

CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA

مجموعة الاتصال الخاصة بالقرصنة قبالة السواحل الصومالية * Groupe de contact sur la piraterie au large de la Somalie
Grupo de Contacto sobre la Piratería frente a costas de Somalia * 打击索马里海域海盗联络组
Контактная группа по борьбе с пиратством у берегов Сомали

CONTACT GROUP ON PIRACY OFF THE COAST OF SOMALIA THIRTEENTH PLENARY SESSION 11 DECEMBER 2012 NEW YORK

COMMUNIQUE

The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Thirteenth Plenary Session at the UN Headquarters in New York on 11 December 2012 under the Chairmanship of India and agreed to the following conclusions:

Need for continued international counter-piracy efforts despite recent gains

1. The CGPCS noted that close international coordination and cooperation continue to be of central importance to effectively combating piracy off the coast of Somalia and in the wider Indian Ocean. It welcomed significant developments in counter-piracy efforts by the international community since the Twelfth CGPCS Plenary Session in July 2012.
2. It noted that while a welcome and marked reduction has been seen in the number of attacks and hijackings in 2012 as compared to the previous four years, the underlying causes of piracy remain in place and pirate action groups remain active, meaning that the current decline in piracy attacks is inherently reversible.
3. It noted that the current trends present an opportunity for the international community to step up efforts to bear down further on piracy, those behind piracy, and the causes of piracy and other forms of instability affecting Somalia and its people. It also noted the need for States to respect applicable international law related to countering piracy in international waters.
4. It took note of the adoption of United Nations (UN) Security Council Resolution 2077 (2012) renewing for a further period of twelve months the authorizations granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia.

5. It welcomed the Security Council's Open Debate on Maritime Piracy held on 19 November, 2012 under the chairmanship of India and the Presidential Statement issued thereafter which *inter alia* expressed serious concern at the continuing violence employed by pirates against seafarers and stressed the need for greater cooperation between all stakeholders including States, relevant organizations, and private sector for the prosecution of pirates as well as for the liberation of seafarers from the captivity of pirates.
6. The CGPCS also underlined the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and noted the continuing counter-piracy activities of the Federal Republic of Somalia and the regional authorities. It noted the Memorandum of Understanding of the Inter-Governmental Authority on Development (IGAD) Joint Committee for the Grand Stabilization Plan for South Central Somalia. It called on the international community to move swiftly to support the Somali authorities so that they can finally provide the security and peace dividends that Somalis deserve. It welcomed Somalia's commitment to combat piracy, as stated in the Programme endorsed by its Parliament on 13 November 2012 and called on the Somali authorities to elaborate a maritime security strategy to facilitate close cooperation with the international community to disrupt and counter pirate activity.
7. As emphasized in several UN Security Council resolutions, the CGPCS reiterated the importance of an early declaration of an Exclusive Economic Zone off the coast of Somalia, in accordance with the 1982 UN Convention of the Law of the Sea, which will promote the effective governance of waters off the coast of Somalia.

Support for the victims of piracy

8. The CGPCS strongly condemned the continuing practice of hostage-taking by pirates operating off the coast of Somalia and expressed serious concern at the inhuman conditions hostages face in captivity, the adverse impact on their families, and called for the immediate release of all seafarers being held hostage by Somali pirates.
9. It also called on the concerned flag States, whose ships continue to be held hostage by Somali pirates, to actively engage with concerned ship owners in order to ensure that appropriate attention is paid to the welfare of the seafarers in captivity and for their expeditious release.
10. It drew attention to the extreme case of MV ICEBERG 1 hijacked on 29 March 2010, whose crew members have spent close to 1000 days in the captivity of pirates, emphasizing the need for all the stakeholders, including ship owners,

flag State, ship owner State, seafarers' State, the Government of Somalia, the UN and the industry to work together to find a solution for their early release.

11. It also welcomed the efforts of Working Group (WG) 3 to analyze applicable clauses and implications of existing international conventions, agreements and guidelines to protect the rights of piracy victims. It noted the ongoing discussions in WG 3 on making draft guidelines for assisting victims or potential victims of piracy with a contribution of States, industry, the International Maritime Organization (IMO) and the International Labour Organization (ILO), among others.
12. The CGPCS appreciated the Hostage Support Programme being jointly implemented by the UN Political Office for Somalia (UNPOS) and UN Office on Drugs and Crime (UNODC), with funding from the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, for tracking and monitoring those held hostage by Somali pirates, delivering humanitarian support if possible, and repatriating those abandoned on shore in Somalia.

Operational activities and their coordination

13. The CGPCS underlined the need for present levels of operational activity, coordination and force generation to be maintained in order to bear down further on pirate activity and consolidate recent gains.
14. It welcomed the regular update from the co-chairs of the Shared Awareness and De-Confliction Mechanism (SHADE) on operational naval coordination and encouraged its positive work to continue.
15. It encouraged all CGPCS governments to continue their support of international naval operations in the Gulf of Aden and the Indian Ocean.
16. It underlined again the importance of full adherence to Best Management Practices Version 4 (BMP4) as the first and most effective line of self-protection.
17. The CGPCS noted the adoption by the IMO of revised interim guidance to ship owners, ship operators, and ship masters on the use of Privately Contracted Armed Security Personnel (PCASP) on board ships in the high risk area, as well as the revised interim recommendations for flag States, port States and coastal States regarding the use of PCASP on board ships in the high risk area, and the interim guidelines to private maritime security companies providing PCASP on board ships in the high risk area.
18. The CGPCS encouraged flag States and port States to further consider the development of safety and security measures onboard vessels, including regulations for the deployment of PCASP on board ships, through a consultative

process, in close collaboration with the IMO's Maritime Safety Committee and the International Organization for Standardization (ISO).

19. The CGPCS noted that an *Ad Hoc* Meeting on PCASP was held with the participation of 24 countries, the IMO, and NATO in Washington D.C. on 12 September 2012, where different viewpoints on issues such as the legality of jurisdiction in cases of incidents related to use of PCASP, use of force by PCASP, standard protocols for PCASP, and the wide variation in coastal States' laws for transport of arms by PCASP were expressed. The WG 2 Chair subsequently agreed to undertake a full examination of all legal issues relevant to the use of PCASP in order to identify and prioritize - as a matter of urgency - areas of action.
20. It noted the proposed meeting of a sub-group of WG 3 on 15 January 2013 in London which will include interested Member States and representatives of the insurance and maritime industry to further discuss the issue of the review of existing boundaries of the High Risk Area on an objective and transparent basis taking into account actual incidents of piracy.

Regional capability development

21. The CGPCS endorsed the significant work undertaken by WG 1 since the twelfth plenary meeting in revitalising the support and coordination of regional capability development, in particular a new web-based platform created with the support of Oceans Beyond Piracy, and the Capacity Building Coordination Group (CBCG) to ensure the platform's ongoing sustainability.
22. It encouraged all participants to continue to share and update information on regional capability needs and activities in the Capacity Building Coordination Platform (CBCP) (<http://wg1.oceansbeyondpiracy.org>) to maximise transparency among participants of regional capacity-building activities and ensure an up to date picture of regional capability development.
23. It welcomed and noted with appreciation the valuable contribution of Oceans Beyond Piracy in supporting both the development of the CBCP and ensuring the platform's ongoing sustainability.
24. It welcomed the agreement of partners from various UN agencies, the EU, AU, NATO, IOC, IGAD and TRADE to form a CBCG to facilitate coordination of regional capability development by WG 1, and noted the intention to hold two meetings of the CBCG prior to the next WG 1 meeting to maintain the positive momentum already generated.
25. It welcomed the positive progress being made in developing regional maritime security and judicial capabilities, and encouraged all participants to maintain positive support for such endeavours.

26. It called on those implementing regional capacity-building activity to coordinate effectively, to avoid to the maximum extent possible any duplication of efforts, and to address all current issues requiring de-confliction as a matter of urgency.
27. It reiterated the need to ensure sufficient focus on the development of comprehensive support to the Somali government following the end of the transition, in the framework of a Somali-owned strategy, an observation echoed by the pilot meeting of the CBCG, and welcomed the UN's activities to train prosecutors and judges, notably in Mogadishu and in the region. It noted developing plans for the establishment of maritime security and coastguard capability in Somalia and encouraged swift and coordinated progress in development of such plans.
28. The CGPCS noted a presentation by Greece on the activities of the NATO Maritime Interdiction Operation Training Center and reiterated its support for this and similar training activities.

Progress on legal issues

29. The CGPCS welcomed the continued efforts of WG 2 to provide legal guidance on all issues related to the fight against piracy, including with a view to ensure the prosecution of suspected pirates in accordance with international standards. Noting that 1179 individuals are currently being prosecuted or have been prosecuted for piracy in 21 countries around the world, it welcomed the progress in the number of prosecutions undertaken against suspected pirates at a national level.
30. The CGPCS encouraged the Somali authorities to pass a complete set of counter-piracy laws without further delay, with a view to ensuring the effective prosecution of suspected pirates and those associated with piracy attacks off the coast of Somalia. It remains strongly committed to supporting them in this endeavour.
31. It welcomed the new publicly accessible the United Nations Interregional Crime and Justice Research (UNICRI) Database on Court Decisions and Related Matters on piracy decisions at the global level, and encouraged States to contribute to the database.
32. It supported the continued implementation of the Post Trial Transfer system and the progress in the UNODC Piracy Prisoner Transfer Programme (PPTP) and noted the need for continued support for capacity building in the field.

33. It encouraged WG 2 to develop best practices for ensuring the protection of human rights during the detention and prosecution of suspected pirates, including with regard to juveniles.
34. The CGPCS recognized the need to strengthen the mechanisms of prosecution of pirates apprehended off the coast of Somalia and reiterated the urgent need to investigate and prosecute not only suspects captured at sea, but also anyone, who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate or finance and profit from such attacks. It called upon the UN Security Council to keep under review the possibility of applying targeted sanctions against such individuals or entities if they meet the listing criteria set out in paragraph 8 of Resolution 1844 (2008).
35. The CGPCS noted the concern expressed by the maritime industry that any sanction measures leading to the prevention of ransom payments could adversely affect the welfare, security and release of seafarers who are held hostage.

Information sharing to prosecute chief pirates and financiers

36. The CGPCS noted with satisfaction that the work of WG 5 on establishing Key Principles on Information Sharing amongst national authorities and with international organizations and the private sector was advancing well and urged WG 5 to complete this work expeditiously. The CGPCS welcomed the recommendation to designate or establish National Single Points of Contact to ease relations with the shipping industry and, noting that INTERPOL had been confirmed as the “International Single Point of Contact” with industry, urged further development of its coordination role in Post Release Investigations, including through the increasing relevance of the Global Database on Maritime Piracy.

Disrupting financial flows and piracy networks

37. The CGPCS welcomed the progress of the joint UNODC-World Bank-INTERPOL study on illicit financial flows linked to piracy off the Coast of Somalia, which was presented to WG 5 on 9 November 2012. It looked forward to receiving the detailed findings of the first leg of the project in early 2013 and urged the donor community to ensure the full funding of the second leg that will be centered on building financial culture and surveillance capacity in the area.
38. It noted the importance of ongoing work to tackle piracy networks, in particular the leaders, financiers and enablers of piracy. To this end, the CGPCS noted a report from the Chair of the International Task Force on Piracy Ransoms and tasked the relevant Working Groups to examine its recommendations.

39. It supported the proposal that the WG 2 and WG 5 Chairs call a special meeting of prosecutors in order to strengthen their cooperation and information flow as an important element in ensuring that the organisers, financiers and negotiators are brought to justice.
40. It noted the continued progress of the INTERPOL EVEXI (Evidence Exploitation Initiative) project, now involving several countries in the area, as well as the ongoing initiative aimed at establishing the Regional Anti-Piracy Prosecution and Intelligence Coordination Centre, hosted by the Republic of Seychelles.

Enhancing counter-piracy communication

41. The CGPCS highlighted the importance of a counter-piracy communication strategy as an important tool to guide international efforts to engage with Somalis both in and outside Somalia to increase their awareness of the criminal nature of piracy and its negative impacts, and underlined the need to ensure that cultural aspects be fully taken into consideration when designing counter-piracy messaging in order to send the right message to the right audiences at the right time.
42. It supported WG 4's efforts to coordinate the messaging of the different Working Groups regarding the achievements and challenges pertaining to their areas of concern.
43. It noted that the workshop held on 3-4 October 2012 in Copenhagen, with the participation of representatives of the Somali diaspora in Denmark, including community youth leaders, had recognized the need for greater CGPCS engagement with the Somali government to further convey counter-piracy messaging.
44. The CGPCS welcomed the work done by the UNPOS and UNODC in implementing the advocacy projects to raise awareness about the negative repercussions of piracy.
45. The CGPCS confirmed that access to the restricted part of its official website shall be provided only to CGPCS participants.

Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia

46. The CGPCS endorsed the administrative changes in the Terms of Reference (ToR) of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia (Trust Fund) as amended by the Board of the Trust Fund in its meeting on 10 December 2012. The revised ToR will allow the UNDP's Multi-

Partner Trust Fund (MPTF) office to assume the administration of this Trust Fund, as decided by the twelfth Plenary of the CGPCS in July 2012.

47. The CGPCS welcomed the contribution from Germany, Italy, Qatar and Spain to the Trust Fund since the twelfth plenary in July 2012, bringing the total deposited contributions to the Trust Fund to nearly US\$ 16.5 million since its inception in January 2010, of which US\$ 12.12 million has been disbursed. It further called on States and the private sector to ensure that the national commitment of Somalia and regional countries to prosecute and imprison pirates is matched by strong support and assistance from the international community, including through generous financial contributions to the Trust Fund.

48. The CGPCS expressed its appreciation for the continued commitment of the UN Department for Political Affairs in facilitating the effective administration of the Trust Fund.

Future Chairmanship

49. The CGPCS decided that the fourteenth and fifteenth plenary sessions will be held under the Chairmanship of the United States of America in 2013.

Endorsement of progress of the Working Groups

50. The CGPCS endorsed the progress made by each of its Working Groups, tasked them to continue work in their respective areas in accordance with its conclusions, and encouraged them to continue their mutual cooperation.
