Contact Group on Piracy off the Coast of Somalia

Eighteenth Plenary Session, UN Head Quarters, New York, 8 July 2015

<u>**Communiqué**</u>

<u>Summary</u>

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Eighteenth Plenary Session at the UN Head Quarters in New York on 8 July 2015 under the Chairmanship of the European Union.

2. The CGPCS considers that the HRA may now be an incorrect terminology for describing the areas in which piracy attacks have not taken place for a number of years. The CGPCS agrees that the SHADE Threat Assessment and the "Inputs for Threat Assessment" by India form an adequate basis for the review of the scope of the HRA. The CGPCS calls on the industry, authors of the BMP, to take the necessary steps to make a substantive review of the HRA, including the coordinates, within three months and report to the Chair accordingly.

3. Recognising the request of the CGPCS and taking into account the two threat assessment documents provided by SHADE and India, the industry representatives agreed to report the findings of their substantive review of the HRA by 8 October 2015.

4. The CGPCS remains committed to the goal of zero ships and zero seafarers in the hands of Somali pirates and urges the immediate and safe release of the remaining 26 innocent seafarers currently being held captive in Somalia. The CGPCS calls upon the Somali authorities to bring the perpetrators of maritime piracy to justice and work together with the international community to secure the immediate and safe release of the remaining seafarers being held by Somali pirates.

5. The CGPCS remains committed to continuing its work to eliminate piracy off the coast of Somalia, including by enabling Somalia to lead an effective and sustainable response to piracy.

6. The CGPCS endorsed with appreciation the offer of the Government of Seychelles to take the Chair of the CGPCS Presidency for the year 2016. The Seychelles has been a very active member of the CGPCS since the inception of the Contact Group and has been instrumental in the fight against piracy since the phenomenon of Somali piracy emerged.

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<u>Full Text</u>

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Eighteenth Plenary Session at the UN Head Quarters in New York on 8 July 2015 under the Chairmanship of the European Union.

Remarks by Key Note speakers

2. Mr. Joao Honwana, Director Africa 2 Division, DPA welcomed CGPCS stakeholders at the UN and recognized that coordinated international naval efforts, dedicated action by the shipping industry, as well as support through the UN Trust Fund, and the various Working Groups under the Contact Group have made strides in addressing piracy. However, he noted that the international community's sustained engagement and continued support is required if we are to achieve the "zero/zero" objective of no ship and seafarer being abducted. Mr. Honwana underscored the importance of being wary of the temptation to scale back the containment approach applied at sea, especially at a time when the delicate process of supporting effective governance and services in Somalia is starting to bear fruit. In this regard, the UN continues to support efforts to strengthen governance, improve the security situation, the rule of law and economic development in Somalia. These are necessary to secure sustained victory against piracy.

3. General Abdirahman Sheikh Issa, National Security Adviser, Somali Federal Government, provided an update on the security situation in Somalia.

4. The CGPCS was graced by the presence of the Minister for Foreign Affairs of the Republic of Togo, H.E. Dr. Robert Dussey. Minister Dussey informed the CGPCS on the upcoming African Union Summit on Maritime Security and Development, to be held in Lomé, Togo on 7 November 2015.

Briefings and updates

5. The Plenary was briefed on the Indian Ocean Forum on Maritime Crime, established by UNODC in 2014 following requests from member states. The Forum has begun to address three forms of organised maritime crime: heroin trafficking, migrant smuggling/trafficking of persons and wildlife and forestry crime. The Forum supports Joint Investigation Teams, a prosecutors' network, a training programme for judges,

prosecutors, law enforcement officials and prison staff, and information sharing initiatives between the 29 states from South Africa in the West to Australia in the East.

6. UNODC explained that meetings on Fisheries Crime and Somali Charcoal Trafficking will be held in 2015 and UNODC is considering requests from states in South East Asia to provide similar support in relation to piracy and armed robbery at sea in that region. The plenary noted that the Forum operates chiefly at the level of law enforcement and prosecutorial officials but agreed to continue to stay informed on its development.

7. Mr Andrew Read from the Food and Agricultural Organisation (FAO) of the UN provided an update on Illegal, Unregulated and Unreported (IUU) fishing in Somali waters. Mr. Read stated that the perceived reduction in the piracy threat has also resulted in more foreign fishing vessels returning to areas close to the coast of Somalia. This visible increase is creating local frustration with international actors and may contribute to a reappearance of coastal community support for piracy activities. Alarmingly, there has already been an upturn in attacks on fishing vessels close to the Somali coast since the start of 2015.

8. Since the last CGPCS Plenary in October 2014, CMF, NATO, EU NAVFOR and independent deployers continue to conduct counter-piracy operations to provide a robust presence in the Gulf of Aden, the Indian Ocean and the Southern Red Sea in order to protect vulnerable shipping, deter, and be prepared to disrupt, acts of piracy. Inter alia, this period has seen the counter-piracy military effort concentrate on further improving understanding of the situation in this region through a series of intelligence-led focused operations. Counter-piracy coordination and cooperation continues to be managed successfully via regular interaction between the three multinational naval operations and independent deployers, and SHADE remains a key forum for higher level tactical awareness and deconfliction.

9. There are however challenges ahead which include: the variable force flow of the three multinational naval operations, which highlights the importance of effective coordination and the vital role of independent deployers in counter-piracy operations; weaknesses in the "legal finish", which has the potential to make arrest, prosecution and detention of pirates more difficult in the future; the existing root causes of piracy such as a fragile economy, IUU fishing and weak governance structures; the need to strengthen

regional and national capacity, including by addressing identified gaps; the unstable situation in Yemen, of which the implications are yet to be fully understood but have the potential to profoundly affect the region; and the ongoing discussion on transition of military operations beyond 2016.

Report on the UN Trust Fund

10. On 7 July DPA chaired the 17th meeting of the TF Board on countering piracy off the Coast of Somalia. As of 30 June 2015, the Fund's balance is USD$ 1,8 million. A total of five new projects were submitted for funding to the Board. Three new projects were approved for a total amount of USD$ 808,487. Board Members requested UN implementing agencies to resubmit two new projects. Board Members welcomed DPA's proposal to include in the project template a gender marker to ensure that a gender analysis is carried out in the development of project proposals. Board Members requested DPA to circulate a proposal for their consideration to improve synergies between the Trust Fund and the New Deal, in particular with the Peace and State building Goal 2. The representative of Somalia stressed the need for projects to be consulted with the FGS.

High Risk Area

11. The CGPCS notes with appreciation that the development of the BMP guidance by the industry, and its implementation on board ships operating in the Gulf of Aden and the Western Indian Ocean, has been one of the significant factors in the containment of Somalia-based piracy.

12. The CGPCS expresses a general understanding that for the BMP guidance to be of sustainable value for shipping, there is a need to keep it alive, relevant, dynamic and updated.

13. The piracy High Risk Area (HRA) was extended in 2010 from 65 degrees East (65°E) to 78 degrees East (78°E) in response to the then rising incidents of piracy off the coast of Somalia. This revision was reiterated in the Best Management Practices Version 4, published in August 2011.

14. The CGPCS notes that the Governments of Bangladesh, China, Djibouti, Egypt, India, Indonesia, Maldives, Mauritius, Myanmar, Oman, Pakistan, Philippines, Qatar, the Russian Federation, Saudi Arabia, Seychelles, Singapore, South Africa and United Arab Emirates have, over a period of time, called for revision of the scope of the HRA as defined in BMP 4 at various international fora, including the CGPCS.

15. The Presidential statement issued by the UN Security Council on November 19, 2012 states that the Security Council "notes the request of some Member States on the need to review the boundaries of the High Risk Area on an objective and transparent basis taking into account actual incidents of piracy".

16. In deliberating a case submitted by Egypt, the Maritime Safety Committee of the IMO in its 95th session, held in London on 3-12 June 2015, observed that "the HRA as defined in the BMP is susceptible to change based on changes in the actual threat circumstances and therefore the Committee expressed sympathy for the proposal by Egypt to remove the Gulf of Suez and the Red Sea from the HRA definition in the BMP. The Committee therefore observed that HRA may now be incorrect terminology for describing the area in which piracy attacks have not taken place but where preparatory self-protection measures are nevertheless recommended. The Committee calls on the authors of the BMP to take necessary steps to amend the coordinates of the HRA in view of excluding the above mentioned area from the HRA definition at the earliest time taking into consideration the threat assessment and respectfully requests them to report back to MSC at its next session".

17. The issue of the HRA has also been debated within the context of the CGPCS for a number of years. The CGPCS Chair, convinced that a constructive solution to the HRA issue would be beneficial to all CGPCS stakeholders, convened a special meeting on the HRA during the UAE Counter-Piracy Week in October 2014. That meeting was followed by another meeting in Brussels on 13 March 2015, again convened by the Chair, to discuss the revision of the scope of the HRA. The conclusion of that meeting was that SHADE should be asked to produce a joint Threat Assessment and invited stakeholders to contribute to the threat assessment with (national) inputs.

18. The SHADE co-chairs have presented their Threat Assessment to the 18th Plenary of the CGPCS. The Government of India complemented the work of the SHADE co-chairs with a national paper "Inputs for Threat Assessment". The CGPCS notes with appreciation that the SHADE Threat Assessment and the Indian "Inputs for Threat Assessment" are largely complementary.

19. The Government of Egypt reiterated that the Red Sea does not qualify as a piracy high risk area and requests that the Red Sea be excluded from the HRA definition contained in BMP4. The Government of India reiterated that the area east of 65°E does not qualify as a piracy high risk area and requests that the area east of 65°E be excluded from the HRA definition contained in BMP4. The Government of the Sultanate of Oman reiterated that the Sea of Oman does not qualify as a piracy high risk area and requests that the Sea of Oman be excluded from the HRA definition contained in BMP4. The Government of Pakistan reiterated that the EEZ of Pakistan does not qualify as a piracy high risk area and requests that the EEZ of Pakistan be excluded from the HRA definition contained in BMP4. A large number of delegations expressed their support to the above positions.

20. The CGPCS considers that the HRA may now be an incorrect terminology for describing the areas in which piracy attacks have not taken place for a number of years. The CGPCS agrees that the two assessments mentioned in para 18 above, form an adequate basis for the review of the scope of the HRA. The CGPCS calls on the industry, authors of the BMP, to take the necessary steps to make a substantive review of the HRA, including the coordinates, within three months and report to the Chair accordingly.

21. Recognising the request of the CGPCS and taking into account the two threat assessment documents provided by SHADE and India, the industry representatives agreed to report the findings of their substantive review of the HRA by 8 October 2015.

22. The meeting took note that industry representatives expressed the view that it can be anticipated that one of the likely outcomes of the review would be that the area north of 15 degrees North in the Red Sea will no longer be considered part of the HRA. The meeting also took note that the delegations of India, Oman and Pakistan stated that such a limited review will not be in conformity with the sentiments expressed by a large number of delegations unless it results in exclusion of areas east of 65 degrees East, the Sea of Oman and the EEZ of Pakistan.

23. Representatives of the Russian Federation expressed the view that the paradigm itself of the decision making on the issue of the HRA, including its boundaries, should be revised, based on the notion that this problem deserves to be considered as a stand-alone issue. They furthermore expressed the view that the CGPCS may task itself to draw up a list of objective criteria indicative of the real threat assessment in the Horn of Africa region or, perhaps, of a universal character. Agreed criteria may also be useful for the purpose of identification of pirates.

24. The CGPCS insists that a revision of the scope of the HRA does not signal or imply reduced vigilance, complacency or disengagement. CGPCS stakeholders wish to reiterate in this regard their commitment in both word and deed to an Indian Ocean that remains free of piracy and safe for shipping.

25. The Chair considers that the process of the revision of the scope HRA, once it has reached its final conclusion, will be a reflection of the success of the coordinated approach that the CGPCS stakeholders have developed within the Contact Group in combating piracy off the coast of Somalia. The Chair personally thanks all stakeholders for their constructive attitude.

Report from WG Capacity Building
26. The UK and IOC, the co-chairs of the Working Group Capacity Building reported that the Working Group had met ahead of the Plenary and hosted pre-meetings of key stakeholders in Nairobi and Mogadishu earlier in June.

27. The WG welcomed progress made since its last meeting in Dubai on the establishment of a draft maritime coastguard law. The WG heard from the Federal Government of Somalia that it anticipated enacting the draft law in the next three months. The WG invited the FGS to identify any possible challenges in implementing the draft law and seek the support of the international community in completing the process of implementing the draft law.

28. The WG welcomed the work undertaken by the Technical Sub Group of the WG in progressing the implementation of the 2016 capacity building priorities adopted at its last meeting.

29. The WG agreed on the need for improved coordination between the FGS, Somali regions, Somaliland and the international community to avoid duplication and to maximise impact. In this context, the WG recommended that emphasis should be placed on implementing one single maritime strategy, namely the Somali Maritime Resource & Security Strategy (SMRSS) through the National Maritime Coordination Committee (NMCC) and the operationalisation of the newly proposed Maritime Security Coordination Committee (MSCC) consistent with the requirements of the Somali Compact.

30. The WG welcomed the provisional agreement reached in the margins of the meeting between the representatives present from the FGS, the Somali regions and Somaliland to operationalise the MSCC as soon as practicable. In this context the WG took note of the following broad points of agreement (i) the SMRSS is the agreed framework in the maritime domain, (ii) the chairing/convening arrangement for the MSCC shall require the appointment of an international organisation supported by a rotating co-chair represented by the FGS, the Somali regions and Somaliland, in such sequence and order to be agreed by the parties as soon as possible, (iii) once established, the MSCC shall in due course assume the role and functions of CGPCS WG1.

31. The WG welcomed progress made towards the creation of the Navy/Coastguard WG established under the Defence WG of PSG2 and noted that it will meet shortly.

32. The WG took note of the recently signed MOU between the FGS and Djibouti on a maritime strategy concerning the vital interest at sea of states bordering the Gulf of Aden.

33. The WG received an update from EUNAVFOR on the planned strategic review of the three EU's Common Security and Defence Policy missions in Somalia.

Report from WG Maritime counter piracy and mitigation operations
34. The Working Group on Maritime Counter-piracy and Mitigation Operations reported on the work of the Technical Sub Group on Maritime Situational Awareness (MSA) based on several meetings and workshops held since the group was created in November of 2013 at the Dubai Plenary meeting. A report submitted by the Technical

Sub Group on MSA was adopted by the meeting of the Working Group on Maritime Counter-piracy and Mitigation Operations held on July 7. The reports overarching framing concepts for Maritime Situational Awareness (MSA) in the Western Indian Ocean included in the report were (1) The current MSA framework and its associated system architecture must be sustained; (2) Effective MSA must continue to be based on mutual commitments and shared responsibility; and (3) All stakeholders are encouraged to support the development of regional MSA capability, based upon and integrated with the existing framework. Regarding the long term MSA requirements, regional stakeholders have started building the future MSA organisation that will combine the action of existing centres with a regional network of information sharing centres and Information Fusion Centres. The full report has been made available on the www.lessonsfrompiracy.net website.

Statement on the WG Disrupting Pirate Networks Ashore

35. While the Law Enforcement Task Force (LETF) will report directly to the Plenary about its progress in investigating and prosecuting pirate leaders and financiers, the WG on Disrupting Pirate Networks Ashore will consider future meetings to provide political support, if necessary, to the LETF and to complement their work with monitoring of financial flows. A co-chair from the region is invited to join Italy in co-chairing the WG.

Statement on the LETF

36. The Law Enforcement Task Force was formed in 2014 as a result of the Contact Group's Working Group 5's recognition of the need to bring law enforcement partners around the world together to coordinate investigations and share information against land based Somali pirate leaders. After a number of bilateral meetings involving nations impacted by maritime piracy, the LETF met in Vienna in October of 2014. As a result of that meeting, the group identified pirate leaders, and investigators and prosecutors agreed to work together to share information, assist with advice on strategy and best practices, and to build investigations against the identified pirate leaders.

37. Since that meeting, a number of prosecutors and investigators from affected nations have been working bilaterally and multilaterally in these ongoing investigations. The LETF will continue to work to investigate the leaders of these criminal organizations. Although the number of piracy cases has dropped in recent years, the criminal

organizations still exist, and the CGPCS believes that these organizations need to be disrupted, and the pirate leaders need to be held accountable for the piracy, murder, torture, kidnappings, and other violent acts committed against innocent crew members and passengers. The CGPCS is determined that the piracy organisers must be prosecuted and understands that this requires a long term commitment that must be sustained.

The CGPCS Lessons Learned Project

38. The Lessons Learned Consortium (LLC) updated the Plenary on its progress highlighting the broad range of studies now available on www.lessonsfrompriracy.net. The LLC will continue to document the work of the CGPCS and invites all stakeholders to rely on the expertise or to request particular studies. The LLC will increase its efforts to disseminate the lessons of the CGPCS.

39. Upon invitation from the CGPCS stakeholders, Cardiff University has taken over the management of the CGPCS website and the CGPCS Archive (also available on www.lessonsfrompiracy.net). To ensure that the website continues to be the premier source on counter-piracy, stakeholders are invited to submit relevant documents and news items for publication, as soon as they become available.

Statements from delegations

40. The CGPCS agreed that close international coordination and cooperation continue to be crucial to counter piracy effectively. In this framework, it recognized the need to fully respect the relevant international law in international waters.

41. Regarding the Djibouti Regional Training Centre (DRTC), whose construction is ongoing within the DCoC process, it has been agreed in an amended Memorandum of Understanding (MoU), signed between the IMO and the Government of Djibouti on 3 June 2015, that the DRTC will be completed by 31 October this year prior to an inauguration ceremony no later than 18 November 2015. The CGPCS welcomes this step which will contribute to a fully functional DRTC with its building completed soon.

42. The importance of capacity building for regional countries was stressed and the DRTC is playing a significant role in that process. The CGPCS, once again, calls on related countries and organizations to support the DRTC by making the most of its facility in conducting capacity building programmes for officials of Somalia and countries, members of the Djibouti Code of Conduct.

43. The CGPCS took note of the verbal report by MPHRP on the application of the Piracy Survivor Family Fund to support the rehabilitation and recovery of seafarers and families affected by Somali piracy. The CGPCS encouraged future contributions to the Fund.

44. The provision of adequate training is of great importance to establish and strengthen the necessary security institutions in Somalia, aiding the Somali authorities, amongst others, to establish and implement a Maritime Police and Coast Guard Law to eradicate piracy. The NATO Maritime Interdiction Operation Training Center (NMIOTC), in close cooperation with the International Maritime Organization (IMO), provides valuable support to these efforts with its provision of counter piracy training to the Somali authorities and other key players and stakeholders in the Horn of Africa.

Announcements from the Chair

45. The Contact Group on Piracy off the Coast of Somalia (CGPCS), at its 18th Plenary Session at the UN in New York, endorsed with appreciation the offer of the Government of Seychelles to take the Chair of the CGPCS Presidency for the year 2016. The Seychelles has been a very active member of the CGPCS since the inception of the Contact Group and has been instrumental in the fight against piracy since the phenomenon of Somali piracy emerged.

46. CGPCS stakeholders commend the Seychelles for its commitment and welcome Seychelles as a regional actor taking on this international responsibility.

47. The EU Presidency will ensure a smooth handover to the incoming Seychelles Presidency. The incoming Seychelles Presidency will announce the date and place of the next Plenary Session and will invite the board members of the UN Trust Fund to convene their next meeting.

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