

Reflections on four years' work in the Contact Group. An Interview with Donna Hopkins.

In this interview Donna Hopkins, former chairman and one of the original initiators of the CGPCS discusses her experience with the group. She outlines how meetings are prepared and staged, provides advice for junior diplomats of how to prepare and act in such an informal setting and reflects on controversies and tensions in the group, as well as its institutional set up. The interview documents what significant work and resources are required to make the CGPCS work.

The interview was conducted during a visit of Mrs. Donna Hopkins, former chairman of the CGPCS, to Cardiff University, 15th of April 2014.

Can you describe an average meeting of the Contact Group Plenary, what happens there, and how is the meeting prepared?

The agenda for every Contact Group meeting has been pre-planned by a relatively small group of actors and it is agreed and disseminated beforehand, and over time, has agendas have developed a certain set of characteristics. There is a statement, an approbation that piracy off the coast of Somalia remains a problem that requires a concerted international effort to deal with. Then there will be statements by various high level actors saying that his or her institution, organization, or government is committed to this effort and why. Then the working group chairmen would each give overviews of what their working group had accomplished since the last plenary and a brief overview of their intentions for the work plan, and, since we created the Trust Fund, there is a report by the secretariat of the Trust Fund. Up until very recently each delegation was given a chance to make statements and we sat through dozens of pro forma scripted statements of why each government cared about the piracy problem. Finally, there would be a communique session when we essentially read out the communique and come to an agreed text. Towards the end there is a statement about when the next plenary would be, who would chair it, and what the outcomes should be. We conclude the plenary, finalize the meeting and then sometime hold a press conference. So it is a script that has varied over time and it generally goes from affirmation that piracy is still a problem, yes we need to still work on it, this is what everybody is doing, and this is what the communique says: what we are going to do going forward. Most of the substantial work occurred outside the plenary.

What kind of work substantial work is that? To phrase it differently how would you prepare for a meeting?

Preparation by the plenary chairman is a very different thing compared to preparation for a national delegation. For the United States, if I was chairing the meeting, it took weeks and weeks' worth of work to develop the agenda, get the agenda agreed, develop or collect food for thought papers or working papers, or ideas to draw reports out of different places and try to develop a thematic sense of what the Plenary is going to be like. In preparing to lead the U.S. delegation, I would always conduct a series of inter-agency meetings so that the whole inter-agency delegation have a common purpose going into the plenary so that we knew what

we as US delegation wanted to see out of the Plenary. For certain things that we wanted to see in the communique or things that we wanted brought up for discussion in the plenary, I would very often early on pass out papers, that is, idea papers of what things we ought to be doing. Sometimes they were acted upon and sometimes they weren't. Every delegation, every contributor, every head of delegation I would say, in between plenaries would take action with their own national governments to accomplish "Goal xyz", such as change a counter-piracy law, set up a naval mission to go support, try to create or fund substantial programs to be implemented through UNODC or UNDP or USAID or other implementer. There was a lot of work going on behind the scenes within the governments. I did a lot of consultations across my department, my government and with other governments, and lots of outreach to my counterparts to see what they are thinking in Denmark, or Sweden or Norway or wherever, and what are they doing about this.

What kind of advice would you give a future delegation leader preparing for the contact group?

The biggest thing preparing to go to New York is to have a strong intellectual grasp of what is not yet being done. I do not pay a lot of attention to the work that has been done or that is ongoing. I looked for the unmet needs, the unmet challenges, the things that we are going to have to work on in the future. So I would say the biggest thing for any delegation is go look for the gaps in policy or implementation and try to find ways to suggest in a plenary how we collectively, the international community address the gaps.

The Contact Group has different formats, what would you say is the role of receptions and the side events?

I think more work is done in the side events than in the plenary. I think the chats over coffee, over drinks, the side meetings, that is where lots and lots of substantial work gets done. The diplomatic dance I think doesn't change a lot in the Contact Group from any kind of other diplomatic assembly. Just as a matter of courtesy, the chair of the contact group ought to host some kind of get together, an icebreaker for people who come a long way for your meeting. It helps to develop personal relationships with the different delegations and it helps for informal discussions. And lots of things, especially points of contention that delegations might have bilaterally can get resolved so that they don't have to be resolved in plenary. So we always have the reception or the dinner before. The UK always sponsored an informal breakfast in the morning. A kind of a way ahead to discuss where and what the hard issues are. This was very helpful. Different delegations, Norway, Denmark and Netherlands had informal preparatory meetings. The US, until very recently always held a formal perpetrator meeting about six weeks before the plenary to discuss the agenda. But I think those preparatory meetings, or prep cons, or whatever you want to call them, and the receptions, are more important than the plenary meetings, because the plenary meetings came to be simply playing out the script. And everybody understands if a meeting is well run there are no surprises at the meeting. Everybody knows what the meeting is going to be and it simply puts the promoter on the agreements on the way forward and provides the minutes, the communique, the prior meetings, and pro forma approval of the way ahead. The real work is done before the plenary.

How important is then the plenary? Why have the plenaries at all, if all the work gets done before?

It is important for all the stakeholders and participants might otherwise not have visibility on what the discussion is. Just because your mechanics might prohibit it and at informal receptions of 90 people or more, not every issue can be discussed in detail. The plenary also provides a public, formal opportunity to put your statement on record, the Philippines says that, Mauritius says that, the Republic of the Marshall Islands says this or that, so it is an important opportunity to be heard in a significant multilateral event and have your high level comments memorialized for formal consumption. The communiqués are very good reference documents. Some governments feel that they need some sort of basis of multilateral agreement in order to take forward initiatives within their own governments. Some governments are much more prone than others to home grown and field initiatives. Others feel like or are much more reactive, either because they do not have the institutional capacity or they do not have the institutional personality to grow initiatives. Maybe the problem is not that high on their priority list, but they can be seen to be players. So Philippines for instance is disproportionately affected because of a disproportionate numbers of international merchant marines are Filipino, so they are very significantly affected and the domestic population feels significantly impacted by piracy. But the Philippines institutionally does not have whole lot of capacity to do much about it. But they can be heard and they can contribute in ways that are meaningful to the international solution. So in some ways it is sort of like the UN, where everybody gets a voice and everybody can be heard, but without the formality of the UN. So it documents what the international community is doing. And also, for some countries who are really affected by what is going on concerning for instance, India and Egypt and the High Risk area, it gives them a place to state for the record their objections to whatever is going on. So I think plenaries are important and useful.

How would you describe the working atmosphere at the plenary and in the Contact Group?

Multilateral diplomacy, which is really what this is, requires a whole skill set and is a unique field of its own, and if you don't enjoy multilateral and interest-balancing negotiations you will really hate contact group meetings. But that is what diplomacy about. I do enjoy it a lot because you learn about different countries' perspectives and the people who are representing their countries, and you learn a lot about issues you might otherwise not know about. Because for every country, even if you take piracy, which is a very simple and straightforward crime, the respective ability or willingness, political will, in a country to get engaged, is going to be a function of a lot of other stuff behind the scenes that you may not see. Competing priorities, or domestic politics, or other ongoing bilateral issues vis a vis other countries. It is a very interesting intellectual exercise to see why a diplomat from country A says or does something other than what one would expect to do. If country A wants something to happen, but is making an issue out of it, there is always a reason why. So it is the kind of the backstories of all these delegations that I find very interesting. I like them. But that is not where the real work is done.

What kind of skillset is required to do multilateral diplomacy in the Contact Group? If you would give the advice to a junior diplomat what is it that he really has to know to survive in the contact group and enjoy it there?

He or she would have to be interested in the backstories and able to accommodate different perspectives. You have to figure out what the weakness of others is and how their weakness can translate into your advantage. This is diplomatic gamesmanship. But that means that you have to understand lots of stuff. For instance, that people or delegations behave in certain ways that may not be obvious to you and you need to know why. You need to understand the national perspective, you need to understand the mechanical environment that you are working in, to know organizational mechanics, and you need to be sensitive to your own context, your own political context, so that you do not derail your own country's strategic objectives to maintain your tactical or operational objective in one environment. Which is one reason we don't push really hard on some countries beyond a certain point because there are greater strategic interests. We work very well with the EU on counter-piracy, there are tensions and forces vis a vis EU and NATO, that are somehow problematic, or vis-à-vis the United States that might be problematic, but the nice thing about piracy is that everyone hates piracy and we are all in together and all want the same outcome. But the underlying diplomatic tensions provide some intellectual challenges for diplomats.

Can you give an example of such tensions or controversy?

Well, I think one that I can talk about without giving out any diplomatic secrets is the whole Greece – Turkey – Cyprus tension that has been ongoing for decades,. Turkey did not want to join an international meeting where Cyprus is represented as an equal participant; Greece, which has the largest flag fleet in the world, refused to continue to participate in the Contact Group if Cyprus was not included. Cyprus wanted to contribute to the trust fund; Cypriot ships had been pirated, and they wanted to help the international effort ships had been pirated. We had to overcome this dynamic, we changed the terms of references.. Instead of speaking about members, we referred to participants, and Turkey agreed to participate on these terms. That is just one example of tensions in relationships that could have forestalled cooperation, such as . Russia – NATO, Japan – China, India and Pakistan. China and the U.S., for instance, have gotten along very well in the political and operational counterpiracy context. Iran, which is at odds with practically every country, has been really helpful in the counter-piracy front and the tactical sense, but they can't participate in the Contact Group. Not because the U.S. does not want them there, but because other countries would not agree to their participation. So there are existing international spats and there is a dynamic that you have to take into account in any multilateral setting. The nice thing about the Contact Group is that because it is informal the presence or participation of one country in the Contact Group meeting does not carry the diplomatic weight that would if the same set of countries would for instance go to the UN. If the Contact Group had been a UN body, the dynamics would have played out very, very differently. Formal bilateral disputes, for instance, may have prevented cooperation that we were able to achieve in the Contact Group.

Does this imply that the majority of the controversies in the Contact Group have nothing to do with piracy? They come from the outside?

The participants of the contact group could disagree on the things we ought to do about piracy, and those disagreements can be very spirited, but they do not affect our bilateral relations on other issues. Bilateral disagreements, such as between the U.S. and Syria and Russia, for instance, would not affect the chemistry of the delegations in the contact group context.

What are the main lines of conflict in the Contact Group, or are there some ongoing tensions?

There have been lots of tensions. At the beginning, Industry and several European governments did not want privately contracted maritime security guards on their ships and did not want to permit it. At least six European governments have changed their laws, and the regulations to permit the embarkations of private armed guards on commercial ships. That was a big issue for a long time. And IMO has never endorsed it, was vocally against it for a long time and then just became neutral on the topic when it was clear that industry wanted to the right to put guards on their ships. That was one issue.

The issue of the high risk areas being delineated in the BMPs is another one. India and Egypt in particular but also Saudi Arabia, Oman. Saudi Arabia, Oman, India and Egypt seriously object the delineation of the high risk areas because it diverts commercial traffic from their shore lines and it has an economic impact on them and they think that the Contact Group ought to force industry to change the delineation. The Contact Group can't force industry to do risk analysis and assessment that result in high risk area delineations, we can't do that. But Egypt is still mad at me because I refused to convene that meeting.

The Contact Group's focus on containing piracy rather than fixing Somalia was a major irritant at the beginning. The UN's International Contact Group on Somalia was created to help fix Somalia; we were supposed to fix piracy off the coast of Somalia. There are some things we can do that can help them, and they can help us, and if they can solve their problem we wouldn't have a problem, but if we solve our problem it won't necessarily fix their problem. But they are two completely independent lines of action who simply have some points of interactions. That debate has mostly gone in my favour, mostly because I refused to have it any other way, and we have no way to fix Somalia. But this has always been a point of contention. When we created the Trust Fund, the purpose of the trust fund was supposed to devote a source of money to enable the prosecution of Somali pirates or to deal with short term operational expenses; like we paid for repatriating Somalis who were picked up by forces but not prosecuted and we returned them back to Somalia. Or to pay for prosecution and the operational expenses of it. Other countries thought it ought to be an open fund to do anything that would help fix Somali piracy, like creating a Somali coastguard. No, no, that is not what this trust fund is for. So these are ongoing disagreements. There are disagreements among some countries about how one should deal with pirates that one picks up. There is one country, who I won't name, that just kills them, you know they don't see any purpose at all and think that it is excessively humanitarian to try pirates. You pick them up and you drown them. So there are lots of points of disagreement on that.

What would you say is the function of the final communiqués, to achieve agreement and get beyond these controversies? How important is the communiqué?

I think the communiqué is very important, because what ends up in the communiqué are all points upon which everyone agrees. And the communiqués can be a basis for subsequent national action, or national programming, or national diplomacy. And to those countries who feel that they need an international imprimatur, or need to be able to communicate to their parliaments or governments that the international community says this, it gives some weight and legitimacy to the persuasive argument that we ought to do x, y or z, change or improve laws, permit counter-piracy operations, or put more money towards the construction of prisons in Somalia. I think the communiqués have been impetus really for national action, so they are very important.

If you could re-design the Contact Group again, from a point of view in 2008, how would it look like, and what would be different?

I would not hold it at the UN Headquarters because the proceedings have too much of a UN flavour when the meetings are held at there. I would have preferred to hold plenaries in different capitals. We used the UN facilities primarily for reasons of economy, so that those governments who wished to participate didn't have the additional expense of having to put together complex delegations and go to lots of different places. The least wealthy countries could not afford to do that and the least wealthy countries were arguably the most important stakeholders, especially the African regional actors. But it does give the impression that this is an UN undertaking. I do not want to disregard the importance of the United Nations, because the UN Security Council Resolutions were important, the programmatic and institutional capabilities and capacities of the UN technical and implementing agencies are very important. And it gives a formal legitimation, the appearance of a formal linkage with the UN missions to Somalia and a higher level of flavour of multilateralism to the contact group. Yet, simply holding the meetings at the UN gave too much of a UN flavour to the Contact Group myself.

I liked the way the Contact Group ended up; it is really inclusive. Essentially anybody who cares and has a legitimate reason to come to the meetings can come to the meetings. But I do not think it would have been as successful if it had started that way. I am actually glad we grew it from smaller to larger and become from more exclusive to more inclusive. I don't think it would have worked if we had tried to start out with 90 participants and everybody in the world who cared about piracy had come to our meetings. So I am not dissatisfied with that. There are lots of things I would have liked to work better. I would like to see donors being more generous to the trust fund. I think we did what we could at the time with what we had and we grew it over time. I don't like the way that working group four started and I don't like the way it turned out. In retrospect I don't think we should have never have put a country in charge of a strategic communication public diplomacy working group, because we did not agree until very late in life of the Contact Group what we could or should be doing in that regard. The countries and delegations that were really effective were those whose governments appointed pro-active and empowered officials to really take forth their portfolios and again Denmark and the Netherlands really come to mind, the UK to a very great extent, mine certainly, France is so to a lesser extent. Germany was very bureaucratic in their approach, but they were effective and they had money and they did stuff that was

helpful and useful. I would have liked Germany to play a little bit more of a driving role in the group, but that just wasn't on their political priority list. And Germany arguably was not as negatively affected as, relatively speaking, Netherlands and Denmark and some of the other smaller countries that are existentially dependent on their shipping industries

If you would have the opportunity to one word of advice to someone who wants to set-up an international contact group, what would it be?

You have to be willing to create a secretariat and carry the load of the secretariat, which is not cheap. And you are not going to get international contributions for it, so you have to – before you try to take this on you have to have a clear understanding of what it is going to cost you in time and resources, staff time and actual resources. You have to have people and you have to have money, and the people have to be empowered to spend the money to do stuff that is important towards the success of the group. We were fortunate in that the U.S. government did have the time, staff and money to devote. And we had a national strategy, we had political top cover from our leadership and piracy was important enough to spend resources on the problem. Without these things, you are never going to have an effective Contact Group. And I think that the people who have some experiences in this know what I am talking about. The UN Political Office on Somalia (UNPOS), for instance, was not a success because they didn't have the necessary resources or the political priority to really push for what they needed to do. UNSOM is better positioned than UNPOS was, but everything the UN does is subjected to bureaucratic protocols and assessments and processes, hiring processes, etc. When I was chairman, I wasn't an UN Secretariat, and hence was able to hire as many people as I could afford or find or steal or borrow... So, you know, I wasn't constrained in that regard. Hence, I would say the single most important thing is to have an effective secretariat, driven by an empowered individual with a mandate to go get the job done.

If you look back on the four years of work with the Contact Group, was there anything that you found like unexpected or surprising?

The unanimity of consensus that we reached to fix this problem has been really surprising to me. People fussed on the margins at times about how we went about doing it, but everybody has been really pretty dedicated. And we haven't lost any participants. The level of interest remained really high in this issue. And I guess the biggest surprise, is that it has lasted as long as it has. I expected it to be two maybe three years, now we are going in four or five now. That is a long time, and twice as long as I expected the Contact Group to last. And I think it is because the participants find political and practical utility in these meetings. That will attenuate over time. I think we are starting to see a decline interests, but that is a function of the success of the group. We have squashed the problem; we haven't solved it, but there still remains a high level of interest in piracy. And I hear from industry and from places like NATO and the naval forces that we haven't fixed that yet. No, we are still at risk of piracy, so we aren't going to shut down the Contact Group yet.

How will the Contact Group look in, let's say, five to seven years? Or what will be left from it by then?

I hope it doesn't exist in five to seven years. The work strands that are still relevant should remain. The capacity building coordination group needs to be going to work on Somalia for the foreseeable future. I would like to see the Law Enforcement Taskforce remain, and I'd like to see the cooperation between different entities to collect and exploit evidence against piracy – organizers and financiers – to continue also in perpetuity to apply to different types of crime. The fact that we know that there are lacks in our international legal system to deal with – what do you do with these guys when you pick them up, you have to have a place to put them in, you have to have mechanisms to get them into courts and prisons. Who is going to fund that? I like to see the Trust Fund last for a long long time to enable operational prosecution and other expenses. But I would like to see the bit of residual; I would like to see as a residue, that these work strands and funding sources, and cooperative sources continue to go into the future. You do not need a contact group to see that they are happening if they are adding sufficient value the participants will continue to push them. We, the international community, are terrible in the coordination of capacity building. We are terrible at development, we are terrible in institution building, we are terrible in coordinating our respective efforts to do it, and we need to get better in all of those. We are terrible at information sharing, and we are really bad in trying to sort our problems in failing states, and we need to get better in that.

How can one learn lessons about the Contact Group?

That's the perpetual problem of capturing experience, both personal and cooperate experience. And I think the only practical thing is we have to write about it, we have to find a repository to keep it, we have to make it visible, we need to incorporate it into our educational systems. The fact that these pieces of information are out there – I do not think there is an easy answer to that.

Thank you.