

**6th PLENARY SESSION OF THE CONTACT GROUP ON PIRACY OFF THE
COAST OF SOMALIA
(New York, 10 June 2010)
FINAL COMMUNIQUÉ**

The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its sixth meeting in New York on 10 June 2010, under the Chairmanship of Greece.

The CGPCS notes with concern that piracy off the coast of Somalia continues to pose a serious threat to international navigation, as its main theater of operations has expanded from the Gulf of Aden to areas of the Indian Ocean. Over the course of recent months, in the massive maritime environment surrounded by the Indian Ocean, Somali pirates attempted several attacks against commercial vessels, a fact indicating their capacity to seize ships regardless of their size, as reflected in the exemplary cases of the Greek oil tanker "MARAN CENTAURUS" the Liberian flagged and Russian operated tanker "MOSCOW UNIVERSITY" and the Marshall Islands flagged and ROK operated tanker "SAMHO DREAM". It is therefore a matter of paramount importance to enhance international cooperation in finding ways and means to address piracy attacks in an effective manner. Participants of the CGPCS also agree that a viable solution for piracy will not be achieved unless peace and stability in Somalia are restored. From this point of view there is a strong need for well-coordinated efforts in the field of regional capacity-building by all international players involved, in close cooperation with the Transitional Federal Government of Somalia and regional authorities. From this point of view the CGPCS notes the statement made by the representative of Somalia and mainly his suggestions on possible actions which would be taken to address piracy.

Bearing in mind that prosecution of suspected pirates is an essential part of a comprehensive counter-piracy strategy, the CGPCS welcomes Security Council Resolution 1918 (2010) which requests the UN to produce a report on the possible mechanisms to address the issue of imprisonment and prosecution of pirates, including options for creating special domestic chambers, a regional tribunal or an international tribunal.

THE CGPCS also welcomes the decisions by the Trust Fund Board to approve its first six projects to support initiatives aiming at countering piracy off the Coast of Somalia. Five of these are associated with the prosecution and the strengthening of institutions in Seychelles and the regions of Somaliland and Puntland. Of equal importance, is the strategic communications project seeking to help local partners to disseminate anti-piracy messages within Somalia. Recognizing that the initial contributions to the Fund have been depleted, the CGPCS wishes to stress the need for additional donations and calls upon all participants, as well as on the shipping industry, to consider contributing donations to the Trust Fund.

On the issue of self-protection measures, the CGPCS underlines the central importance of adherence to the Best Management Practices (BMP) guide and the Flag States responsibility to ensure this procedure. It also urges for the maximum possible adherence by all merchant shipping companies and proposes that the recommended area of application for BMPs should be extended in order to achieve better ship protection.

The UK reported on the Working Group 1 meeting held in London on 10 May which addressed regional capability development and the challenges posed by the increasing operating area of Somali pirates. The CGPCS reaffirmed its strong support for the activity of multinational and national counter-piracy military operations in the region, and welcomed their continuing success in delivering a substantial level of security for international shipping, in particular in the critical Internationally Recognized Transit Corridor (IRTC) in the Gulf of Aden, which remains the key focus of military operations. The CGPCS noted the agreement at Working Group 1 on concrete steps that could be taken to mitigate threat, including extending the application of industry Best Management Practices, increased use of military Vessel Protection Detachments for vulnerable shipping and increasing the number of military assets available for the operations, including more helicopters, Maritime Patrol Aircraft, replenishment vessels and the wide variety of warships which could be useful for counter-piracy operations, as well as the possibility for increased land-basing options in the region to support such naval and air operations. It also noted with concern the gap in providing Maritime Patrol Aircraft to cover the Indian Ocean.

The CGPCS also reaffirmed the importance of continued work on regional capability development in the broad range of areas identified by the 2009 needs assessment report. It underlined the importance of effective prosecution of pirate suspects and imprisonment of convicted pirates for the credibility of the regional and international response, and welcomed the leadership shown by Kenya and the Seychelles, as well as the interest shown by Tanzania and others in supporting these efforts. The CGPCS also welcomed the positive engagement of the Transitional Federal Government of Somalia and the regional governments of Puntland and Somaliland in the work of Working Group 1 and the associated UN-led discussions with these three authorities on counter-piracy issues (the "Kampala process"). In addition, it noted with appreciation the joint presentation to Working Group 1 on counter-piracy action and forward planning by the Ministers of the Transitional Federal Government of Somalia and Puntland and Galmudug States, notably their proposal for a Coastal Monitoring Force. It also considered as a positive step the signature in April 2010 by the TFG and Puntland of a Memorandum of Understanding on co-operation on counter piracy issues and commended concrete steps being taken by the governments to disrupt pirate operations. The CGPCS encouraged all CGPCS partners to provide support, financial or in kind, including for the building of effective Somali structures, and supporting the training and equipment needs of partners in the wider region, coordinating their actions with other partners through the Working Group 1 matrix mechanism.

The CGPCS tasked Working Group 1 to continue to promote effective military coordination between different naval forces combating piracy off the coast of Somalia, as well as to enhance further regional capability development.

Denmark reported on the results of the Working Group 2 meeting on legal issues emphasizing the continued progress which was made by States in establishing relevant national legislation and prosecuting pirates. The Chair further noted that WG2 had identified a number of models to ensure prosecution, including through a network of bilateral transfers arrangement, and called on all affected States and organizations to support the work of WG2. As for the UNSC Resolution 1918 of 27 April 2010, which requests that the UN produce a report on options for prosecution, including a special domestic chamber, it was highlighted that the work carried out

by WG2 would be taken into account by the UN Secretary General in his report which will be presented pursuant to the above said resolution.

The CGPCS tasked WG2 to continue its work in conformity with the conclusions of the Chairman.

The CGPCS wishes to applaud the contribution of regional countries in the field of prosecution, as well as the role of Kenya in bringing pirates to justice, and the commitment of Seychelles to continue prosecution of suspected pirates both nationally and through cooperation. The CGPCS calls upon all Participating States and Organizations to continue their efforts to ensure prosecution of suspected pirates while stressing at the same time the need for global and regional burden sharing in this respect.

Industry and governments have continued to monitor the tactics being used by Somali pirates and, based on evaluations, have revised Best Management Practices (BMPs) and other counter piracy guidance. Version 3 of the Industry Best Management Practices (BMPs) has just been completed and has been distributed today. Furthermore, industry groups are currently collaborating and developing seafarer related guidance including papers covering the training, preparation and care of seafarers, and planning actions recommended to be taken for the event of being hijacked by pirates. The results of this effort are anticipated in July. A related submission to the Maritime Safety Committee of IMO is planned in time for its 88th session.

During the March 2010 meeting of Working Group 3 (WG3), it was decided that a survey would be conducted to determine how Administrations were disseminating and implementing BMPs. Of the 29 Administrations that attended the meeting, 18 Administrations responded including the four largest ship registries. All responding Administrations disseminate BMPs to their fleets; implementation being voluntary for most of the Administrations, mandatory for others, with several using the International Ship and Port Security Code (ISPS) framework for incorporating counter-piracy measures into ship security plans. The carriage of armed security guards is prohibited by most responding Administrations. CGPCS Participants are encouraged to respond to the survey, if they have not already. The results provide a means to understand how BMPs and other counter piracy guidance are being disseminated and used, so that the most effective implementation of self protection measures can be realized.

Egypt, chair of WG4, made a presentation on the developments that took place since the group last met in January 2010 in New York, including the adoption by the International Trust Fund of the CGPCS of the project prepared by UNPOS on "Utilizing Media to Prevent and Combat Piracy". It expressed concerns that during meetings of the Trust Fund, a lot of doubt were shed as to the utility of the project, and its priority as compared to other projects. The chairman of WG4, drew the attention to the "Yearly Progress Questionnaire" which has been distributed lately to all CGPCS members to identify what actions has been taken and which areas remain to be worked upon as far as the communication strategy is concerned, noting that a year after formulating the strategy, this important instrument was still far from its full implementation.

The CGPCS tasked WG4 with the following:

- 1) To continue its efforts to compile the results of its "Yearly Progress" survey with a view to identifying priorities of CGPCS participants in the area of communication and information

mination, and encourage all stakeholders to comprehensively complete the survey, indicate which projects they are willing to sponsor or implement. To continue its communication and coordination with UNPOS on the implementation of the project endorsed by the CGPCS Trust Fund on "Utilizing Media to Prevent & Combat Piracy" in Puntland.

- 3) To convene the next meeting of Working Group 4 before the following CGPCS plenary to discuss the results of the "Yearly Progress" survey, and identify areas of potential future action.

INTERPOL delivered a presentation on its counter piracy activities and regarding the role of its Task Force which deals inter alia with the exchange of intelligence and information sharing, between all stakeholders involved in the area of counter piracy cooperation such as navies and international organizations. The announcement for the partnership with EUROPOL can be considered a positive step forward to upgrade the capacity of the international law enforcement community in addressing piracy as an organized criminal enterprise.

UNITAR presented a report of the overall piracy attacks outlook as it was developed in 2009. The CGPCS welcomes the executive findings of the report which provide useful elements associated with different aspects of piracy.

Tracing of funds used to finance piracy attacks including the tracking of ransom payments continues to remain a significant part of a broad anti-piracy strategy. The CGPCS encourages States and international law enforcement organizations to tackle this challenge in a proactive way and urges close cooperation among competent national authorities of Participating States and INTERPOL in fulfilling this task.

The Contact Group believes it is important for the international community to focus attention on restricting support for pirates by inhibiting the networks that support this illicit activity. These efforts should include tracking and freezing the assets of pirates to deter their operations. International cooperation is necessary to disrupt the financing and proceeds from piracy. The Contact Group requested that the Chair explore an ad hoc meeting of experts on the subject to focus on the financial aspects of piracy and to ensure that this issue is dealt with comprehensively and includes relevant law enforcement agencies. The Contact Group hopes such a meeting can take place prior to the next plenary so that its findings can be reported to the next plenary.

The CGPCS welcomes Finland and Pakistan as new participating States to the Group and looks forward to their contribution in countering piracy.

The next (7th) Plenary Session of the CGPCS will be held in the middle of autumn in New York and will be chaired by the Republic of Korea. It was also decided that Turkey and Singapore will chair the 8th and 9th Plenary Sessions respectively.