

NINETEENTH PLENARY SESSION OF THE
CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

31st MAY TO 3rd JUNE 2016
Victoria, Seychelles

Communiqué (final)

Introduction

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Nineteenth Plenary Session at the International Conference Centre in Victoria, Seychelles from **the 31st May to 3rd June 2016** under the Chairmanship of Seychelles.
2. In attendance were the following countries, namely: Australia, China, Denmark, Djibouti, Germany, Greece, Egypt, France, India, Italy, Japan, Kenya, Mauritius, Marshall Islands, Netherlands, Norway, Oman, Pakistan, Portugal, Philippines, Republic of Korea, Russia, Saudi Arabia, Seychelles, Somalia, Spain, Thailand, United Arab Emirates, United Kingdom, United States of America. The Somali delegation included representatives from the Federal Government, Federal Member States and Somaliland.
3. In addition, other organizations, associations and industries were also present: African Union, BIMCO, Cardiff University, Combined Maritime Forces, Common Market for Eastern and Southern Africa (COMESA), Danish Shipowners Association, East African Community (EAC), Eastern Africa Standby Force (EASF), European Union (EU) including EUCAP NESTOR and EU NAVFOR, Food and Agricultural Organization (FAO), International Chamber of Shipping (ICS), INTERPOL, Intergovernmental Authority for Development (IGAD), Indian Ocean Commission (IOC), International Maritime Organization (IMO), M & C Saatchi, NATO, Norwegian Shipowners Association, Oceans Beyond Piracy (OBP), United Nations (UN), United Nations Assistance Mission in Somalia (UNSOM) and the United Nations Office of Drugs and Crime (UNODC)

Preamble

4. **Reaffirming** the CGPCS mandate that followed UN Security Council Resolution 1851 of 18th December 2008 which inter alia encouraged “all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia’s coast”.
5. **Commending** the Republic of Seychelles for taking its responsibility in assuming the chairmanship of the Contact Group on Piracy off the Coast of Somalia (CGPCS) for 2016

following the endorsement of its candidature at the Eighteenth Plenary Session held at UN Head Quarters, in New York on 8th July 2015.

6. **Recalling** the ‘Mumbai recommendations’ adopted by the participants at the CGPCS Strategy Meeting under the Seychelles Chairmanship held on 1st February 2016 in Mumbai, India.
7. **Acknowledging** that the 2016 Seychelles CGPCS Presidency Chairmanship Message aimed at consolidating the achievements of the CGPCS into a lasting legacy “from the Region to the Region”.
8. **Recognizing** that sustained efforts in the region by the international community, in particular EU, NATO, CMF maritime operations, independent deployers and regional partners by the international community and regional partners have suppressed maritime piracy off the Coast of Somalia.
9. **Noting** that a sustainable solution to piracy is ashore and to this end recognizing the ongoing stabilization efforts in Somalia by the African Union Mission and Somalia Security Forces.
10. **Appreciating** the continuous efforts and commitment of the International Community in particular the contribution by the UN Trust Fund donors in supporting the National and Regional Action to combat piracy and to promote maritime safety and security off the coast of Somalia.
11. **Encouraging** the states of the region to cooperate at bilateral and multilateral level to secure the Maritime domain.
12. **Noting** that no successful seizure of commercial ships by pirates have taken place in the Gulf of Aden and the Western Indian Ocean since May 2012
13. **Reiterating** the need for the region to strengthen its capacity to combat piracy and other transnational organized crimes and supporting Somalia in building its maritime policing capabilities.
14. **Acknowledging** that 42 seafarers still remain in captivity and reiterating the full support for the efforts of those involved in attempting to secure the release of the seafarers.
15. **Noting** the ‘Djibouti Declaration’ on 15th May 2016 on Maritime Safety and Security; more specifically on the call to review the CGPCS mandate to consider including other maritime security threats and transnational organized crimes, in particular fisheries crime, while maintaining the current regional focus on Somalia, Horn of Africa and the Western Indian Ocean region.
16. **Noting** the discontinuation of the Ocean Shield operation towards the end of 2016. NATO’s contribution to improved safety of navigation was recognized.

Recommendations brought by the CGPCS Working Groups

17. The Working Group on Capacity Building (alias 'Working Group 1') Participants under the chairmanship of the UK and IOC made the following recommendations:

- a. That Working Group 1 (WG1) be reconfigured to deliver a streamlined and sustainable approach to capacity building, reflecting the desire for greater ownership from the Somalis, and reflecting the CGPCS strategic direction for enhanced Indian Ocean and Gulf of Aden region leadership.
- b. Reconfiguration will entail supported transition of WG1 work to the two following bodies:
 - i. The Somali focused Group will:
 1. be chaired by the incumbent Maritime Security Coordination Committee (MSCC) chair(s), noting current ongoing discussions, supported by the EU's Maritime Security (MASE) programme, with inclusive input from the Federal Government of Somalia, Federal Member States and Somaliland.
 2. be charged in taking priorities and issues identified in the MSCC to the 'New Deal' reporting mechanism, so that donors can understand progress, challenges and how best to provide support; and
 3. provide an update report to the CGPCS Chair on an annual basis, circulated to all CGPCS members.
 - ii. The Indian Ocean region focused Group will:
 1. be co-chaired by a regional Indian Ocean State and a regional Organization. Addressing regional maritime capacities needs (excluding Somali issues that are discussed above in sub paragraph b.i)
 2. Taking account the EU's MASE programme, programing of the United Nations agencies and other Programmes activities, following the 'Djibouti Declaration', be charged with identifying and providing the thrust for addressing the priorities and issues for regional maritime security capacity building, including targeted assistance where relevant on matters arising from the Somali focused Group; and
 3. provide an update report to the CGPCS Chair on an annual basis, circulated to all CGPCS members.

18. Working Group 1 members noted key success factors for transition of capacity building to these two groups including:

- a. Mutual accountability as a principle underpinning the works in both groups
- b. Rigorous prioritization of work in both Groups including a road map of short, medium and long term goals
- c. Coherence in capacity building. In the Somali focused Group this will be realized through the Somali Maritime Resource and Security Strategy (SMRSS)

- d. A robust link between the aforementioned groups
 - e. Continued international community engagement and support in the suppression of piracy
 - f. Strong Somali and Indian Ocean / Gulf of Aden region leadership
19. The Working Group on Maritime Counter Piracy and Mitigation Operations (alias 'Working Group 3') Participants under the chairmanship of Seychelles, UAE and Japan made the following recommendations:
- a. The group recommends the operationalization of the Maritime Situation Awareness (MSA) framework, as agreed in the 2015 report.
 - b. The group recommends that the coordination work required for MSA be transferred to the newly proposed structure of the Working Group 1.
 - c. The group took note that the bulk of the work was completed, or is done under other mechanisms such as SHADE.
 - d. Several states felt the need that the functions of group remain important and that it continues its work should an emergent issue arise.
 - e. The group noted that Seychelles and Japan had completed their time as co-chairs and thanked them for their leadership. Japan informed the meeting that it would no longer assume the role as a co-chair of WG3 in order to contribute to promote regional ownership.
 - f. The group noted the challenges posed by floating armories and that the issue be forwarded to IMO for further discussion.
20. The Working Group on Disrupting Pirate Networks Ashore (alias 'Working Group 5') Participants under the chairmanship of Italy is convinced that disrupting piracy ashore remains as important as ever and suggested that the following two activities should continue:
- a. Pirate leaders and financiers must be actively investigated, prosecuted and sentenced. WG members noted that it is necessary to promote the rule of law and avoid that Kingpins continue their illegal activities. At the international level, the Law Enforcement Task Force (LETF) has been coordinating investigators and prosecutors of different countries obtaining some tangible results. The UNODC proposal to take up the role of Secretariat of LETF was welcomed. At the regional level, a number of programs – financed by multilateral organizations and by individual countries- have been strengthening the regional capacity to combat piracy. Among those programs, WG5 members noted the work by COMESA, MASE and the joint investigation team HAMELI, a coordination of prosecutors and lead investigators of different regional countries aiming at prosecuting pirates.
 - b. Countries of the region should be able to strengthen their capacity to monitor and control the financial entities (both licensed and informal) operating in their

- jurisdictions. Of particular relevance is the establishment, in each country, of a well-functioning Financial Information Unit. Following on their joint study titled “Following the Money Trail”, The World Bank, UNODC and INTERPOL can offer technical assistance programs to countries of the region. The work of INTERPOL in this area was also noted.
21. In line with the general efforts to streamline the CGPCS, working group members consider that WG5 has achieved its goal and should be wound up. The two aforementioned activities should be transferred to the care of a different structure, with a greater role for the countries of the region and the international organization involved. WG5 noted the interest expressed by Kenya, Mauritius and COMESA in leading on this.
22. The Legal Forum (alias ‘former Working Group 2’) Participants under the chairmanship of Mauritius and Portugal made the following suggestions:
- a) The Legal Forum agreed that since it is a cost-effective informal platform (no costs are incurred by the CGPCS in the operation of the Legal Forum) it should continue in its present form and should aim to serve the needs of CGPCS participants. The Legal Forum will explore synergies with other Working Groups. The Legal Forum notes that the threat of piracy is still not over in the Indian Ocean region and will continue its cooperation with the CGPCS stakeholders including UNODC and Regional Organizations implementing the MASE programme. The Legal Forum noted that the toolboxes developed may also be of assistance to counter-piracy work in other regions.
 - b) The Legal Forum noted that there has been a very positive response from CGPCS participants to more actively engage in its website to make it more interactive. The Legal Forum further reports that the contact details of legal experts from CGPCS participants have been updated and will be available on the restricted area of the website of the Legal Forum. The Legal Forum acknowledges that there is a need to publicise some of its papers and make them publicly available. It was also acknowledged that the Legal Forum should maintain the *acquis* of its work, including the work of former Working Group 2. The Legal Forum also proposes to establish a close linkage to the CGPCS website (www.lessonsfrompiracy.net);
 - c) Due to the vulnerabilities and potential links to piracy, the Legal Forum launched a discussion on “floating armouries” and will continue this debate on its website and called for contributions in writing from CGPCS participants by 30th July 2016 and that the debate be forwarded to IMO for further discussion.

Recommendations brought by the Shipping Industry Associations

23. The Shipping Industry represented by BIMCO and ICS made the following suggestions after discussions on the Industry view on capacity building and the way forward with MSA.

- a. The Industry continue to apply Best Management Practices (BMP) in order to deter pirate attacks and that it is vital that the current capacity building in Somalia, Federal Member States and Somaliland, focused on the development of Law enforcement and Coast Guard capabilities continues, as there remains an ongoing threat and possible resurgence of piracy.
- b. That the WG3 report completed and recognized at plenary in 2015 on MSA remained relevant and that no further work was required, except for the regional capacity building elements possibly best addressed by the newly proposed structure for WG1.

Recommendations brought by the UN Trust Fund Board

24. The UN Trust Fund Board Members approved five new projects of a total value of US\$ 914.883.
25. The Trust Fund was also briefed on a Strategic Review of the Trust Fund, which includes a context and gap analysis to determine how causes of piracy are addressed by the 'New Deal', MSCC and SMRSS.

Overall Decisions made by the CGPCS Participants

26. Participants of the 19th Plenary CGPCS session adopted this Communiqué and made the following decisions:
 - a. The current threat of piracy suggests the need for an adjusted response and the intent to gradually transition the balance of effort to Somalia and the Indian Ocean States and Organizations.
 - b. The CGPCS decided that the working of the group would be streamlined and that a transition strategy should enable a transfer to greater Somali and Indian Ocean / Gulf of Aden region ownership following this plenary. Coordination tasks performed by the Working Groups shall be transferred to, as far as possible, Somali bodies, Indian Ocean States and regional organizations as agreed in each Working Group shall be transferred as agreed in paragraph 17 with the continuous support of existing regional programs such as MASE and UNODC related projects.
 - c. Reiterates that the solution to piracy lies onshore and that it is vital to support Somalia to develop its maritime policing capabilities and counter-piracy and other maritime crime legislations without delay. The group recommends coordination between MSCC and the Legal Forum on this matter further.
 - d. Agreed that all State Parties and International Agencies share data and cooperate with Somali authorities to facilitate the arrest and prosecution of pirate kingpins and financiers.

- e. Noting that piracy is not yet fully eradicated and could return, the CGPCS will continue its activities in order to keep monitoring the piracy threat and keep track of the Somali, regional and international responses to Piracy.
 - f. The CGPCS chair will compile an annual consolidated report on the activities and progresses of the CGPCS sub bodies on the basis of submissions of annual reports from each subgroup. The report will be publicly available and disseminated to all CGPCS participants.
 - g. A plenary meeting will be convened in 2017 to review the consolidated report and the progress of the transition strategy.
 - h. CGPCS recognized that ongoing international engagement remains important and should be visible. The brand and label of the CGPCS shall be preserved.
 - i. The CGPCS adopted a new structure as outlined in annex 1.
 - j. The CGPCS Chair invited expressions of interest of participating states to serve as members of the UN Trust Fund. The following is the composition of the Board Members for 2016-17: Djibouti, Germany, the Netherlands (shared with Norway), Japan, Kenya, Seychelles, Somalia, United Kingdom, USA, UAE. In addition IGAD was elected as observer by the CGPCS.
 - k. The CGPCS website and newsletter will report on all steps in the transition process in order to ensure transparency.
 - l. The CGPCS thanked the Government of Seychelles for hosting the meeting. The Participants expressed their gratitude to the Government of Seychelles for its willingness to continue its work as the chair of the group in 2017.
27. The CGPCS participants expressed a range of views as to whether further plenary sessions were required at this stage. Participants agreed to decide on the need for any further sessions in the Plenary of 2017.

Annex 1: CGPCS Structure

