



TWENTY-FIRST PLENARY SESSION of the CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA
Final Communiqué

12th – 13th July 2018, Nairobi (Kenya)

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its 21st Plenary session at the United Nations Office in Nairobi (UNON), Republic of Kenya, on the 12th and 13th July 2018. CGPCS Trust Fund, Working Groups and other Groups met on 11th July 2018 to provide inputs for the Plenary. This plenary session was chaired by the Republic of Mauritius as Chair of the Indian Ocean Commission that was designated to the chairmanship of the CGPCS during its 20th Plenary Session in July 2017 in Mauritius. The Members of the CGPCS thank the Republic of Kenya, the UNODC and the Indian Ocean Commission for the organization of the 21st Plenary session.
2. In attendance were the following countries: Australia, China, Denmark, France, Germany, Greece, India, Italy, Japan, Kenya, Madagascar, Mauritius, Netherlands, Norway, Pakistan, Panama, Portugal, Qatar, Russia, Saudi Arabia, Seychelles, Somalia, South Korea, Spain, Sri Lanka, Sweden, Tanzania, Turkey, United Arab Emirates, United Kingdom, , United States. The Somali delegation included representatives from the Federal Government of Somalia, the Federal Member States and Somaliland.
3. Other organisations attending included: Combined Military Forces (CMF), European Union (EU NAVFOR, EUCAP Somalia, EU CRIMARIO), Eastern African Community, Food and Agricultural Organisation (FAO), Intergovernmental Authority for Development (IGAD), International Maritime Organisation (IMO), International Seafarers Welfare and Assistance Network (ISWAN), Interpol, Indian Ocean Commission (IOC), NATO, United Nations Office against Drugs and Crime (UNODC), United Nations Department for Political Affairs (UNDPA), UN Somalia, UN Assistance Mission in Somalia (UNSOM), UNDP Somalia, Regional Coordination of Operations Centre (RCOC), Regional Maritime Information Fusion Centre (RMIFC), Somalia and Eritrea Monitoring Group (SEMG), One Earth Foundation (OEF), Oil Companies International Marine Forum (OCIMF), Copenhagen University, Coventry University and M&S Saatchi.
4. Recalling the UN Security Council Resolution 1851 of 18th December 2008 that set up the CGPCS as a most necessary mechanism for dialogue, exchanges and coordination of all States, International and Regional Organisations and Non-State Actors involved in addressing piracy off the coast of Somalia.
5. Welcoming continued efforts by the international community to combat and deter piracy off the coast of Somalia but acknowledging that piracy remains a threat in the region and expressing the concerns for recent incidents and calling on the shipping industry to ensure compliance with Best Management Practices 5 (BMP5).
6. Taking note of the organization of a Ministerial Conference on Maritime Security in Western Indian Ocean co-organised by the IOC and the Republic of Mauritius with the support of the European Union in April 2018, in Mauritius, and acknowledging one of its major outcomes namely the strengthening of the Maritime Security architecture in the Western Indian Ocean with the formalization of two regional mechanisms on sharing and exchange of maritime



information and on coordination of operations at sea, set up through MASE programme, that augment the existing networks of national and regional Centres arising from the DCOC.

7. Acknowledging the IOC CGPCS Chair's willingness to build on acquis and achievements of the CGPCS and to strengthen partnerships to deter piracy in Western Indian Ocean in the long term, the Plenary indicated their support to the theme of the Chair as "Leaving a long-lasting legacy for the region".
8. EUNAVFOR / CMF provided for an assessment of the threat underlining a spike in piracy attacks in early 2017 with a reduced number of incidents since then. Three incidents have taken place since the last CGPCS Plenary with two piracy attacks in November 2017 (suspects currently awaiting trial in Seychelles) and one piracy attack in 2018. The CGPCS was informed that the classification of piracy attacks had changed to a new revised maritime security events classification which should allow to deepen the understanding of the nature of maritime crimes in the Gulf of Aden and Western Indian Ocean and to better adapt the response. Exchanges with the Plenary oriented on the need to address the broader issues of piracy with respect to maritime security. There were expressions that privately contracted armed security personnel and floating armouries may have led to the proliferation of arms.
9. The shipping industry expressed concerns regarding the increase of wider threats beyond piracy and requested the Contact Group to better analyse and understand these threats in the Gulf of Aden and Western Indian Ocean. This concern was also shared by other Delegations.
10. CGPCS participants emphasized that the CGPCS needs to remain an agile, responsive and flexible mechanism and reconfirmed the decisions of the 20th plenary of the CGPCS concerning the institutional structure and working modalities. It was re-emphasized that it is the responsibility of the Chair of the CGPCS to organise an extra-ordinary plenary if required drawing on the communications and reports made by the Working Group Operations at Sea, including the EU NAVFOR/CMF, other affiliated groups, the industry and other participants of the CGPCS.
11. The Plenary agreed on the need to strengthen the monitoring of the decisions taken during plenary sessions. In this regard, the Chair will identify key decisions to be monitored and, after consultation with the concerned stakeholders, will present to the next Plenary a brief on the related outcomes.
12. CGPCS Members appreciated continued efforts undertaken to enhance Somali Capacities. The Plenary took note that the process for Coordinating Somali Capacity building has settled down into a new fully functioning system of a National Maritime Coordination Committee (NMCC) where the Federal Government, its ministries and Federal Member States meet to assess priorities. A similar process exists in Somaliland. This is followed by a Maritime Security Coordination Committee (MSCC) meeting with the International Community, donors, implementing agencies, the NMCC and Somaliland to discuss priorities and progress against the Somali Maritime Resource and Security Strategy (SMRSS). The MSCC met in Nairobi prior to the CGPCS to review threats, priorities and progress. The Plenary acknowledged the support provided by IGAD to the NMCC and MSCC.
13. The CGPCS commended the commitment of the International Community for its effective contribution to combat and deter piracy in Western Indian Ocean and commended the



announcement of the decision of the European Union to extend the mandate of the EU NAVFOR mission until December 2020.

14. The Plenary reiterated its support to the UN Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and called for its continuation. The Plenary took note of the 2017 Annual Narrative Progress Report presented and welcomed the constitution of the new board of the Trust Fund comprising of Italy, Japan, Kenya, Netherlands, Norway, Seychelles, Somalia, South Korea, United Kingdom, Tanzania and Turkey. The Plenary commended the Trust Fund for their response to the immediate, short-term needs for detention, prosecution, and repatriation of pirates, as well as meeting the long-term capacity needs for deterrence such as alternative employment and revenue streams for Somali coastal communities, and investment in building up Somalia's legal, governance, and maritime infrastructure to address specific issues related to piracy. The Plenary took note of the continuation of the Expedited Facility and the Board decision to approve two new projects, Project 90 submitted by UNODC for the Law Enforcement Task Force (LETF) Asset Freezing Initiative, and Project 91 submitted by UNODC for Piracy Trial Support to Somalia. The Plenary acknowledged the importance of the Trust Fund while expressing its concerns regarding the trend of decreasing funding availability. Noting the added-value that the Trust Fund projects have in promoting maritime security for the region, it called upon CGPCS members to both promote the excellent work of the Trust Fund and to provide contributions to it. The Plenary noted that the Secretariat of the Trust Fund would look to close the Trust Fund should one million dollars not be present in the Trust Fund's account by the end of the year.

15. Concerning the Piracy Survivor Family Fund report:

- a. CGPCS welcomed the endorsement to an amendment to the Maritime Labour Convention by the tripartite committee of the International Labour Organization and IMO that would ensure the payment of seafarers' wages while they are held captive by pirates. Under the amendment, seafarers and their families would continue to benefit from contractual wages during the period of captivity, regardless of whether the date fixed for [contract] expiry has passed or either party has given notice to suspend or terminate it. The amendment also ensures that the seafarer's right to repatriation is protected in the event of prolonged captivity.
- b. Piracy threats are still prevalent in the Gulf of Aden and Western Indian Ocean and as such seafarers should continue to remain vigilant and not be complacent while transiting piracy affected waters. Effective training and briefing of seafarers should be an important aspect of their preparation prior to embarking vessels that transit through piracy prone areas.
- c. Recognising that the CGPCS remains committed to the objective of “*zero seafarers and zero ships*” in the hands of Somali pirates, the CGPCS remains concerned that four Iranian seafarers from FV Siraj remain as hostages inside Somalia in appalling conditions. International and regional partners should continue to make efforts towards release of these unfortunate fishermen through the Hostage Support Programme.
- d. Acknowledging that piracy survivors need post trauma intervention and many of their families have fallen into poverty in their absence, the CGPCS welcomes the work of International Seafarers' Welfare and Assistance Network (ISWAN) and Maritime Piracy Humanitarian Response Programme (MPHRP), as well as the CGPCS Piracy



Survivors Family Fund (PSFF), which provides funds for the survivors of Somali piracy, and for their families, to provide a range of support during and after captivity and recognizing the need to continue supporting these initiatives.

16. The CGPCS took note of the discussions arising in the Regional Capacity Building Working Group (RCBWG) during its meeting held in Nairobi in March 2018 and agreed to :

- a. Commend the Republic of Kenya and the IOC for their Chairing of the RCBWG with the support of Oceans Beyond Piracy (OBP) as the secretariat and expressed its appreciation to the General Secretariat of the COMESA for accepting to join Kenya as co-chair of the working group.
- b. Complete the matrix presenting all regional capacity building activities to take stock of achievements, identify specific needs and build synergies while avoiding overlapping / duplication. In this regard, Regional States are pressed to share their national priorities to the secretariat of the RCBWG.
- c. Support coordination and joint activities between RCBWG with Djibouti Code of Conduct (DCOC), as well as regional Centres put in place through DCOC and MASE Programme. The Plenary welcomed the proposal made to the Kingdom of Saudi Arabia to join the RCBWG as co-chair to facilitate the cooperation and close alignment of regional capacity building efforts. The strengthening of these ties should lead to the constitution of a common platform for capacity building.
- d. Facilitate the recourse of the Djibouti Regional Training Centre (DRTC) to deliver training.
- e. Promote research and human resource development (HRD) for maritime security, as well as networking of institutions working in related issues. The CGPCS considered positively the inclusion of HRD in the work undertaken by the RCBWG.

17. The CPGPCS took note of the discussions arising in the Working Group on Operations at Sea (WGOPS) during its meeting held on 11th July 2018 and:

- a. Commended the Republic of Seychelles, the Republic of India and the United Arab Emirates for co-chairing the WGOPS and the Republic of Sri Lanka for its support as secretariat.
- b. Following presentations by SHADE represented by CMF, the Shipping Industry represented by OCIMF and the independent deployer, India, and IMO, the Plenary noted that the series of piracy-related incidents indicates that piracy in the region is suppressed but the conditions leading to piracy remains and suggested certain measures to deal with.
- c. Acknowledged the fifth version of the BMP 5 as a positive effort to ensure compliance as the major way of preventing piracy and underlined that the continued international naval presence, as well as compliance with the recently released BMP 5 are of major importance.
- d. Took note that the WGOPS should consider separate criteria for assessment of the high-risk area for commercial purposes.



- e. Emphasized that a number of maritime security issues and transnational crimes may present threats to the safety of navigation in the region, including spill-over from the conflict in Yemen into the maritime domain. The CGPCS then agreed that further effort is required to evaluate how IUU fishing, smuggling, and other transnational maritime crimes are contributing factors to the threat of piracy.
 - f. Took note that the WGOPS shall continue to monitor progress in developing a regulatory framework on floating armouries.
 - g. Appraised the strengthening of the regional mechanism for surveillance and control, as well as information sharing network with setting up of regional centres that should eventually include all the countries in the region and partners.
 - h. Invited the WGOPS to pursue its role in monitoring and assessing the situation at sea and advising the CGPCS Chair.
18. UNODC briefed the plenary on the work of the Law Enforcement Task Force which has been reinvigorated at the request of member states at the 19th plenary. The Task Force, which is made up of investigators and prosecutors and to which UNODC serves as secretariat, has had a number of successes in prosecuting piracy kingpins and is now moving towards tracking their assets inside and outside Somalia. The Plenary welcomed the work of the LETF and asked that the Trust Fund continues to provide financial support.
19. The Plenary noted that UNODC hosted an IOFMC session on Charcoal sanctions implementation, in line with its mandate from the UN Security Council Resolution 2385/17 and brought together a range of involved countries and organizations. The meeting heard a briefing from the Somali Eritrea Monitoring Group on how charcoal exports bring \$10m into Al Shabaab coffers (and potentially \$20m with revenue sharing). Discussions on potential implementation options ranged from land-based capacity building, operations at sea and action by receiving states to stop imports of sanctioned charcoal. The Plenary welcomed UNODC taking the lead to address illegal sugar smuggling which also adds an estimated \$12m to Al Shabaab funding as indicated during the meeting. UNODC were requested to report back to the next CGPCS Plenary in 2019.
20. The Virtual Legal Forum (VLF, also known as Piracy Legal Forum), co-chaired by Mauritius and Portugal, met on the side-lines of the 21st CGPCS plenary session. The Plenary took note that the VLF is a cost-effective informal platform and agreed that it should continue in its present form and aiming at serving the needs of CGPCS Member States. It was also noted that there are still legal challenges to be addressed, also due the dynamics in maritime security in terms of threats, context and responses. The Forum has an important role to play, including by providing legal assistance in coordination with the MSCC and/or other groups. Given the nature of its attributions, the revitalization of the Forum's dedicated website (www.piracylegalforum.org) was considered key to the fulfilment of its mandate and should be integrated in the broader CGPCS communication strategy. The Plenary noted the interest of the VLF in the presentation of the Montreux Document as applicable to maritime security. The Plenary took note of the view of the VLF that the wider Indian Ocean is the area which is facing issues with Privately Contracted Armed Security Personnel (PCASPs) and floating armouries and the same should be regulated. The CGPCS noted that the VLF recognises the work of India and UNODC (in particular the UNODC Global Maritime Crime Programme



Maritime Expert Conference from 18th to 20th June in Colombo) in the area of PCASPs and floating armouries. It was also brought to the attention of the CGPCS that VLF intends to liaise with academics to request their inputs on the issues of regulating PCASPs and floating armouries. Moreover, it was felt that the Forum would benefit from furthering its linkage with academia. Although the privileged way of functioning of the VLF is through electronic means, the Plenary agreed on the need for the VLF to continue to meet on the side-lines of CGPCS' plenary meetings.

21. The CPCS Plenary took note of the communication and coordination Strategy drafted by the Secretariat and of its presentation during the Friends of the Chair meeting prior to the 21st Plenary session. The CGPCS agreed on the need to reinforce communication among members. The proposed strategy will constitute a working document on the basis of which a Plan of Actions shall be formulated to improve existing tools and create new needed materials and tools with the support of stakeholders. The Secretariat will also conduct consultations with key stakeholders to enhance the profile of the CGPCS and improve the circulation of information between members.
22. The CGPCS noted the main outcomes of the High-level workshop on the implementation of the Djibouti Code of Conduct and its 2017 Jeddah Amendments convened by the International Maritime Organisation (IMO) and hosted by the Kingdom of Saudi Arabia in Jeddah from 7th to 10th May 2018. The CGPCS confirmed, as stated at the Jeddah Workshop, that piracy off the coast of Somalia is contained but remains a threat so that a long term comprehensive solution is required. This solution shall be based upon the mechanism agreed by the regional Member States to build regional capacities pursuant to the objectives of the Jeddah Amendment.
23. The CGPCS would like to thank OBP for its extraordinary support to the MSCC/NMCC and maritime capacity building in the region noting that the OBP Programme closed effectively on 1st July 2018.
24. The Plenary took the opportunity to thank the Somali authorities for ensuring that those prosecuted in the Seychelles and transferred to Somali prisons to serve their sentences continue to do so in secure and humane conditions. The Plenary also reminded the Somali authorities that the sentences served must be those passed by the courts of the prosecuting states and that any proposal to vary the sentences in conformity with the Transfer Agreement.
25. The Chair of the CGPCS shared his vision for the future of the CGPCS and proposed a documented reflexion towards a medium to long term pro-active approach with an enlarged mandate to crimes and threats directly related to piracy. In the absence of consensus among CGPCS Members, it was decided to postpone the consideration of this proposal to the next Plenary. A draft document to be prepared by the secretariat on the expansion of the mandate would be circulated among CGPCS members and considered by stakeholders in the meantime.
26. The next Plenary session shall take place preferably between April and June 2019.

**Adopted by the Plenary session of the CGPCS
on 13th July 2018 in Nairobi, Republic of Kenya**