

COMMUNIQUE

FOURTH PLENARY MEETING OF THE CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA 10 SEPTEMBER 2009 - NEW YORK CITY

The Contact Group on Piracy off the Coast of Somalia (Contact Group) held its fourth meeting in New York City on 10 September 2009, under the Chairmanship of Japan.

The Contact Group welcomes the significant reduction in the rate of successful attacks by pirates off the coast of Somalia, especially among shipping following agreed Best Management Practices (BMPs), despite the worrying rise in the number of overall pirate attacks (Number of incidents this year has reached 156 already, compared to 111 incidents in last year). It notes with satisfaction, however, that tangible progress in the fight against piracy off the Coast of Somalia has been made since the establishment of the Contact Group. Despite the increasing number of attacks, the rate of successful attacks has decreased significantly. Seventeen countries have newly participated in this meeting, raising the number of participating countries from 28 to 45. This increased participation indicates that more concerted efforts are being made toward cooperation in anti-piracy activities.

The Contact Group heard statements from the Somali TFG. Ambassador Duale thanked the Contact Group and its participants for their efforts, especially the deployment of naval assets, in fighting piracy off the coast of Somalia. He stressed the need for a comprehensive approach by the international community to fight the scourge of piracy and armed robbery against ships in the area. The Contact Group noted with satisfaction the efforts made by Somalia to fight piracy, including the development of its Coast Guard and recognized that stability in Somalia is the ultimate solution to the issue of piracy and reaffirms the importance of exerting further efforts to bring about a more stable Somalia.

The United Nations reported on its activities to address the problem of piracy and armed robbery off the coast of Somalia, including system-wide coordination mechanism. It also briefed the Contact Group on the updated proposals on projects land-based initiatives to combat root causes of piracy. The Contact Group took note with appreciation of the efforts made by the UN, and asked the UN to continue with its activities, through close coordination with other countries and its agencies, to deal with the issues of piracy in a comprehensive, cohesive and broad-based manner.

The Contact Group requests the Somali TFG and the Special Representative of the Secretary-General for Somalia, who is the Chair of the International Contact Group for Somalia, to concretely address land based initiatives to combat piracy through the agenda of the International Contact Group in its forthcoming meetings, in parallel with the activities of the Contact Group.

The United Kingdom reported on the Working Group 1 meetings of 10 July and 9 September, held in London and New York City respectively. The Contact Group welcomes the success of the ongoing multinational military co-ordination, which is at an unprecedented level, in contributing to lowering the rate of successful pirate attacks in the critical Gulf of Aden international trade route. It welcomed the agreement to the Internationally Recognised Transit Corridor Co-ordination Guide for International Naval Forces by Combined Maritime Forces, the EU Naval Force ATALANTA and NATO, as well as the acknowledgement of the guide by the other military operations active in the region with the caveat that they would continue their national escort system, co-operating where possible with other navies. The Contact Group also welcomed the Working Group 1-led regional capability development needs assessment mission underway at the time of its meeting, linked closely to ongoing work to implement the Djibouti Code of Conduct. The Contact Group looked forward to the report from this mission and its recommendations, and agreed on the need for early action to deliver increased counter-piracy capability throughout the region, including within Somalia, as the sustainable means to combat piracy and address its root causes in the longer term.

The Contact Group welcomes the establishment of the IMO Djibouti Code Trust Fund (Multi-donor Trust fund-Japan initiated) and expresses its expectation that the vigilance against pirates off the Coast of Somalia will be further strengthened when the anti-piracy information sharing centres in Kenya, Tanzania, and Yemen, and the training centre in Djibouti start their operations. It encourages other participants to contribute financial support to this fund.

Denmark reported on the Working Group 2 meeting of 26-27 August held in Copenhagen. Referring to the distributed Chairman's Conclusions, the Chair of the Working Group 2 highlighted a number of specific results from the meeting, noting that the task of the Working Group 2 is to provide advice to the Contact Group on relevant legal issues and to provide a full set of practical tools ("a legal tool-box") providing support to States and relevant organisations. In this regard, the Working Group 2 produced a

number of important compilations, templates and other documents which are annexed to the Chair's Conclusion from the Working Group meeting. On the issue of an international, regional or other mechanism for the prosecution of suspected pirates as a possible addition to national prosecution, the Working Group 2 asked for further guidance from the Contact Group based on a discussion-paper. Finally, the Working Group 2 worked intensively on the draft terms of reference for the establishment of an International Trust Fund to help defray the expenses associated with prosecution and detention of suspected pirates and imprisonment of pirates as well as other activities related to implementing the Contact Group's objectives regarding combating piracy in all its aspects. The Contact Group took note of the extensive work undertaken by the Working Group 2 and encouraged all countries and organizations to use the produced advice in order to ensure an even more effective and legally sound basis for fighting piracy. The Contact Group asked the Working Group 2 to continue its work based on the future actions described in the conclusions from the Chair of the Working Group 2 and the guidance given by the Contact Group. On the issue of an international, regional or other mechanism for the prosecution of suspected pirates, the Contact Group asked the Working Group 2 to continue its discussions on the basis of the discussion-paper, the Chair's consultation with the African Union Commission and states in the region and input from interested participants, noting the invitation from the Netherlands to an Expert Meeting on this issue on 20-21 October.

The Contact Group approved the Terms of Reference for the International Trust Fund supporting initiatives of the Contact Group off the Coast of Somalia. The Contact Group requested the Secretary-General to engage in the process leading to the implementation, at the earliest opportunity, of the Terms of Reference of the International Trust Fund supporting initiatives of the Contact Group off the Coast of Somalia agreed at this plenary meeting. The Contact Group encourages all interested parties to contribute to the Fund.

The United States reported on the deliberations of Working Group 3. The Chair of the Working Group 3 reported that twelve industry organizations, including labor, representing the vast majority of shipowners and operators in the region, followed-up on their previous commitment to update the BMPs, previously submitted to IMO on 26 February 2009. He added that due to the efforts of industry and governments the vast majority of world shipping has received these industry produced BMPs. The Chair further reported that IMO hosted a meeting to discuss seafarer protection and welfare issues, related to attacks by pirates, in subsequent hostage situations and the post hostage

period. He noted, with Contact Group support, that Egypt in collaboration with EUNAVFOR is planning to provide advice to vessels transiting the Suez Canal with charts and training videos, and to distribute questionnaires to gain feedback. The Working Group 3 recently distributed questions to participants seeking further information to improve communication between industry, labor, and government. The information will be shared and discussed through correspondence with the Working Group 3 participants. The Contact Group notes the recent updates/revisions on the industry and labour BMPs. It recognizes the importance of protecting the fishing industry and seafarers. The Contact Group asked Working Group 3 to continue in its present work.

On 9 September 2009, Cyprus, Japan, Singapore, the United Kingdom and the United States, and on 10 September, the Republic of Korea, joined Panama, Liberia, the Bahamas, and the Marshall Islands in signing the New York Declaration, in which they state that they will promulgate internationally recognized best management practices for the protection of ships against piracy attacks. Together, these countries account for more than fifty percent of the world's shipping by gross tonnage. The Contact Group welcomed this Declaration along with International Maritime Organization efforts and encouraged other nations to adopt and implement piracy counter-measure guidance.

Egypt, the Chair of the Working Group 4, expressed its readiness to convene another meeting in the coming months, if so instructed by the Contact Group, with the purpose of seeking ways and means of further implementing the Communications Strategy. The task will require coordination and consultation with a large number of actors and stakeholders within Somalia and the international community on operational as well as financial components to bring this Strategy to light. The Contact Group requested the Chair to liaise with the UN on next steps and report back to the Contact Group on its conclusions.

The Contact Group agreed to remain seized with understanding informal financial systems as well as the formal systems that are funding and facilitating piracy off the coast of Somalia. It discussed a proposal to hold an informal meeting of subject matter experts to address the proceeds and financing of piracy.

The proposal by the United States to use a common logo for the Contact Group was discussed. The Contact Group decided to adopt the attached as its Logo and encouraged participants to use the Logo whenever practicable.

The Contact Group agreed to remain vigilant regarding the situation on the sea and to continue its cooperation with all of the countries concerned to confront the expected increase in pirate attacks. Since all countries bear the burden of piracy, the Contact Group encourages all countries to participate through material contributions in any way that they can. It plans to meet again in January 2010 in New York to review the progress and direction of the four working groups and other developments. Norway will Chair the next meeting.

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