

**New York, 25 July 2012**

## **COMMUNIQUE**

The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Twelfth Plenary Session in New York on 25 July 2012 under the chairmanship of Spain and agreed to the following conclusions:

### **1. Need for further international commitments despite significant developments in counter-piracy efforts.**

- The CGPCS welcomed significant developments in counter-piracy efforts by the international community since the Eleventh CGPCS Plenary Session in March 2012, but reiterated that piracy continues to pose a serious threat noting that 185 innocent seafarers in 7 merchant ships remain hostage of pirates.
- It emphasized that close international coordination and cooperation continue to be of key importance to effectively counter piracy off the coast of Somalia and in the wider Indian Ocean. It agreed upon the need to resolve disputes in line with applicable international law.
- It noted that a combination of all ongoing efforts contributed towards a marked reduction in attacks and hijackings of vessels for the first half of 2012 in comparison to previous years, with attacks in the Gulf of Aden now down to pre-2008 levels.
- It raised, on the other hand, concern over the potential expansion of criminal activities on land, in particular the kidnapping of humanitarian workers and civilians, by networks involved in piracy.
- The CGPCS welcomed the conclusions on piracy of the Second Istanbul Conference on Somalia reiterating that the problem of piracy requires a comprehensive approach that combines development, capacity-building, rule of law, prosecution of suspected, and imprisonment of convicted pirates on the basis of UNSC Resolution 2020 (2011), full compliance of international law, and the reinforcement of Somali-owned judicial capacities. This comprehensive approach should be based on a deep understanding of the direct linkages between the problem of piracy and the lack of effective governance in the majority of Somalia for over two decades. In this sense, it underlined the importance of ensuring a successful political transition in August as a catalyst to further progress to address sustainably the causes of piracy.
- The CGPCS took note of the conclusions of the 22<sup>nd</sup> meeting of the International Contact Group on Somalia (ICG), which took place in Rome on 2 and 3 July 2012. It echoed its firm determination that the Transition end on 20 August 2012 in accordance with the Transitional Federal Charter, Djibouti Agreement, Kampala Accord, Roadmap and subsequent consultative meetings.
- It took note of the adoption by the Security Council of Resolution 2060(2012) extending the mandate of the Somalia/Eritrea Monitoring Group for thirteen months.
- The CGPCS took note of the discussions of the UAE's Second High Level Piracy Conference held in Dubai on 27-28 June 2012, which *inter alia* called for the development of regional and national maritime capacity and for participants to respect relevant international law related to countering piracy in international waters.
- The CGPCS welcomed the counter-piracy conference hosted by Australia in Perth from 15 to 17 July, which facilitated valuable exchange between operational and policy officers on lessons learned from addressing the problem of piracy in South-east Asia, and their application to piracy off the coast of Somalia and to the emerging challenge of piracy in the Gulf of Guinea. The CGPCS looks forward to a follow-up panel discussion in New York in September, to be co-hosted by the Permanent Missions of Australia and Benin to the United Nations, to relay the outcomes of the conference.
- The CGPCS noted the continuing counter-piracy activities of the Transitional Federal Government, Puntland and Somaliland, and called on them to redouble efforts to implement the

piracy benchmarks of the Roadmap agreed on 6 September 2011 and to work closely in collaboration with the international community to disrupt and counter pirate activity.

## **2. Solidarity with and assistance to the victims of piracy.**

- The CGPCS expressed the international community's deep sympathy and solidarity for the suffering of kidnapped seafarers and their families and called for their immediate release. It also called on the concerned flag States, whose ships continue to be held hostage by Somali pirates, to actively engage with concerned shipowners in order to ensure the appropriate attention to the welfare of the seafarers in captivity.
- It welcomed efforts of Working Group 3 to consider possible ways to provide better assistance for seafarers and their families who suffered or are suffering from pirate attacks, armed robberies at sea or kidnapping in cooperation with States, industries and International Organizations and NGOs, including Maritime Piracy: a Humanitarian Response Program (MPHRP), International Transport Workers' Federation (ITF), and the Seamen's Church Institute (SCI), among others.
- The CGPCS noted the problem faced by a substantial number of hostages who are unable to find their way home after release by the pirates, and in this regard welcomed the joint efforts of the UN Office of Drugs and Crime (UNODC) and UN Political Office for Somalia (UNPOS) to develop a program of support to respond to this humanitarian tragedy. It further recommended UNODC and UNPOS to inform the CGPCS of progress made in this regard through Working Group 3.

## **3. Reinforcement of operational activities and their coordination.**

- The CGPCS recognized the continued success of the well-coordinated, robust approach by naval operations at sea and reiterated its support for such action to continue. In this regard, the CGPCS welcomed the continued efforts of the naval forces of NATO, the European Union, the Combined Maritime Forces, and the independently deployed naval military assets by several Member States to counter piracy off the coast of Somalia and in the wider region. It also welcomed successful coordination among Japan, China, India, Russia and Republic of Korea for their convoy operations in the Gulf of Aden. It further recognized the benefits of continued dialogue between naval forces and industry through fora such as the Shade Awareness and Deconfliction (SHADE) meetings.
- The CGPCS noted that, despite the progress made by the comprehensive counter-piracy effort, relative success to date is reversible and that military presence is vital but also part of a comprehensive solution, and further supported the call for national contributions to sustain agile, consistent and balanced counter-piracy force, including special capabilities and force enablers.
- The CGPCS welcomed the cooperation arrangements being put in place for sharing information between naval forces of NATO, the European Union and INTERPOL.
- It welcomed the Operation ATALANTA's efforts that have resulted in disrupting pirate logistic dumps ashore.

## **4. Regional Capability Development.**

- The CGPCS reiterated the importance of effective coordination of regional maritime and judicial capability development activities, and noted the importance of the Working Group 1 capacity-building matrix as a tool to enhance this coordination. It welcomed progress already made by the European External Action Service (EEAS) on Working Group 1's behalf, and tasked Working Group 1 and participants tasked on its behalf, in particular the EEAS, to lead the conclusion of work to refresh the matrix and to establish an appropriate mechanism to ensure its sustainability.
- The CGPCS welcomed the update on the new mission EUCAP NESTOR to build maritime capacity in countries in the region, including Somalia, and noted that the decision to deploy to the region is expected imminently, with all 175 personnel scheduled to be deployed by mid-October 2012 at the latest.

- The CGPCS welcomed NATO's decisions to adopt more effective actions to limit the operational reach of pirates at sea, as well as work with regional partners to build maritime capacity within its means and capabilities.
- The CGPCS welcomed the efforts of the International Maritime Organization (IMO) on information sharing, legal issues, training and operational capacity building. It underlined its continued support for the IMO-led Djibouti Code of Conduct (DCoC), noted the outcomes of the DCoC ministerial review meeting held at the IMO on 14 May 2012, and welcomed Mozambique's recent decision to join the DCoC.
- It called for concrete progress on the declaration of an Exclusive Economic Zone off the coast of Somalia consistent with the 1982 UN Convention on the Law of the Sea to clarify the legal basis for the protection of the sovereign rights of Somalia with respect to natural resources and its jurisdiction over the marine environment.

#### **5. Recognition of the progress achieved to facilitate detention, prosecution, and incarceration of pirates and of the need to further enhance the efforts in these fields.**

- The CGPCS reiterated the need to support the comprehensive development of the independent justice sector in Somalia.
- It commended Seychelles and Kenya for their efforts to undertake prosecutions of Somali pirates.
- The CGPCS congratulated Mauritius for concluding an agreement on transfer for prosecution with the European Union and the United Kingdom. It likewise commended the United Republic of Tanzania for concluding an agreement with the United Kingdom on the same matter. It also took note of an expected similar agreement between the European Union and the United Republic of Tanzania.
- The CGPCS noted the urgent need to ensure that suspected pirates apprehended at sea be brought to justice through the due process of law in accordance with international standards and welcomed the important work being undertaken by Working Group 2 in this regard.
- The CGPCS recognized the important contribution of the EU, UNODC, UNDP and UNPOS in supporting Somali and regional authorities to detain and prosecute pirates and the strengthening of the Somali judicial system as a whole, and encouraged them to reinforce their activities in coordination with Somali authorities, as a matter of priority.
- It took note of the implementation of the Post Trial Transfer agreement between Seychelles and Somaliland and welcomed the work of the UNODC and the Chairman of Working Group 2 in facilitating the conclusion of the two agreements between Mauritius and Puntland and Mauritius and TFG in May 2012 on Post Trial Transfer. The CGPCS urged other states to conclude similar arrangements, noting the offer of assistance in this regard from the UNODC and the Working Group 2 chair.
- The CGPCS noted with satisfaction the information compiled by the United Nations Secretary-General pursuant to Security Council resolution 2015 (2011) of 24 October 2011 (document S/2012/177), regarding measures taken by 42 Member States to criminalize piracy under their domestic law and to prosecute and support the prosecution of individuals suspected of piracy off the coast of Somalia and the imprisonment of convicted pirates, issued on 26 March 2012.

#### **6. Developments on guidelines and standards to reinforce the protection of vessels.**

- The CGPCS recalled the positive effects that the application of Best Management Practices (BMPs), together with the deployment of Vessel Protection Detachments (VPDs) and the more legally challenging issue of the Privately Contracted Armed Security Personnel (PCASP), has on the reduction of the success rate of attacks.
- The CGPCS underlined the importance of full adherence to BMP4 (Best Management Practices) as the first and most effective line of self-protection and noted the conclusion of the SHADE Co-Chairs that successful hijacks are four times more likely if BMP measures are not in use.

- It noted the continued use of Autonomous Vessel Protection Detachments (AVPDs) as a key part of the international military response. It noted the positive experiences of a number of participants in the use of AVPDs to protect humanitarian shipping in the High Risk Area and noted the conclusion of the SHADE co-chairs that an AVPD can have a multiplying effect of up to 25%. It encouraged all CGPCS participants to consider both provision of AVPDs and enabling AVPDs to operate on vessels carrying their flag and charterers to favor arrangements that make use of AVPDs.
- The CGPCS took note of the use of privately contracted armed security personnel (PCASP) in preventing pirate attacks and noted that no vessel carrying private armed security personnel has been pirated to date.
- The CGPCS welcomed the initiative of the Working Group 2 chair to have a thorough discussion about the rules on the use of force by PCASP at a special meeting in London on 24 April 2012, the conclusions of which were sent to the Chairman of Working Group 3. It noted that this interaction is a fine example of both cooperation between Working Groups and the ability of the Working Group 2 to provide very specific guidance when needed.
- The CGPCS appreciated the efforts of Working Group 3 and its two Intersessional Correspondence Groups, led by the United Kingdom and the United States, respectively, to submit the "Draft Interim Guidance to private maritime security companies (PMSC) providing privately contracted armed security personnel (PCASP) aboard vessels transiting the High Risk Area off the east coast of Somalia" and the "Flag State Framework for Implementation of Avoidance, Evasion, and Defensive Best Practices to Prevent and Suppress Acts of Piracy against Ships," respectively, to the 90th Session of the IMO Maritime Safety Committee (MSC) held from 16 to 25 May.
- The CGPCS welcomed the adoption by IMO/MSC of the Interim Guidance to PMSCs providing PCASP on board ships in the High Risk Area (MSC.1/CIRC.1443) and the associated decision by MSC/IMO to develop international standards for PMSC and PCASP in cooperation with the International Organization for Standardization (ISO) and to further approve interim guidance for flag states on measures to prevent and mitigate Somali-based piracy (MSC.1/CIRC.1444).
- It also welcomed the collaborative efforts of IMO, ISO and INTERPOL to organize an informative meeting and debate on the first draft ISO standard on Procedures for Private Maritime Security Companies being hosted at INTERPOL Headquarters in Lyon on 26 and 27 July 2012.
- The CGPCS noted that Working Group 3 would continue discussions on various issues regarding appropriate use of PCASP aboard vessels, taking into account the ongoing work by other organizations, and would develop ways for enhancing implementation of the Best Management Practices by conducting an analysis on data regarding all available cases of piracy and armed robbery at sea that came about in the past.
- The CGPCS noted the continued reduction in the reach and extent of piracy in the East Arabian Sea, especially east of 70 degrees East, and asked Working Group 3 to consider a review of the piracy High Risk Area through discussions with industry, the drafters of BMP.
- It welcomed the offer of the United States of America to host in Washington, DC an *ad hoc* meeting of interested CGPCS participants to discuss the legal, security, and policy implications of PCASP.

## **7. Information sharing with the private sector.**

- The CGPCS welcomed progress on information sharing, noting with particular satisfaction that both Governments and the shipping industry were firmly convinced that timely access to existing information could boost the ability to identify, locate, and prosecute pirates and their organizers/financiers.
- It welcomed the identification of INTERPOL as the best international "single point of contact" with industry for initial information sharing purposes, as well as the recommendation that a single point of contact in each country would further strengthen the domestic co-

ordination process and the ease with which the private sector could liaise with national law enforcement agencies.

- The CGPCS noted the importance of Working Group 5's work to tackle piracy networks in particular the leaders, financiers and enablers of piracy and international initiatives designed to tackle piracy networks. It also tasked Working Group 5 to discuss conditions to make information sharing possible, including while negotiations with pirates are on-going, and to enhance law enforcement and private sector coordination in Crime Scene Investigations, to ensure that evidence is collected appropriately and will be admissible in courts.

## **8. Financial flows in Somalia.**

- The CGPCS welcomed the progress of the World Bank, UNODC and INTERPOL research program on financial flows in Somalia. It encouraged States and International Organizations to ensure the financial support necessary to complete the research and urged the private sector to provide information useful to better understanding how money is moved. Preliminary findings will be presented at a Conference to be held in the Horn of Africa region in autumn.

## **9. The importance of the role of strategic communication in raising awareness regarding the challenges imposed by piracy.**

- The CGPCS highlighted the importance of 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 negative impacts of piracy, as well as communicate alternatives to piracy as a way of life.
- It underlined the need to insure 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.
- It stressed, as a balance to undermining the pro-piracy narrative, the importance of building positive alternative messages to Somali youth. These messages should focus on how at-risk youth can choose legitimate alternatives to piracy through sustainable development programs underway.
- The CGPCS welcomed with appreciation the work done by the Republic of Korea in establishing the official CGPCS website and noted the progress done by the UAE to create and fund an Arabic-language translation of the CGPCS website. It also welcomed the recommendations for more effective use of the CGPCS website and its Terms of Reference, an element of which will be reviewed by Working Group 2.
- The CGPCS confirmed that, as regards access to the "participants only" area of the CGPCS website, CGPCS participants were composed of States, International Organizations and NGOs that participate in the CGPCS plenary session. In this regard, "participants only" access to additional entities will be decided at a subsequent plenary.
- The CGPCS adopted *Effective Counter-Piracy Messaging with Somali Audiences* as a general framework representing the CGPCS messages to Somalis both in Somalia and in the Somali diaspora. The CGPCS decided to offer this guide to agencies or organizations preparing counter-piracy communications campaigns. The guide may be found on the CGPCS website [www.thecgpcs.org](http://www.thecgpcs.org).
- It welcomed the work done by the UNPOS public information office and UNODC in implementing the first phase of advocacy projects to raise awareness about the negative repercussions of piracy.
- The CGPCS decided to produce an annual report of its achievements so that Working Group 4 may publish these achievements as part of an overall CGPCS communication strategy.
- It reminded all Working Group liaisons to provide their respective messages to Working Group 4. It also called on the Chairs of the Plenary and Working Groups to provide the Board of Editors of the CGPCS webpage with relevant updates on their activities.

## **10. Presentation by Oceans Beyond Piracy (OBP).**

- The CGPCS took note of the strategic assessment presented by *Oceans Beyond Piracy*. The invitation by the Chair to OBP to participate in the 12<sup>th</sup> Plenary proves the importance that the CGPCS attributes to the role of non-state actors in countering piracy.

## **11. New CGPCS working methods.**

- The CGPCS approved a proposal by the Spanish Chairmanship based on an initiative of the United States that introduces new arrangements for the working methods of the group.
- In substance, it agreed that beginning in 2013 the CGPCS would meet twice every year in plenary sessions in order to reinforce the coordination and interaction of its five Working Groups and that its chairmanship would henceforth rotate on an annual basis (see Annex 1). The CGPCS reserves the right to review, as appropriate, its chairmanship procedures in order to strengthen its effectiveness while maintaining its inclusivity.

## **12. Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.**

- The CGPCS approved the administrative changes to the Terms of Reference of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia as amended by Working Group 2 through a written procedure and as approved by the Board of the Trust Fund in its meeting on 24 July 2012 (see Annex 2). The CGPCS also approved the Trust Fund Board's decision to appoint UNDP's Multi-Partner Trust Fund (MPTF) Office as the new Fund administrator.
- It welcomed the first ever contribution from the private sector to the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia since the 11th plenary in March 2012, bringing the total deposited contributions to the Trust Fund to nearly US\$14 million since its inception in January 2010, of which US\$11.7 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.

## **13. Future Chairmanships of the CGPCS Plenary Meetings.**

- The Thirteenth Plenary Session will be held under the Chairmanship of India.
- The CGPCS thanked the United States for its availability to assume chairmanship in 2013. A final decision on this annual chairmanship will be taken at the 13th plenary meeting.

## **14. Endorsement of the progress of the Working Groups and schedules for the next working meetings.**

- The CGPCS endorsed the progress made by each of its Working Groups, tasked them to continue their work in conformity with the conclusions of their respective chairs, and encouraged them to pursue their mutual cooperation in multi-faceted aspects such as PCASP.
- It noted that information regarding future Working Groups meetings will be available on the CGPCS website.