

THIRD PLENARY MEETING OF THE CONTACT GROUP ON PIRACY OFF THE COAST
OF SOMALIA, MAY 29, 2009-NEW YORK CITY

COMMUNIQUE

The Contact Group on Piracy off the Coast of Somalia (Contact Group) held its third meeting in New York City on May 29, 2009.

The Contact Group commended all members, especially Kenya, who have taken the lead in seeking justice for suspected pirates. The Contact Group endorsed the creation of an International Trust Fund to help defray the expenses associated with the prosecution of suspected pirates, as well as other activities related to implementing Contact Group objectives regarding combating piracy in all of its aspects. The International Trust Fund will be voluntary, open to contributions from governments, industry and others, who may make earmarked contributions. The Contact Group asked Working Group 2 to oversee all legal aspects of the International Trust Fund's formation and management. The UN offered to provide assistance to administer the fund.

Panama, Liberia, the Bahamas and the Marshall Islands signed the New York Declaration, in which they state that they will promulgate internationally recognized best management practices for protection of ships against piracy attacks and require that all vessels flying their flags adopt and document self-protection measures as part of their compliance with the International Ship and Port Facility Security Code. Together, Panama, Liberia, the Bahamas and the Marshall Islands 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.

The Contact Group heard presentations from the European Union's Naval Force (EUNAVFOR) and Combined Maritime Forces (CMF) Bahrain concerning operational coordination through the Shared Awareness and Deconfliction (SHADE) meetings in Bahrain. SHADE meetings include military representatives from Contact Group nations with military counter-piracy operations in the Horn of Africa and Somali Basin. SHADE meetings have included representatives from EUNAVFOR, CMF, the North Atlantic Treaty Organization, Canada, China, France, Germany, Greece, Japan, the Republic of Korea, India, the Netherlands, Portugal, Russia, Saudi Arabia, Singapore, Spain, Turkey, the United States, INTERPOL and industry. The Contact Group recognized the success of ongoing military coordination in contributing to lowering the rate of successful pirate attacks. The Contact Group noted the continuing development of the SHADE mechanism and its open and inclusive structure as one means of making effective use of military assets deployed in the region.

Somali Transitional Federal Government (TFG) Foreign Minister Mohamed Omaar thanked the Contact Group for its efforts in support of Somalia. He encouraged further support from the international community for the development of the Somali Coast Guard, and also reiterated the concern of Somalia regarding illegal fishing and dumping of toxic waste and called for more effective action by the international community in response. The Contact Group

thanked Foreign Minister Omaar for his presentation and agreed with his assertion that the ultimate solution to piracy would come on land with a stable Somali government.

The United Kingdom reported on the May 7-8 Working Group 1 meeting in London. It reaffirmed the importance of non-duplication of mechanisms and structures and the integrity of military chains-of-command. Working Group 1 commended the existing military contributions by a number of Contact Group countries and encouraged these and others to provide additional assets to the fight against piracy. It welcomed the ongoing work in assessing regional capacity development in pursuit of Working Group 1's mandate on regional capacity building. Working Group 1 discussed armed security on merchant vessels, noting the strong concerns of industry representatives and some member states while underscoring the importance of future dialogue on the issue. The Contact Group asked Working Group 1 to continue to review operational coordination, including the proposal from China to establish areas of responsibility for escort operations and agreed that it should continue to consider the potential need for a regional counter-piracy coordination center. The Contact Group also asked Working Group 1 to continue to address regional capacity development as a matter of priority.

Denmark reported on the May 5-6 Working Group 2 meeting in Copenhagen. Working Group 2 stressed the need for cooperation to the fullest possible extent with all states and international and regional organizations concerning the facilitation of arrest, detention and prosecution of suspected pirates. The importance of shared responsibility among states for prosecution was highlighted. In addition to agreeing on a recommended legal framework for an ITF, Working Group 2 produced two papers that were distributed to the Contact Group. The first included a list of impediments to prosecution that have to date made prosecution efforts less effective than necessary. The second provided a checklist of steps states might take to ensure that they are able to prosecute suspected pirates. A number of countries made proposals concerning the establishment of an international or regional mechanism for the prosecution of pirate suspects, while other states highlighted the difficulties in establishing such a mechanism. The Contact Group tasked Working Group 2 to report back at its next meeting on further progress made by states in efforts to facilitate prosecution of suspected pirates and, in particular, efforts by Contact Group states to overcome the impediments listed by Working Group 2, including by use of the checklist. It also tasked Working Group 2 to draw up detailed terms of reference for an international trust fund to defray the expenses associated with the prosecution of suspected pirates, as well as other activities related to implementing Contact Group objectives regarding combating piracy in all of its aspects; develop a generic template for use by interdicting states in collecting evidence in piracy incidents; further examine the concept of "ship riders;" and invite the United Nations Office on Drugs and Crime (UNODC) to continue gathering information on relevant national legal systems, including those of coastal states. The Contact Group also asked Working Group 2 to continue consideration of possible international or regional mechanisms for the prosecution of suspected pirates.

The Contact Group asked Working Group 3, working principally through correspondence, to review on a quarterly basis progress of gathering lessons learned from vessel owners/operators, crew, and military involved in pirate attacks and updating maritime advisories to vessel masters with pertinent lessons learned. It was asked to review to what extent the BMPs are being used onboard vessels transiting off the coast of Somalia and the progress of

disseminating Piracy Counter-Measure Guidance. The Working Group was also asked to identify labor issues and to develop labor related guidance in support of crew training and post event activities.

Egypt reported on the May 25 meeting of Working Group 4 in Cairo. Working Group 4 reported on the communications strategy it developed and identified the key messages that should be delivered to target audiences. It welcomed the presentation by Somali Deputy Prime Minister, Abdel Ibrahim, and the report by the United Nations Political Office for Somalia. The Contact Group endorsed the communications and media strategy and tasked Working Group 4 to continue to oversee the implementation of the Contact Group Communications Strategy and to continue its effort on improving the diplomatic and public information efforts on all aspects of piracy and to develop further ideas to that end.

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.

The United Nations Secretariat made a presentation of a package of land-based counter-piracy projects as requested by the Contact Group meeting in Cairo. The Contact Group agreed that the United Nations Secretariat will make a written proposal on how the Contact Group can establish coherence between land-based counter-piracy initiatives and its activities.

The Contact Group is a group of countries and organizations with a common interest in eliminating the scourge of piracy from the Gulf of Aden and Somali Basin. Different countries will choose to contribute to efforts to eliminate piracy in different ways. Some might be able to contribute naval assets to patrol in the region; others might prosecute suspected pirates in their national courts, while still others might choose to contribute to the anti-piracy international trust fund or assist with capacity building efforts in the region. 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. The Contact Group plans to meet again in September 2009 in New York City to review the progress and direction of the four working groups and other developments. Japan will Chair this meeting.