

Contact Group on Piracy off the Coast of Somalia

New York, January 14, 2009

Pursuant to United Nations Security Council Resolution 1851, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was established on January 14, 2009 to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia. The CGPCS will report its progress periodically to the UN Security Council. Participating in the meeting were representatives from: Australia, China, Denmark, Djibouti, Egypt, France, Germany, Greece, India, Italy, Japan, Kenya, Republic of Korea, The Netherlands, Oman, Russia, Saudi Arabia, Somalia TFG, Spain, Turkey, United Arab Emirates, United Kingdom, United States, and Yemen, as well as the African Union, the European Union, the North Atlantic Treaty Organization (NATO), the UN Secretariat, and the International Maritime Organization.

The Contact Group notes with deep concern that piracy off the coast of Somalia grew significantly in 2008, and that attacks on shipping vessels can be expected to increase without enhanced international efforts. In 2008, over 100 attacks, including over 40 successful seizures, resulted in hundreds of persons taken hostage. The pirates have been demanding million-dollar ransoms for release of the hostages, ships and cargoes. Piracy disrupts critical humanitarian aid deliveries to Somalia, increases shipping insurance premiums along one of the world's most traveled routes to near-prohibitive levels, damages littoral economies by forcing the diversion of vessels around the Cape of Good Hope, and raises the prospect of an environmental disaster as ships fall prey to hostile intent. Piracy is a symptom of a wider lack of security and rule of law in Somalia and continues to constitute a threat to regional stability. As important, piracy is symptomatic of the overall situation in Somalia including the prevalence of illegal fishing and toxic waste dumping off the coast of Somalia, which adversely affects the Somali economy and marine environment. As such, piracy issues must be kept in mind as one element of a larger challenge, and international support for initiatives such as the international Contact Group on Somalia must be encouraged as well as support for the Contact Group on Piracy off the Coast of Somalia. The CGPCS considers its activities as part of wider international efforts to secure peace and stability in Somalia.

As an international cooperation mechanism created pursuant to Security Council resolution 1851 to act as a point of contact between and among states, regional and international organizations on aspects of combating piracy and armed robbery at sea off Somalia's coast, the CGPCS will inform the UN Security Council on a regular basis of the progress of its activities, including through providing relevant information to the UN Secretary General for possible incorporation into his periodic reports to the Council.

The CGPCS emphasizes the primary role of Somalia itself in rooting out piracy and armed robbery at sea and the importance of assisting Somalia in strengthening its own operational capacity to fight piracy and bring to justice those involved in piracy.

The Contact Group on Piracy off the Coast of Somalia applauds the efforts countries, industry, and regional and international organizations have taken to address the piracy problem pursuant to Security Council resolutions. Of particular note, the CGPCS applauds the counter-piracy operations that individual nations, Combined Maritime Forces (CMF), NATO and the EU have undertaken during the last six months.

Pursuant to UNSCR 1851, States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia will consider creating a center in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia (the Counter-Piracy Coordination Center) as soon as possible in 2009. Pending the establishment of such a center, the Contact Group will look to put interim arrangements in place. The CGPCS asks participating states, international and regional organizations to support both the interim and follow-on facilities.

The Contact Group on Piracy off the Coast of Somalia agrees that better operational information is needed in order to address the problem of piracy off the coast of Somalia, and calls on members to contribute additional operational information and surveillance assets to the region.

The Contact Group on Piracy off the Coast of Somalia recognizes the importance of apprehending and prosecuting suspected pirates. The CGPCS calls on state parties to implement their obligations under relevant treaties and applicable international law, including in particular the UN Convention on the Law of the Sea with respect to suppressing piracy, establishing jurisdiction, and accepting delivery of suspected pirates, and to discuss, as

appropriate, the applicability of other international instruments including the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention"), and the UN Convention Against Transnational Organized Crime.

The CGPCS will examine practical options for strengthening the ability of countries willing to detain and prosecute suspected pirates. It will also examine options for developing other mechanisms to address piracy, including international judicial mechanisms. The Group welcomes the efforts of States, the UN Office on Drugs and Crime, and the UN Development Program to build judicial capacity and commends the Government of Kenya in particular for supporting the prosecution of suspected pirates. The Contact Group on Piracy off the Coast of Somalia notes the work of the maritime shipping industry and the International Maritime Organization (IMO) to establish measures to prevent and suppress acts of piracy and armed robbery for commercial vessels transiting the region. International maritime industry groups have taken efforts to address the piracy threat. Of note is the adoption by the world's leading shipping, cargo, and insurance organizations of a set of common best management practices which were based on recommendations by the EU's Maritime Security Center – Horn of Africa (MSC-HOA). The CGPCS will continue to work with the IMO, shipping industry representatives, and shipping companies to increase the distribution and voluntary employment of best practices and threat information.

The Contact Group on Piracy off the Coast of Somalia reaffirms its respect for Somalia's sovereignty, territorial integrity, and sovereign rights over natural resources, and its participants ensure that their flagged vessels respect these rights.

The CGPCS offers participation to any nation or international organization making a tangible contribution to the counter-piracy effort, or any country significantly affected by piracy off the coast of Somalia. As such, the Contact Group extends invitations to Belgium, Norway, Sweden, and the Arab League.

The CGPCS identified six related focus areas: improving operational and information support to counter-piracy operations, establishing a counter-piracy coordination mechanism, strengthening judicial frameworks for arrest, prosecution and detention of pirates, strengthening commercial

shipping self-awareness and other capabilities, pursuing improved diplomatic and public information efforts, and tracking financial flows related to piracy.

The participants agreed to establish four working groups in which all CGPCS parties may participate, to address the focus areas. Working Group 1 will address activities related to military and operational coordination and information sharing and the establishment of the regional coordination center, and will be convened by the United Kingdom with the support of the International Maritime Organization. Denmark will convene Working Group 2 to address judicial aspects of piracy with the support of UNODC. The United States agreed to convene Working Group 3 to strengthen shipping self-awareness and other capabilities, with the support of IMO. Egypt agreed to convene Working Group 4 to improve diplomatic and public information efforts on all aspects of piracy.

Additionally, participating states affirmed the importance of attention to financial flows to pirates and their activities and decided to remain seized of the issue. The CGPCS also calls on international bodies that track illicit financial flows to examine the question of such flows to pirates and their operations and to report as appropriate to the CGPCS and other groups concerned with the issue.

The Contact Group on Piracy off the Coast of Somalia agreed to establish a small Secretariat to support scheduling and reporting on the outcomes of meetings of the Contact Group and the working groups. The CGPCS requests appropriate and relevant organizations and agencies to contribute to the Secretariat.

The Contact Group on Piracy off the Coast of Somalia recognizes that the international community of interest is far greater than the participation of States in the CGPCS, and pledges to inform the larger community of all significant CGPCS conclusions, rationale and activities. It recognizes that effective coordination of activities to eradicate piracy requires coordination among the entire international community, and so remains open to receiving input from CGPCS and non-CGPCS members.

The Contact Group on Piracy off the Coast of Somalia plans to meet again in March 2009 to review the progress and direction of the four working groups

and other developments. It will consider, at that time, the addition of new members.