the continuing good work being undertaken by, and important role of, non-governmental organizations (NGOs). The role of NGOs in providing advocacy and direct support to the Somali people, in an apolitical manner, is particularly noteworthy. The CGPCS reaffirmed its commitment to continuing productive relationships with the NGO community.

The key legal challenge in countering piracy off the coast of Somalia is to ensure the prosecution of pirate kingpins and financiers. The CGPCS called on the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea. The CGPCS also encouraged Somali authorities to pass all relevant legislation to facilitate the prosecution of individuals suspected of piracy and the imprisonment of convicted pirates in the country.

The World Bank briefed participants on the newly released report, “Pirate Trails.” The CGPCS Chair commended the World Bank, UNODC, and INTERPOL for preparing the report and encouraged the continued devotion of resources to efforts seeking to expose the movement of illicit funds generated by pirate activities.

Working Group 5 (WG5) welcomed the key recommendations arising from the joint World Bank, UNODC, and INTERPOL “Pirate Trails” report. Technical assistance and capacity building are necessary to help Somali and other regional countries’ authorities to recruit and train staff capable of exercising regulatory and supervisory functions over the financial sector. WG5 also welcomed the work undertaken by UNODC, in collaboration with the World Bank, to enhance the regulation and supervision of Money or Value Transfer Services inside Somalia, including the establishment of the Somali Money Services Association.

Seychelles reported on their experience with a relatively new but well-functioning Financial Intelligence Unit and noted the advantages of being part of the Egmont network. A solid system of financial control is necessary to avoid abuse of financial systems, such as money laundering, by piracy financiers and organizers. In this respect, WG5 welcomed the work undertaken by UNODC, in collaboration with the World Bank, to enhance the regulation and supervision of Money or Value Transfer Services inside Somalia, including the establishment of the Somali Money Services Association.

The CGPCS noted that international information sharing, cooperation, and coordination are essential to the disruption of pirate networks ashore and must be a priority as participants seek to end the impunity thus far enjoyed by pirate kingpins and financiers. The CGPCS took note of the Government of Seychelles’ announcement regarding the re-missioning of the Regional Anti-Piracy Prosecution and Intelligence Coordination Center (RAPPICC) to the Regional Fusion and Law Enforcement Center for Safety and Security at Sea (REFLECS³). The new center will pursue a tripartite mission: 1) combating transnational organized maritime crime, 2) sharing maritime trade information, and 3) coordinating regional capacity building efforts. The CGPCS noted that through consultation with and substantive participation by other regional states and partners, sustainable maritime rule of law in the greater region may be achieved.

WG5 called upon states to step up efforts to investigate and prosecute pirate financiers. INTERPOL briefed members of WG5 on the newly-established Joint Investigative Team (JIT) gathering investigators and prosecutors from Kenya, Tanzania, and Seychelles; this offers a promising mechanism for cross border cooperation and effective investigation of pirate networks and their affiliates in the Horn of Africa. WG2 will review its existing documentation in the WG2 Legal Toolbox with a view to assist.

The end of piracy off the Horn of Africa ultimately depends on the engagement and leadership of regional partners. In some areas, progress is apparent and the CGPCS commended the continued effort of states, in particular states in the region, to prosecute and to facilitate the prosecution of suspected pirates, and encouraged states and organizations to continue sharing information and lessons learned on the prosecution of piracy. The Contact Group welcomed the efforts of the Federal Government of Somalia, Puntland, Somaliland, and Galmaadug to combat piracy and noted the ongoing challenges, for which enhanced efforts are required.

The CGPCS reaffirmed the need for a continued naval presence in the region, in consonance with the United Nations Secretary General's report which noted that pirate attacks may increase if the international naval presence is reduced or if commercial vessels relax their self-protection measures.

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.

The Chair announced the formation of the Lessons Learned Project to be undertaken by a consortium consisting of the International Peace Institute, Cardiff University, Oceans Beyond Piracy, and the EU Institute for Security Studies. The Consortium will create and maintain an on-line repository to collect and make available to researchers, analysts, and policy makers the unedited submissions from CGPCS participants that reflect their views about the international efforts undertaken since 2008 to combat piracy off the coast of Somalia. The Chair urged all participants to make available to the Consortium their observations regarding the effort to combat piracy.

Participants engaged in an informal exchange of views on whether or how the CGPCS should evolve in the near future to account for progress achieved and more effectively address the tasks remaining. The incoming Chair will convene a strategic planning meeting early in 2014 to consider the options for evolution of the structure and working processes of the Contact Group.

The CGPCS welcomed the upcoming assumption of the chairmanship by the European Union. The outgoing and incoming chairs committed to close cooperation during the transition. At the invitation of the European Union, the CGPCS agreed to meet at the United Nations in New York on May 14, 2014.

All members of the Contact Group remain acutely aware that although attacks have declined, pirates continue to hold more than 50 innocent mariners in deplorable conditions. The Contact Group also remains mindful that piracy is a crime whose direct victims are individual human beings deprived of their freedom and, tragically, on several occasions their lives, as well as their families, for whom also the consequences are serious and enduring. The Maritime Piracy

Humanitarian Response Programme provided an in-depth update on mariners still held hostage and the challenges faced by mariners after release.

The Chair noted the successful completion by WG3 of the “Interim Guidelines on Measures Relating to the Welfare of Seafarers and their Families Affected by Piracy off the Coast of Somalia” and the CGPCS endorsed those guidelines. The WG3 Chair expressed the hope that the new guidelines will contribute to improving the welfare of seafarers and their families affected by piracy off the coast of Somalia by proposing a set of recommendations, including post-release support, financial support, and future employment. The WG3 Chair further proposed that the guidelines be submitted to the IMO to be used as a reference framework in dealing with piracy problems in other parts of the world. The guidelines, co-authored with industry representatives, will be publicly available at www.thecgpcs.org.

The CGPCS urged pirate leaders on the one hand, and flag states, shipowners, and others with influence on the other hand, to effect immediately the unconditional release of all hostages. The CGPCS is encouraged by the affirmation of the Somali authorities, in the course of the proceedings, to take all necessary steps involving all stakeholders in Somalia for the expeditious release of all captive seafarers. It also called upon the many stakeholders in the maritime community to provide support and assistance to former hostages and others affected by Somali piracy, including the families of those still held hostage.