

Contact Group on Piracy off the Coast of Somalia

Sixteenth Plenary Session, United Nations Head Quarters, 14 May 2014

Communiqué

Summary

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Sixteenth Plenary Session at the UN Headquarters in New York on 14 May 2014 under the Chairmanship of the European Union.
2. The Plenary was dedicated to the memory of Mr. Clément Gorissen and Mr. Simon Davies who, working for UNODC, were killed in a heinous attack in Galkayo on 7 April 2014. Their deaths are a tragedy not only for their families, their friends, their colleagues and the United Nations family, but also for the people of Somalia who so badly need the kind of assistance that they were providing.
3. The CGPCS urges the immediate release of the remaining innocent seafarers currently being held captive in Somalia.
4. The CGPCS officially endorsed a series of measures to streamline and refine the CGPCS structures and working procedures with a view to making the CGPCS more demand-driven, delivery-focused, cost-effective and to increase regional participation and representation through a system of co-chairing arrangements for its Working Groups.
5. WG1 has been renamed the Working Group on Capacity Building. It will concentrate on capacity building and will be co-chaired by the UK and the Indian Ocean Commission. WG2 has been transformed into the 'Legal Forum of the CGPCS', preserving the legal network as a virtual legal forum of legal experts. It will be co-chaired by Mauritius and Portugal. WG3 has been renamed 'Maritime Counter-Piracy and Mitigation Operations'. It will bring, amongst others, industry, navies and seafarers organisations together. This WG will be co-chaired by Japan, Seychelles and the United Arab Emirates. WG5 has been renamed 'Disrupting Pirate Networks Ashore' and will

continue to be chaired by Italy and focus on financial flows tracking and arresting piracy kingpins. Law enforcement expertise will be concentrated in a dedicated, autonomous Task Force.

6. The CGPCS welcomes the efforts made by the international counter piracy forces off the Horn of Africa and calls upon all stakeholders, civilian and military, public and private, to remain jointly engaged in the fight against Somali piracy. Progress is real but potentially reversible. The CGPCS remains committed to continuing its work to eliminate piracy off the coast of Somalia, including by enabling Somalia to build an effective and sustainable response to piracy.

7. The CGPCS was informed by the Federal Government of Somalia that the Federal Government is developing a Maritime Security Strategy, consistent with and to aid the implementation of the broader Maritime Resource and Security Strategy. The CGPCS commends the Federal Government of Somalia for its efforts to assume greater responsibility for eradicating piracy and other maritime crimes and fostering cooperation to bring pirate kingpins to justice, and calls upon it to continue and amplify this effort. Somalia, with the support of regional countries and the international community, now need to consolidate the gains made by the international community and make substantive changes ashore in Somalia through focussed and prioritised efforts over the next two years.

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FULL TEXT

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Sixteenth Plenary Session at the UN Headquarters in New York on 14 May 2014 under the Chairmanship of the European Union.

2. The Plenary was dedicated to the memory of Mr. Clément Gorissen and Mr. Simon Davies who, working for UNODC, were killed in a heinous attack in Galkayo on 7 April 2014. Clément and Simon were helping the Somali people to tackle the organised crime that is stifling the development of their country. Their deaths are a tragedy not only for

their families, their friends, their colleagues and the United Nations family, but also for the people of Somalia who so badly need the kind of assistance that they were providing.

3. The CGPCS officially endorsed the proposals formulated at the CGPCS Strategy Meeting in Paris on 28 January 2014 to make the CGPCS more demand-driven, delivery-focused, cost-effective and to increase regional involvement. As part of this effort, WG meetings will normally be held back-to-back with the Plenary.

4. The operational update done by the SHADE co-chairs has become a permanent feature of the Plenary. WG1 has been renamed the Working Group on Capacity Building and will be co-chaired by the UK and the Indian Ocean Commission. The WG will concentrate on capacity building and meet twice a year. The WG will include panel discussions dedicated to Somalia and the region. This format allows both Somalia and the region to take more ownership of the process.

5. WG2 has been transformed into the 'Legal Forum of the CGPCS'. The legal network will be preserved as a virtual legal forum of legal experts. The Legal Forum is not a WG but will report to the Plenary. The Legal Forum can meet on an ad-hoc basis, if and when required. Portugal and Mauritius will co-chair the Legal Forum of the CGPCS.

6. WG3 has been renamed 'Maritime Counter-Piracy and Mitigation Operations'. This WG will bring, amongst others, the shipping industry, navies and seafarers organisations together. This WG will be co-chaired by Japan, Seychelles and the United Arab Emirates.

7. WG5 has been renamed 'Disrupting Pirate Networks Ashore'. The WG will continue to focus on financial flows tracking and arresting piracy kingpins. The WG will aim to become more technical/operational by incorporating specific expertise within the WG. The law enforcement expertise will be concentrated within a dedicated, autonomous Task Force. Italy remains the chair; a co-chair from the region is invited.

8. The CGPCS expressed its gratitude to the outgoing Working Group chairs Denmark (ex-WG2) and Korea (ex-WG3) and commended them for the sterling work done.

9. The CGPCS welcomed the remarks made by Mr. Jeffrey Feltman, United Nations Under-Secretary-General for Political Affairs; Sheikh Issa, National Security Adviser to the President of Somalia; Mr. Jean-Claude de l'Estrac, Secretary General of the Indian Ocean Commission; Mr. Peter Hinchliffe, Secretary General of the International Chamber of Shipping and Mr. Koji Sekimizu, Secretary General of the International Maritime Organization.

10. Stakeholders received a comprehensive briefing from the SHADE co-chairs (EU, NATO and CMF), who reported that pirate activity continues to trend at the lowest levels since 2008. The CGPCS was also informed that the mandate of NATO's multinational naval presence has been extended until 2016. The EU's naval presence may be extended until 2016 pending formal decision by the relevant decision making bodies. While pirate gangs operating from Somalia have not successfully pirated a merchant vessel since May 10, 2012 they continue to remain a potential threat to mariners in the region.

11. Real progress has been made on containing piracy at sea but the trend is potentially reversible without the continued deterrence and disruption effects of international navies, the self-protection by the shipping industry, and until such time as capacity-building efforts ashore have sufficient effect.

12. WG1 (Working Group on Capacity Building) met ahead of the Plenary. The UK and the IOC, the latter as co-chair designate of the Working Group, reported on their first meeting in the new format, which comprised key regional actors and international donors. There was agreement that Somalia, the region and the international community needed to inject greater urgency into counter-piracy capacity building. There was agreement to prepare a paper on key priorities and capabilities to the end of 2016, which will be presented at the next WG. The National Security Advisor of the Federal Government of Somalia provided an outline of current priorities and committed to update the next WG on progress in developing its Maritime Security Strategy. The Federal Government of Somalia briefed the WG on its National Maritime Coordination Committee, which facilitates coordination within the government between its relevant Ministries and the regions in Somalia, and the Maritime Steering Group which, along with the Ministry of Foreign Affairs, will enable coordination with the international

community. The Federal Government of Somalia committed to writing to the co-chairs of the WG to clarify both the working and high level points of contact for the international community on counter-piracy issues within the Federal Government. The WG discussed and endorsed the new terms of reference for the WG with the caveat to include comments made at the meeting.

13. Criminal investigation and prosecution of apprehended pirates continues to be a priority for the CGPCS. The importance of continuing to support national prosecutions and incarceration in the region, including in Somalia when possible, cannot be underestimated, and the CGPCS commended the work of the UNODC Maritime Crime Programme in that regard.

14. Denmark marked the dissolution of WG2 in its existing form with the message that its main mission had been completed successfully. A comprehensive legal toolbox has been provided, models for trial and transfer have been developed, international law has been clarified and legal networks have been established. Denmark has commenced working with Portugal and Mauritius, the co-chairs of the 'Legal Forum of the CGPCS', in order to secure a swift handover.

15. After the successful completion and endorsement by the 15th Plenary of the "Interim Guidelines on Measures Relating to the Welfare of Seafarers and their Families Affected by Piracy off the Coast of Somalia", the Chair of WG3 submitted the Interim Guidelines to the 93rd Maritime Safety Committee (MSC) of the IMO so that it may become available as a reference framework in dealing with the welfare of seafarers affected by piracy in other parts of the world. The Guidelines are a document of a declaratory nature without binding force. They could, however, serve as a significant first step toward forming a reference in dealing with seafarer welfare problems. CGPCS Stakeholders are in this regard called upon to consider becoming a co-sponsor of the Interim Guidelines during the deliberations of the MSC.

16. Building on the work of over the past two years, a Law Enforcement Task Force (LETF) was set up with the aim of enhancing international law enforcement cooperation to prosecute pirate leaders and piracy financiers. The Task Force, coordinated by the US Department of Justice, will operate independently and focus on information and evidence sharing and prosecution of kingpins and financiers. The Task Force intends to

welcome the participation of nations committed to prosecuting pirate leaders and financiers or holding evidence that will directly contribute to the effort. The LETF will hold its first meeting in the fall of 2014 and will report on progress at the next Plenary Session. Welcoming the initiative, WG5 invited countries to facilitate the participation of prosecutors and investigators involved in combating piracy to the LETF and stands ready to support the LETF including by promoting Somali cooperation in facilitating the arrest and prosecution of pirate kingpins. WG5 heard reports on the World Bank project on Pirate Trails, the INTERPOL Global Maritime Piracy Database, the evolution of REFLECS 3 (formerly RAPPICC) and took note with satisfaction that UNODC will continue its work on enhancing capabilities to counter illicit financial flows in countries of the region. Capacity building to combat illicit financial flows is also necessary.

17. The CGPCS welcomed contributions from Japan, Republic of Korea, Qatar, Saudi Arabia and Spain to the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia since the fifteenth Plenary in November 2013, bringing the total deposited contributions to the Trust Fund to nearly \$21million since its inception in January 2010, of which some \$18 million has been committed and disbursed. During the 13 May meeting of the Trust Fund Board, six projects worth \$2.5 million submitted by United Nations Office on Drugs and Crime (UNODC) were approved. The Board also decided to allocate another \$130,000 to strengthen personnel and resource management of the on-going Hostage Support Programme. The Board gave in principle approval to a project submitted by the United Nations Office of Legal Affairs, proposed and supported by the Federal Government of Somalia, to build the knowledge and capacity of Somali legislators and technical officials regarding the rights and duties in the maritime zones set out in the United Nations Convention on the Law of the Sea. In addition, the Board decided to replenish the Expedited Facility to avoid any disruption of programming and amended the terms of the Expedited Facility so that this Facility could also be utilised for short notice hostage support, recovery and repatriation expenses.

18. 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. The CGPCS commends the Trust Fund as a remarkably efficient mechanism

taking into account that the Trust Fund supported projects take place in a volatile security environment. It recognized that only 19% of the Trust Fund grants have been used for administrative, staff, audit, security, and travel support.

19. The CGPCS welcomed the signature of an agreement between the EU and Tanzania on the transfer of suspected pirates apprehended by EUNAVFOR. The agreement was signed in Brussels on the first of April by the High Representative of the Union for Foreign Affairs and Security Policy and the Minister of Foreign Affairs of Tanzania.

20. 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.

21. The CGPCS noted the enduring concern of some countries on the scope of the High Risk Area (HRA) and the fact that the ad hoc meeting to discuss this issue, as agreed to in previous Plenaries, is yet to be held. Further to the deliberations of the 14th and 15th Plenaries, a recommendation is made to the WG Maritime Counter Piracy and Mitigation Operations to convene the ad hoc meeting on the HRA issue just before the next CGPCS meeting.

22. The provision of adequate training is of great importance to found and strengthen the necessary security institutions in Somalia, aiding the Somali authorities, amongst others, to establish and implement a Maritime Police and Coast Guard Law to eradicate piracy. The NATO Maritime Interdiction Operation Training Center (NMIOTC), in close cooperation with the International Maritime Organization (IMO), provides valuable support to these efforts with its provision of counter piracy training to the Somali authorities and other key players and stakeholders in the Horn of Africa.

23. On the issue of the PMSCs and PCASP, the Plenary noted the extant development of guidelines and advisories by the IMO and ISO. There is now a need to share these Best Practices, as articulated in the IMO guidelines and ISO: PAS 28007.

24. In Japan, an act on special measures to allow Privately Contracted Armed Security Personnel (PCASP) on board Japanese-flagged vessels in areas determined on the base of the High Risk Area in the Best Management Practices (BMP) came into effect on 10 December 2013. Japan has been consistent in helping Somalia and its neighbouring countries in acquiring substantial law enforcement and judicial capacities. Japan has contributed US\$ 14.6 million to the Trust Fund of the Djibouti Code of Conduct, and made a new, additional, contribution of US\$ 1 million on 14 March 2014 to the Trust Fund to support states countering Piracy off the coast of Somalia. In March 2014 Japan announced a new package of assistance which amounts to US\$39.69 million, with a view to supporting the peace and nation building of Somalia.

25. The CGPCS Lessons Learned Consortium consisting of Cardiff University, Oceans Beyond Piracy, the EU Institute for Security Studies and the International Peace Institute has been tasked to document the experiences of the CGPCS and its stakeholders and draw lessons from it. The Lessons Learned Consortium is in the process of drafting a series of papers which address specific lessons from the CGPCS, including, inter alia, the legitimacy of the CGPCS, ownership, African actors in the CGPCS and the participation of non-state actors and industry. The Lessons Learned Consortium stands ready to support the Working Groups in their on-going and planned work, including strategic and planning issues. All CGPCS participants are urged to contribute and support the work of the Lessons Learned Consortium in order to adequately document the lessons of the CGPCS.

26. The CGPCS is keen to improve the visibility of the core programs, initiatives, projects, missions and operations that the CGPCS stakeholders have undertaken in the fight against piracy off the coast of Somalia. To that end the EU Chair initiated the CGPCS Banner Project that showcases the iconic achievements of the CGPCS stakeholders and continued the production of CGPCS Newsletters. The CGPCS website was further developed to make it more user friendly.

27. The CGPCS noted that approximately 50 seafarers are still being held hostage in Somalia. All have been held hostage for more than two years, some for more than four years. The CGPCS calls upon all its stakeholders to redouble their efforts to secure their immediate release.

28. The CGPCS agreed to meet in the last quarter of 2014 for the second CGPCS Counter-Piracy Week, during which all Working Groups will convene to work on cross-cutting thematic issues, and which will culminate in the 17th Plenary, hosted by the United Arab Emirates and chaired by the European Union. The EU Chair will invite the Board of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia to hold its periodic meeting during the event.

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