

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

FOURTEENTH PLENARY SESSION UNITED NATIONS HEADQUARTERS, 1 MAY 2013

COMMUNIQUÉ

Summary

The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Fourteenth Plenary Session at the UN Headquarters in New York on 1 May 2013 under the Chairmanship of the United States of America. Participants agreed that while piracy has been reduced dramatically through the concerted efforts of the international community and the Somali people themselves, this positive trend is inherently reversible because the fundamental conditions that permit piracy have not changed. The CGPCS committed to continuing its work to eliminate piracy emanating from Somalia, including by enabling the Federal Government of Somalia to lead an effective and sustainable response to piracy both ashore and at sea, and dealing effectively with such criminal activity by its citizens. The CGPCS endorsed the progress made by the five Working Groups and tasked them to continue their work in conformity with the statements of the respective chairmen. The CGPCS agreed to pursue the following four specific areas of emphasis during 2013, in addition to the work on-going in the five Working Groups:

- Seek to better integrate the CGPCS's work with that of other formal institutional actors, including the Federal Government of Somalia, through deliberate and purposeful collaboration;
- Communicate more effectively to the international community at large and to Somalis themselves the multi-faceted on-going work in the CGPCS to counter piracy emanating from Somalia;
- Strengthen and focus the international community's efforts to disrupt pirate networks ashore and their illicit financial flows, including through support to *fora* that promote active and effective information exchanges among prosecutors and investigators, with a view to bringing to justice the key figures in these criminal organizations; and
- Proactively address the complex policy and legal issues associated with the use of embarked armed security and transport of weapons for self-defense on commercial ships, noting the need to respect applicable law, and further coordinating efforts on-going in relevant organizations with these issues.

The CGPCS welcomed remarks by Their Excellencies Hassan Sheikh Mohamud, President of the Federal Republic of Somalia; Ambassador Yuri Fedotov, Executive Director, UN Office on Drugs and Crime (UNODC); Mr. Oscar Fernandez-Taranco, UN Assistant Secretary General for Political Affairs, and Mr. Aldo Lale-Demoz, Director of Operations, UNODC, each of whom stressed the need for continued pressure on pirates at sea, as well as coordinated international support to the Federal Republic of Somalia as it seeks to rebuild its institutions and develop the capacity to protect and use its rich maritime resources for the benefit of the Somali people.

The CGPCS welcomed the substantial progress made through the Kampala Process toward development of a Somali Maritime Resource and Security Strategy. The CGPCS encouraged swift agreement of the strategy, including the detail of its implementation, and participants pledged their continued commitment to support Somalia and its people in developing the capabilities necessary to deliver an effective Somali-owned approach to maritime security and management of maritime resources. The CGPCS similarly welcomed the progress made by the Federal Government of Somalia in regard to the codification of the law relating to the Somali Exclusive Economic Zone including confirmation that the required laws exist in order to allow Somalia to make the necessary declarations, and reiterated its support for this process. The CGPCS also encouraged the government of the Federal Republic of Somalia to complete the process to adopt and implement anti-piracy legislation.

Working Group (WG) 1 reported on its March 21 meeting at the UN ECA Conference Centre in Addis Ababa, its first convocation outside London and a constructive move towards greater regional engagement and participation in CGPCS activities. The CGPCS welcomed the consecutive meetings in Addis Ababa of WG1 and WG4, a good practice that enabled participants from both groups to ensure consistent and comprehensive messaging to the people of Somalia on the efforts of the international community to support their tackling of piracy.

The CGPCS welcomed the continuing achievements being made by the international naval force combating piracy off the coast of Somalia and the unprecedented levels of cooperation, including through the Shared Awareness and Deconfliction Mechanism. The CGPCS noted the continuing value of deterrence and disruption activities by naval forces.

The CGPCS underlined the importance of the Capacity-Building Coordination Group and its associated Capacity-Building Coordination Platform to maximize the collective impact of the international community's endeavours, and welcomed the very significant increase in the amount of information on capacity building efforts being shared among participants since the 13th Plenary session.

The CGPCS noted that pirates are adapting their tactics in response to the successful disruption of operations on land and at sea, and the positive impact of self-protective actions taken by ships transiting the High Risk Area (HRA). The CGPCS also noted that pirate groups were still active despite the current lack of successful hijacking. The CGPCS strongly encouraged all shipping transiting the HRA to continue to apply Best Management Practices (BMP) in full and encouraged governments to continue their support of international naval operations in the Gulf of Aden and the Indian Ocean, in particular until such time as substantive progress has been made to sustainably dissipate pirate activity.

WG2 reported on its meeting on 10-11 April in Copenhagen. The CGPCS commended the continued efforts of WG2 to provide legal guidance to CGPCS on all legal issues related to the fight against piracy, including in regard to ensuring the prosecution of suspected pirates in accordance with international

standards. The CGPCS noted that more than 1200 pirates are currently being prosecuted or have been prosecuted for piracy in more than 20 countries worldwide. The CGPCS recognizes the valuable contribution made by prosecuting States in the region, such as Kenya, Seychelles, and recently Mauritius.

The CGPCS welcomed the continued implementation of the Post Trial Transfer system and the progress of the UNODC Piracy Prisoner Transfer Programme. It underlined the importance of national and international monitoring procedures and welcomed the work of the UNODC in this respect. The CGPCS repeated the need for all States to implement the relevant provisions of international law into their national systems, including to ensure that conspiracy to commit piracy is punishable under national law and that national law, procedures, and practices are geared to contribute to the disruption of piracy networks ashore, including through extradition and mutual legal assistance.

The CGPCS welcomed the consecutive meetings in Copenhagen of WG5 and the Special Meeting of Piracy Prosecutors and Investigators, hosted by INTERPOL and the WG2 and WG5 chairs. With regard to the latter, the CGPCS underlined the importance of increased information exchange and cooperation with a view to strengthen investigations into common high-value targets, and urged the practitioners to continue and enhance their cooperation, and called upon the WG2 and WG5 chairmanships to continue facilitating this work.

The CGPCS welcomed the thorough discussions of human rights issues in WG2 and the plans to share best practices in this field, including on how to handle children suspected of piracy. The CGPCS tasked WG1 to explore with key relevant stakeholders the modalities of reporting accurate updates on the status of hostages and ships being held by Somali pirates.

WG3 reported on its 6 February meeting in Seoul. The CGPCS welcomed the on-going effort in WG3 to develop the “Comprehensive Guideline for the Welfare of Seafarers and Their Families Affected by Somali Pirates” and noted with appreciation the work of the Hostage Support Program managed jointly by the UN Political Office on Somalia and the UNODC, in particular its assistance to the repatriation of hostages released from captivity. The CGPCS welcomed the recent reduction in ships and hostages held by Somali pirates and called for the immediate and unconditional release of the dozens of seafarers still held captive, some for more than three years. The CGPCS received a presentation by the Maritime Piracy Humanitarian Response Program on the humanitarian aspects of piracy on seafarers and their families and the work to assist those affected.

The CGPCS takes note of the report of the WG3 meeting, which included discussions on the issue of the HRA, bearing in mind that the HRA is defined in the industry-developed BMP publication series. Egypt, India, and Oman had previously submitted papers replying to inquiries of the industry and requesting review of the scope of the HRA at the WG3 *ad hoc* meeting on HRA on 15 January in London. In light of the discussions of the issue and the clarifications made during the meeting, the WG3 will hold another *ad hoc* meeting on the HRA in the second half of this year to review the threat assessment by naval forces, any changes in the position of stakeholders, and the possibility of reducing the scope of the HRA.

The CGPCS noted the development of the Publicly Available Specification 28007 procedures for PMSC by the International Organization on Standardization, as well as the WG2 compilation on relevant

international regulation and guidance on PCASP (Privately Contracted Armed Security Personnel). The CGPCS called on states that permit the use of PCASP to establish the necessary national framework. The CGPCS furthermore urged States to respond to the International Maritime Organization questionnaire on information on port and coastal States requirements to PCASP. The CGPCS noted that this guidance and information together would provide solid advice and assistance to States, organizations, ship-owners, PMSCs, PCASP and other relevant actors on all aspects on the use of PCASP.

The CGPCS received the proposed draft of *Effective Counter-piracy Messaging to the International Community* developed in WG4, which also updated its roles and responsibilities and formed a small working group to develop Standard Reporting Procedures for effectively communicating activities and messages from the five Working Groups to the CGPCS Chair. Over 40 CGPCS representatives attended a WG4 meeting in Addis Ababa on 18-19 March. The Somali Deputy Minister for Information, Telecom and Transport and the CGPCS committed to collaborate to harmonize anti-piracy messaging. Representatives of the international community agreed to support the Somali government's counter-piracy messaging efforts and to align our messages where appropriate.

In the interest of improving public understanding of the CGPCS and its activities, the U.S. Chair agreed to produce a quarterly newsletter for dissemination by participants as they deem appropriate. The newsletter, which will be approved by Working Group chairs and other hosted contributors who wish to have their counter-piracy activities cited therein, will be posted on the CGPCS website hosted by the Republic of Korea (www.thecgpcs.org).

The CGPCS endorsed and urged states to implement the Ten Key Principles in Information Sharing for Identifying and Prosecuting Pirates developed in WG5, noting that international information sharing, cooperation and coordination are essential to the disruption of pirate networks ashore. Recognizing the importance and deterrent value of building prosecution cases against those organizers and financiers in Somalia who are responsible for sending the Pirate Action Groups to sea, the CGPCS encourages further coordination by all states and relevant entities. INTERPOL plays a key role in collecting and analyzing evidence and data related to piracy and in making this information readily available to appropriate authorities. WG5 is promoting strategic collaboration between governments and private party victims of the pirate attacks, including seafarers, ship-owners and their law firms, insurers, and negotiators. Noting the parties' overriding interest in protecting the lives of hostages and facilitating their release, this collaboration between authorities and the private parties concerned should be further enhanced. The CGPCS urged States to designate National Points of Contact for policy and operations related to hostage negotiation and information sharing.

In connection with the CGPCS's interest in disrupting pirate networks ashore, participants noted that Financial Intelligence Units (FIUs) could provide important contributions to piracy investigations and efforts to recover ransom money paid to pirates, and urged the strengthening of regional FIUs and financial systems in the region to allow them to help identify the channels used to move ransoms to their criminal beneficiaries. The CGPCS looks forward to the release of the UNODC-INTERPOL-World Bank study on the illicit financial flows linked to piracy off the coast of Somalia, in the expectation that its findings may be used to encourage international assistance to building capacity in the financial sectors of countries in the region.

The CGPCS noted with appreciation that UN Development Program's Multi-Partner Trust Fund (MPTF) Office took over as Administration Agent of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia (Trust Fund), and thanked UNODC for its past contribution in this area.

The CGPCS welcomed the contributions from Turkey and the United Kingdom to the Trust Fund since the thirteenth plenary in December 2012, bringing the total deposited contributions to the Trust Fund to nearly \$17 million since its inception in January 2010, of which \$16 million has been committed and disbursed. It further called on States and the private sector to ensure that the national commitment of Somalia and regional countries to prosecute and imprison pirates is matched by strong support and assistance from the international community, including through generous financial contributions to the Trust Fund.

The CGPCS welcomed the opening on 25 February 2013 of the multi-national Regional Anti-Piracy Prosecution Intelligence Coordination Centre, hosted by the Republic of Seychelles. The Centre was established to support law enforcement cooperation to combat regional piracy and maritime-linked transnational organized crime, and intends to work in partnership with international and regional governments and organizations such as INTERPOL and UNODC.

The non-governmental organization Oceans Beyond Piracy announced the upcoming release of a new report entitled "Burden Sharing Multi-Level Governance: A Study of the Contact Group on Piracy off the Coast of Somalia," which will examine the potential applicability of this *ad hoc* international collaborative model to other challenges to international order and security. The CGPCS welcomed the invitation to a symposium on the topic of "Creating Economic Opportunities for Somalia" co-sponsored by the CGPCS and Oceans Beyond Piracy to be held on 2 May 2013.

The United States agreed to assemble a "Lessons Learned" compendium, with the goal of capturing best practices and significant observations reflecting the collective experiences of the international counter-piracy community of interest in combating piracy off the coast of Somalia. This compendium will be made available for reference in developing international responses to other complex challenges to international security. Contributions to this compendium should be directed to pm-cpms@state.gov.

The CGPCS welcomed the announcement that the United Arab Emirates will hold its third annual high-level public-private anti-piracy conference in Dubai from 11-12 September 2013. The conference theme will be maritime requirements of Somalia.

The CGPCS agreed to meet in Djibouti during 10-15 November 2013 for a "Counter-Piracy Week," during which all five Working Groups will convene to work on cross-cutting thematic issues, and which will culminate with the 15th Plenary, hosted by the Government of Djibouti and chaired by the United States. The Chair will invite the Trust Fund board to hold its periodic meeting during the Djibouti event.

The CGPCS welcomed the offer by the European Union to chair the Contact Group in 2014.
