



Security Council

Distr.: General
22 October 2012

Original: English

Report of the Secretary-General pursuant to Security Council resolution 2020 (2011)

I. Introduction

1. The present report is submitted pursuant to paragraph 29 of Security Council resolution 2020 (2011) of 22 November 2011, in which the Council requested me to report on the implementation of the resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. The report provides an update on major developments since my previous report of 25 October 2011 (S/2011/662). The assessment and observations in the report are based on information provided by Member States and regional organizations, in conformity with paragraph 28 of resolution 2020 (2011). Information was provided by Australia, Bulgaria, Denmark, Finland, Germany, Greece, Italy, Japan, Netherlands, New Zealand, Oman, Poland, Qatar, Republic of Korea, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, the European Union and the North Atlantic Treaty Organization (NATO). The United Nations system, the International Criminal Police Organization (INTERPOL) and the Somalia and Eritrea Monitoring Group were also consulted.

II. Main developments on piracy off the coast of Somalia

3. The joint efforts of the international community and the private sector to counter piracy off the coast of Somalia have had initial success, with the latest reports from the International Maritime Organization (IMO) showing a sharp decline in pirate attacks and hijackings in 2012 compared with 2011. In the first nine months of 2012, there were 99 attacks against ships in waters off the coast of Somalia, resulting in the hijacking of 13 ships. The majority of attacks leading to hijacked vessels took place in the western Indian Ocean. This compares with 269 reported attacks and 30 ships hijacked during the same period in 2011. However, piracy continues to pose a serious threat, since 224 seafarers and 17 vessels (including three fishing vessels and eight dhows) were held hostage as at late September 2012. This compares with 339 people and 16 vessels (including four fishing vessels and two dhows) held in September 2011.

4. The number of attacks continues to vary seasonally. However, spikes in pirate activity are less pronounced than in the past. The proportion of successful attacks was reduced. The declining trend is attributable to several efforts: the combined



actions by naval forces both at sea and ashore to disrupt pirate operations; the improved implementation of the IMO guidance and industry-developed Best Management Practices for Protection against Somalia-based Piracy; better application of self-protection measures and situational awareness by merchant ships, including through the use of fortified safe rooms; and the prosecution of suspected pirates and the imprisonment of convicted pirates. The deployment of privately contracted armed security personnel on-board ships and of vessel protection detachments may also have contributed to deterring pirate attacks.

5. Despite these positive trends, there were reports of onshore pirate presence and activities, including kidnappings for ransom of international aid and foreign workers, in Puntland and in central Somalia in mid-2012. Pirates may be considering moving onshore because of growing pressure on their offshore activities. On 11 July 2012, three Kenyan aid workers were kidnapped, reportedly by pirates, in Bacadweyne, Somalia.

6. According to the United Nations Office on Drugs and Crime (UNODC), Somali pirates reportedly received about \$170 million in ransom in 2011 for hijacked vessels and crews, up from \$110 million in 2010. The figures for 2012 are not yet available. Some of this money was channelled into the world's legal financial system. The average payment made to pirates in 2011 was about \$5 million, although as much as \$10 million was paid for the release of a tanker. The laundering of piracy proceeds caused steep price increases in goods in the Horn of Africa and surrounding area. Some of the proceeds are reportedly being reinvested into criminal activities, such as drug trafficking, weapons and alcohol smuggling, and human trafficking.

7. The overall cost of piracy to States and societies remains high. According to an assessment by the non-governmental organization One Earth Future Foundation, the economic cost of Somali piracy in 2011 was between \$6.6 and \$6.9 billion owing to, inter alia, increased insurance premiums, ships transiting at faster speeds over longer routes to deter pirates, hiring of privately contracted armed security personnel and equipment, ransom payments and higher labour charges. The shipping industry bore over 80 per cent of these costs, while Governments bore the rest.

III. Efforts by authorities

8. In its resolution 2020 (2011), the Security Council welcomed the readiness of the national and regional administrations of Somalia to cooperate with each other and with States that had prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law.

9. On 25 September 2012, I met with the former Prime Minister of Somalia, Abdiweli Mohamed Ali. I encouraged him to continue to support the work of the Government to counter the menace of piracy. We agreed on the importance of reducing impunity and creating employment opportunities for young people. On 27 June 2012, while addressing the opening of the two-day conference "A Regional Response to Maritime Piracy: Enhancing Public-Private Partnerships and Strengthening Global Engagement" in Dubai, Sheikh Sharif Sheikh Ahmed, former

President of the Transitional Federal Government of Somalia, called for more financial and security support to Somalia to fight terrorism and piracy.

10. Puntland's maritime police units have been deployed in the coastal towns of Eyl, Hafun, Iskushuban, Bargal and the village of Hul-Anod. On 12 August 2012, the Puntland authorities foiled attacks by suspected pirates in south-central Somalia and arrested one pirate. According to the Puntland authorities, a group of six individuals suspected of piracy was arrested at sea by the international naval forces. With the help and facilitation of UNODC, and following an agreement between Puntland and Seychelles to repatriate Somali pirates to Somalia, two juvenile suspects were released by Seychelles and reunited with their families in Puntland.

11. On 24 January 2012, the "Somaliland" administration established a Counter-Piracy Coordination Office and a National Counter-Piracy Committee by presidential decree. In February, "Somaliland" adopted legislation recognizing piracy as a crime and allowing for pirates convicted abroad to be transferred to its prisons in order to serve their sentences. "Somaliland" is currently implementing a public campaign in partnership with UNODC to sensitize young people against piracy. "Somaliland" coastal and maritime police are also contributing to the protection of a long coastline, although they lack adequate policing capacity, technical know-how and necessary resources, including vessels to prevent piracy at sea.

12. According to some reports, criminal networks engaged in piracy remain a powerful force in Galmudug, mostly in Galkayo, Harardhere and Hobyo. In February 2012, Galmudug security forces arrested six pirates in Hobyo. In December 2011, the Galmudug administration opened one of the region's largest prisons in Galkayo.

IV. International cooperation to address piracy off the coast of Somalia

13. Pursuant to the 2011 World Maritime Day theme "Piracy: orchestrating the response", IMO, in partnership with the World Food Programme (WFP), UNODC, the maritime industry and other counterparts, implemented a range of activities to strengthen the focus on counter-piracy cooperation between and among States, regions and organizations through information-sharing, the coordination of civil and military efforts, participation in the Kampala process and the implementation of such regional initiatives as the IMO-led Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.

A. Contact Group on Piracy off the Coast of Somalia

14. On 17 November 2011, the Contact Group on Piracy off the Coast of Somalia held its tenth plenary meeting in New York, chaired by the Netherlands. It underlined its support for the Kampala process facilitating dialogue among Somali authorities and noted the call by the United Nations to consider convening future meetings of the Contact Group and its working groups inside Somalia to strengthen coordination on the ground. On 29 March 2012, the eleventh plenary meeting of the

Contact Group, chaired by the United Arab Emirates, noted that piracy can be eliminated only by combining counter-piracy activities with wider efforts to stabilize Somalia, promote good governance and the rule of law and foster socioeconomic development. On 25 July 2012, the Contact Group held its twelfth plenary meeting in New York, chaired by Spain. It noted the reduction in piracy-related incidents and the need for further international commitment. It raised concerns over the potential expansion of criminal activities on land, in particular the kidnapping of humanitarian workers and civilians by networks involved in piracy. The plenary meeting approved new arrangements for the working methods of the Contact Group. Beginning in 2013, the Group will meet twice a year in plenary sessions in order to reinforce the coordination and interaction of its five working groups. The chairmanship will henceforth rotate on an annual basis.

15. Under the chairmanship of the United Kingdom and with support from IMO, Working Group 1 on operational coordination and regional capacity-building met in October 2011 and in March and July 2012. It prioritized and mapped the coordination of maritime and judicial capacity-building activities in Somalia and the wider region into a capacity-building matrix. The Contact Group endorsed this continued focus and called for further efforts to bolster the existing judicial and maritime capacity of regional forces. It also called for concrete progress on the establishment of an exclusive economic zone off the coast of Somalia and for comprehensive cross-sector counter-piracy and maritime security action in Somalia.

16. Working Group 2, chaired by Denmark and supported by UNODC, worked to identify practical and legal solutions to guide States and organizations in their endeavours. Denmark hosted four meetings during the reporting period, including a special meeting concerning the legal implications of privately contracted armed security personnel and rules on the use of force. These meetings resulted in the drafting of additional legal documents, which should serve as guidelines for States and organizations. Working Group 2 facilitated the initial implementation of the post-trial transfer system for individuals convicted of piracy.

17. Working Group 3, which acts as the interface with the shipping industry, handed over the chairmanship from the United States to the Republic of Korea in March 2012. Working Group 3 and its two intersessional correspondence groups, led by the United Kingdom and the United States, developed the “Draft interim guidance to private maritime security companies providing privately contracted armed security personnel 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”. As Chair, the United States delivered the documents to the Contact Group on Piracy off the Coast of Somalia and the IMO Maritime Safety Committee; the latter used them as foundational guides to develop two new circulars on counter-piracy. The United States also worked with industry groups assisting in the development of guidance to address care for seafarers who have suffered from pirate attacks or hostage situations. On 25 September 2012, Working Group 3 reviewed the conventions and draft guidance for seafarers’ welfare and welcomed the United Nations Political Office for Somalia (UNPOS) and UNODC proposals for a hostage support programme.

18. Working Group 4, chaired by Egypt, works on improving diplomatic and public information efforts on all aspects of piracy. Working Group 4, which met in

March and June 2012, worked on incorporating cultural aspects into the designing of counter-piracy messaging to ensure that acts of piracy are perceived by all Somalis as illegal, immoral and unethical. Working Group 4 endorsed the outcome of the counter-piracy messaging workshop organized in London in February by the non-governmental organization Oceans Beyond Piracy, in co-sponsorship with the United Kingdom and the United States. The Contact Group on Piracy off the Coast of Somalia adopted the workshop's guidelines on effective counter-piracy messaging with Somali audiences.

19. Under the chairmanship of Italy, Working Group 5 on financial flows linked to piracy met in October 2011 and in March and July 2012. It identified INTERPOL as the main international single point of contact with the shipping industry for information-sharing to boost the international community's ability to identify, locate and prosecute pirates and their organizers and financiers. Working Group 5 recommended the adoption of a single point of contact in each country to strengthen the domestic coordination process and to facilitate liaison with the private sector. The Contact Group on Piracy off the Coast of Somalia endorsed the priorities identified by Working Group 5 and tasked it to identify conditions to make information-sharing possible, including during ongoing negotiations with pirates, and to enhance law enforcement and private sector coordination to ensure evidence is collected appropriately to be admissible in courts.

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

20. Since its inception in January 2010, the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia (the Trust Fund) has played an essential role in supporting international efforts to counter maritime piracy and armed robbery at sea. The Trust Fund has supported the initiatives of three United Nations entities, namely, the United Nations Development Programme (UNDP), UNODC and UNPOS. The projects financed by the Trust Fund have afforded tangible support to efforts in Somalia, including in "Somaliland" and Puntland, as well as some regional States (Kenya, Mauritius, Seychelles and the United Republic of Tanzania) to suppress piracy. To date, the Trust Fund has received \$14,052,651 in contributions from 21 different donors, of which \$11,305,147 has been disbursed to 21 projects and \$600,000 provided to the Expedited Facility. The Expedited Facility permits the payment or reimbursement of short-term prosecution-related expenses and supports legal capacity-building activities. UNODC has received the largest share (67 per cent) of the Trust Fund's allocation, followed by UNDP (26 per cent) and UNPOS (7 per cent).

21. Since my previous report, the Board of the Trust Fund met three times and has approved eight projects worth \$4.92 million. On 16 November 2011, at its ninth meeting, the Board approved five projects costing an additional \$3.16 million and decided to replenish the Expedited Facility. New projects included support to building capacity for the rule of law in Somalia and continued funding for a media and public outreach project. On 28 March 2012, at its 10th meeting, the Board approved two new projects worth \$1.37 million. The projects are to support the trials of pirates in Kenya, Mauritius, Seychelles and the United Republic of Tanzania and will provide further assistance to the UNODC Piracy Prisoner Transfer Programme. At its 11th meeting, held on 24 July 2012, the Board approved one

project submitted by UNODC worth \$390,000. It will address the immediate and priority requirements to ensure basic comfort and minimum treatment standards for prisoners in Shimo la Tewa Prison in Mombasa, Kenya. Two projects, submitted separately by UNDP and UNOPS, were also considered by the Board, which sought additional information about the proposals.

22. UNODC has administered the Trust Fund since its inception, with the Department of Political Affairs of the United Nations Secretariat serving as the secretariat of the Fund. Governance is provided through a board consisting of 10 participants of the Contact Group on Piracy off the Coast of Somalia, who serve on a rotating basis. The Department of Political Affairs serves as a non-voting Chair of the Board. In May 2012, UNODC communicated to the Department of Political Affairs its decision to relinquish its role as Trust Fund manager to concentrate on the development and delivery of its counter-piracy programme, currently over \$40 million. At its 11th meeting, the Board approved the administrative changes to the terms of reference of the Fund to facilitate the transfer of the management responsibility to a new United Nations entity and decided to appoint UNDP's Multi-Partner Trust Fund Office as the new Fund administrator. Both decisions were endorsed at the 12th plenary meeting of the Contact Group.

C. Regional cooperation

23. The Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden became effective on 29 January 2009. The signatories committed to sharing and reporting relevant information, interdicting ships suspected of engaging in acts of piracy or armed robbery, ensuring that persons suspected of piracy are apprehended and prosecuted, and facilitating proper care, treatment and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to acts of piracy. Since my previous report, two more States have signed the Djibouti Code of Conduct, funded and administered through IMO: South Africa, in May 2012, and Mozambique, in July 2012. This brings the total number of signatories to 20, including Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, United Arab Emirates, United Republic of Tanzania and Yemen. A ministerial meeting on the review and future of the Djibouti Code of Conduct, convened by IMO on 14 May 2012, confirmed the region's willingness to undertake further action to implement the Code.

24. IMO has been delivering training on the Code of Conduct through the Djibouti Regional Training Centre. The information-sharing centres in Sana'a, Mombasa, Kenya, and Dar es Salaam, United Republic of Tanzania, are fully operational and linked to all 20 Djibouti Code of Conduct signatory States through a web-based information-exchange network. Further work to improve maritime situational awareness in the region, including reporting on dhow movements, is in progress. IMO has conducted consultations with Djibouti, Kenya, Madagascar, Mauritius, Mozambique, Saudi Arabia, South Africa and the United Republic of Tanzania to meet specific capacity-building needs to help to suppress piracy.

25. The African Union and regional economic communities, including the Common Market for Eastern and Southern Africa, the East African Community, the

Intergovernmental Authority on Development (IGAD), the Indian Ocean Commission and the Southern African Development Community (SADC), continued to keep the focus on addressing piracy in all its aspects. Several international conferences reiterated that piracy continues to pose a grave threat to the peace, security and prosperity of Somalia, the region and the world. These conferences provided useful opportunities to exchange information and draw lessons on counter-piracy activities in South-East Asia, the Indian Ocean, the Gulf of Aden and the Gulf of Guinea, including the necessary legal framework for prosecuting piracy.

26. The second Conference on Illicit Financial Flows related to Piracy off the Coast of Somalia was organized by UNODC in Djibouti in December 2011. It focused on improving cooperation and information-sharing between operators of money or value transfer services and law enforcement agencies in the region. Participants included over 30 Member States and international and regional organizations involved in counter-piracy activities, as well as 15 *hawala* (an alternative, “non-bank”, informal remittance system) and telecommunications operators providing financial transfer services.

27. At its 18th annual meeting, held from 20 to 24 February 2012 in Durban, South Africa, the Standing Maritime Committee of the Inter-State Defence and Security Council of SADC expressed the belief that SADC could manage local threats from piracy in the southern Indian Ocean region if it could develop maritime resources.

28. Participants in the London Conference on Piracy and Somalia, held on 23 February 2012, called for the adoption of best management practices on ships and further development of judicial capacity to prosecute and detain those behind piracy both in Somalia and in the wider region, and reiterated a determination to prosecute the kingpins.

29. Participants in the Istanbul II Conference on Somalia, held on 31 May and 1 June 2012, reiterated that the problem of piracy off the coast of Somalia requires a comprehensive approach on land as well as at sea. They noted that solutions must address the root causes of piracy and must combine development, capacity-building, the rule of law, deterrence and prosecution, and full compliance with international law.

30. The United Arab Emirates and DP World, a marine terminal operator, convened a second high-level piracy conference, under the theme “A Regional Response to Maritime Piracy: Enhancing Public-Private Partnerships and Strengthening Global Engagement”, in Dubai on 27 and 28 June 2012. The conference called for the development of regional and national maritime capacity. It urged participants to respect relevant international law when countering piracy in international waters. It also expressed concern about the impact of violence and hostage-taking on seafarers and their families.

31. The international counter-piracy conference hosted by Australia in Perth on 15 and 17 July 2012 discussed the transfer of knowledge on counter-piracy operations and policy from South-East Asia, piracy off the coast of Somalia and emerging challenges of piracy in the Gulf of Guinea.

32. On 26 September 2012, I convened a mini-summit on Somalia on the margins of the General Assembly. The mini-summit underlined the primary role of the Somali authorities in combating piracy and armed robbery, and hostage-taking off

the coast of Somalia. It recognized the need for continued efforts to repress piracy and tackle its underlying causes through a combination of deterrence at sea, strengthening rule-of-law institutions, developing an appropriate legal framework, maritime capacity-building, and supporting sustainable livelihood and development initiatives on land.

V. Naval activities off the coast of Somalia

33. The three counter-piracy maritime task forces — from the European Union, NATO and the Combined Maritime Forces, respectively — as well as vessels from several Member States continued to contribute in the fight against piracy and armed robbery at sea off the coast of Somalia, as authorized by the Security Council in its resolution 2020 (2011). The three task-force commanders act as local coordinators on a rotational basis for the Gulf of Aden and the Somalia Basin.

34. The first European Union Naval Force operation, Atalanta, continued to protect shipping lanes off the coast of Somalia and WFP vessels delivering humanitarian aid to vulnerable populations in Somalia and the broader region. A total of 150 vessels have been escorted since 2007, and during the reporting period, 24 vessels carrying 123,000 metric tons of essential humanitarian assistance for Somalia were delivered by sea with the assistance of the European Union Naval Force. Since the deployment of Atalanta, no ship carrying WFP food supplies has been attacked by pirates. European Union and non-European Union States deployed naval assets comprising up to five vessels and four aircraft and more than 900 personnel as part of the operation. The Council of the European Union extended the mandate of Atalanta until December 2014 and expanded its area of operations to include Somali coastal territory and internal waters. This allowed Atalanta to disrupt pirates' logistic bases ashore. Atalanta has disrupted numerous pirate attacks and transferred 11 suspected pirates for prosecution in Seychelles. The transfer agreement between the European Union and Mauritius became fully operational in June 2012.

35. NATO's Operation Ocean Shield comprises up to five NATO vessels that patrol the waters off the coast of the Horn of Africa and along the Internationally Recommended Transit Corridor in the Gulf of Aden, and a maritime patrol aircraft based in Seychelles. NATO warships deterred multiple pirate attacks and disrupted several pirate action groups, freeing crews held by pirates and arresting suspected pirates. Following a strategic assessment by the North Atlantic Council in response to changing pirate tactics, Operation Ocean Shield can now take more robust measures to limit pirates' logistics and support bases. It can also conduct a wider array of actions against suspected pirate vessels.

36. The Combined Maritime Forces, now comprising 27 States following the inclusion of Malaysia and Seychelles, continue to conduct maritime security and counter-piracy operations. Its counter-piracy operations are conducted through Combined Task Force 151, while Combined Task Force 150 and Combined Task Force 152 conduct maritime security operations and assist in regional capacity-building. During the reporting period, Combined Task Force 151 was commanded in turn by Denmark, Pakistan, the Republic of Korea and Thailand, which is a strong indication of the international community's commitment to counter piracy. In coordination with regional States, particularly Yemen, the Combined Maritime

Forces assisted counter-piracy forces in distinguishing between pirate and coastal fishing activity, thus helping regional nations to protect livelihoods. Combined Task Force 151 operations in high-risk areas also deterred multiple pirate attacks, disrupted active piracy groups at sea and recovered pirated dhows used as mother ships.

37. Several Member States, including China, India, Japan, Malaysia, the Republic of Korea and the Russian Federation, deployed naval and military assets in the region as part of international counter-piracy efforts. In coordination with coalition forces through the Shared Awareness and Deconfliction mechanism, their vessels escorted hundreds of merchant ships, provided close protection for designated vessels, including for those released by pirates, rescued vessels in distress and confiscated large quantities of weapons and other equipment relating to piracy. China, India, Japan and the Republic of Korea also agreed to establish a convoy coordination working group as part of the Shared Awareness and Deconfliction. The mechanism aims to ensure that the maritime security efforts of the various organizations do not detract from each other. The members of the mechanism meet quarterly in Bahrain; its most recent meeting was held in September 2012.

Further efforts to safeguard international navigation off the coast of Somalia

38. On 16 May 2012, the opening day of a high-level segment of the ninetieth session of its Maritime Safety Committee, IMO convened a high-level debate on piracy and armed robbery and issues relating to the deployment of privately contracted armed security personnel on board ships. The participants agreed, inter alia, that the carriage of firearms by seafarers should continue to be strongly discouraged, that the deployment of privately contracted armed security personnel was an exceptional measure to be used only in exceptional circumstances in the high-risk area. The deployment of armed personnel on board ships should be left to flag States to decide, based on a thorough risk assessment and following consultations with the ship-owners. The Maritime Safety Committee approved interim guidance to private maritime security companies providing privately contracted armed security personnel and revised interim guidance to ship-owners, ship-operators and shipmasters on the use of such personnel. The Committee also approved interim guidance for flag States on measures to prevent and mitigate Somalia-based piracy. On 12 September 2012, the United States hosted an ad hoc discussion among States, international organizations and industry on the policy and legal implications of the use of privately contracted armed security personnel. Discussions highlighted the complexity of the issue and suggested that work should continue in IMO and the Contact Group on Piracy off the Coast of Somalia.

39. WFP and the European Union Naval Force have extended protection to include autonomous vessel protection detachments on the long-term charters used for rotational delivery throughout Somalia. All WFP charter vessels sailing in the waters off the Somali coast are adhering to best management practices through vigorous WFP risk management procedures implemented in the voyage contracting process.

VI. Legal issues, including human rights considerations

40. As set out in Security Council resolution 2020 (2011), all phases of counter-piracy operations, including the apprehension, detention, prosecution and transfer of

suspected pirates, and the imprisonment of convicted pirates must be consistent with applicable international law, including international human rights law. The counter-piracy efforts undertaken by Member States and regional and international organizations should continue to focus on fair and efficient trials and humane and secure imprisonment, including through the monitoring of detention conditions in Somalia and the regional States. The United Nations, through the efforts of the Office of the United Nations High Commissioner for Human Rights, UNDP, UNODC, UNPOS and other entities, continues to assist Somalia in building capacity in the areas of human rights, security and justice. I also take note of the findings of the independent expert on the situation of human rights in Somalia in this regard, as conveyed in his recent report to the Human Rights Council (A/HRC/21/61).

41. My report on specialized anti-piracy courts in Somalia and other States in the region (S/2012/50), submitted pursuant to Security Council resolution 2015 (2011) of 24 October 2011, presented an assessment of the type of international assistance that would be required for specialized anti-piracy courts to conduct cases in accordance with international standards and for States to detain suspects and imprison convicted pirates. Pursuant to the same resolution, 42 Member States have provided information to me regarding measures taken to criminalize piracy under their domestic laws and to prosecute and support the prosecution of individuals suspected of piracy off the coast of Somalia and the imprisonment of convicted pirates. This is reflected in my report of 26 March 2012 (S/2012/177).

42. I received a letter dated 8 January 2012 from the Attorney General of Qatar regarding the establishment of a special court for piracy. As a first step, a delegation from UNODC and the Chair of Working Group 2 of the Contact Group on Piracy off the Coast of Somalia visited Doha in mid-September for detailed discussions with the Qatari authorities. UNODC and Working Group 2 will remain engaged on this issue.

43. In two letters addressed to me, the Secretary-General of the Asian Shipowners' Forum called for the establishment of a multinational anti-piracy military task force under the auspices of the United Nations that could be deployed in small detachments on board merchant ships. The Asian Shipowners' Forum presented this proposal to Working Group 1 of the Contact Group on Piracy off the Coast of Somalia for consideration at its July meeting.

A. Developments regarding prosecution and detention

44. As at 30 September 2012, according to information available with UNODC, 1,186 individuals suspected of piracy had been prosecuted or were awaiting prosecution in 21 States: Belgium, Comoros, France, Germany, India, Italy, Japan, Kenya, Madagascar, Malaysia, Maldives, Netherlands, Oman, Seychelles, Somalia, Republic of Korea, Spain, United Arab Emirates, United Republic of Tanzania, United States and Yemen. In relation to the importance of upholding international fair trial standards, international case law is currently being developed in respect of the particular circumstances of naval operations. The following table provides a breakdown of global piracy prosecutions from 2006 to the present.

Individuals suspected or convicted of piracy

| <i>Country</i> | <i>Number currently held</i> | <i>Number released</i> | <i>Total</i> |
|-----------------------------|--|--|--------------|
| Belgium | 2 (1 convicted) | | 2 |
| Comoros | 6 | | 6 |
| France | 18 (3 convicted, 5 convictions under appeal) | 3 acquitted, 1 completed sentence | 22 |
| Germany | 10 | | 10 |
| India | 119 | | 119 |
| Italy | 20 | | 20 |
| Japan | 4 | | 4 |
| Kenya | 137 (74 convicted) | 17 acquitted, 10 completed sentence | 164 |
| Madagascar | 12 | | 12 |
| Malaysia | 7 | | 7 |
| Maldives | 41 (Awaiting deportation since Maldives has no law criminalizing piracy) | | 41 |
| Netherlands | 29 (10 convicted) | | 29 |
| Oman | 32 (25 convicted) | | 32 |
| Seychelles | 105 (83 convicted) | 2 repatriated to Puntland | 107 |
| Somalia: Puntland | 290 (Approximately 240 convicted) | | 290 |
| "Somaliland" | 35 (All convicted) (including 17 transferred from Seychelles) | 76 released | 111 |
| South-central | 18 (Status of trial unclear) | | 18 |
| Republic of Korea | 5 (All convicted) | | 5 |
| Spain | 8 (2 convicted) | | 8 |
| United Arab Emirates | 10 | | 10 |
| United Republic of Tanzania | 12 | | 12 |
| United States | 28 (17 convicted) | | 28 |
| Yemen | 123 (123 convicted) | 6 acquitted | 129 |
| Total States: 21 | 1 071 | 115 | 1 186 |

45. The United Kingdom signed an agreement with Seychelles at the London Conference on Piracy and Somalia establishing a Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre in Seychelles. The Centre, which is under construction, will coordinate and analyse intelligence to inform tactical law enforcement options, including the use of intelligence as evidence for prosecutions both within and beyond the region. UNODC is providing logistical and training support to the Director of the Coordination Centre.

46. As at July 2012, the maritime piracy global database developed by the United States National Central Bureau of INTERPOL had collected data on nearly 1,400 individuals, including suspected pirates, financiers and negotiators, with 7,500 piracy-related telephone numbers, and 642 incidents involving 587 vessels.

States members of INTERPOL have been consulting the database, including requests for pirate profiles and analysis of evidence generated during criminal investigations. The database was transferred to INTERPOL headquarters in September 2012.

B. Capacity-building and support to regional piracy prosecutions

47. UNDP has developed a training programme for judicial personnel, including judges and prosecutors. This programme will strengthen judicial capacity in Somalia to ensure an efficient response to organized crime, specifically piracy. It will enable the Somali judicial system to try cases relating to piracy. The training will be provided over the next eight months in the United Arab Emirates by the French National School for the Judiciary as part of a joint initiative of the United Arab Emirates and France.

48. On 16 July 2012, the European Union established a new regional maritime capacity-building mission for the Horn of Africa (EUCAP NESTOR), initially for two years. EUCAP NESTOR aims to strengthen the capacity of States in the region, including Somalia, to govern their territorial waters effectively and to reinforce their ability to fight piracy.

49. INTERPOL has deployed expert teams within the framework of the Evidence Exploitation Initiative in Madagascar, Maldives, Oman and the United Republic of Tanzania. The project focuses on such operational and practical issues as debriefings and biometrics of suspected pirates, crime-scene investigation on released vessels, criminal analysis and information-sharing. INTERPOL continued with the implementation of a European Union-funded programme in East Africa to build the capacity of States to investigate cases of piracy. It also provided advice to the shipping industry on evidence preservation. INTERPOL, Europol and Eurojust are working closely, targeting pirate leaders, organizers and financiers. The Netherlands and Germany established a joint investigation team in The Hague to obtain information and evidence with a view to identifying and prosecuting pirate leaders.

50. The UNODC Counter-Piracy Programme, now in its fourth year of operation, continued to provide substantial support to Somalia and other States in the region, namely, Kenya, Mauritius, Seychelles and the United Republic of Tanzania. It is aimed at ensuring fair and efficient piracy trials and humane and secure detention conditions for suspected and convicted pirates. The United Kingdom donated £8.75 million to the Counter-Piracy Programme in 2011 and remains the largest national contributor.

51. In Kenya and Seychelles, UNODC continues to support the police, prosecutors, courts and prisons. UNODC provides expert advice, training, logistical support, legal aid for accused pirates, interpreters for trials and prisons, transport of foreign witnesses to testify in trials, procurement and construction and refurbishment of courts and prisons.

52. UNODC commenced a joint European Union support programme to Mauritius in 2011 after Mauritius agreed to accept suspected pirates for prosecution. UNODC provided expert advice on the drafting of the Piracy and Maritime Violence Act, which came into effect in June 2012. This will allow Mauritius to accept its first transfer of suspected pirates. UNODC provided expert advice on the reform of the piracy laws of the United Republic of Tanzania and training to the country's police, prosecutors, judges and prison staff.

53. UNDP, in collaboration with UNODC, is implementing a piracy trials programme, with financial support from the Trust Fund of the Contact Group on Piracy off the Coast of Somalia, to build capacity across the criminal justice institutions in Somalia to enable police, the Attorney-General's Office, courts and defence lawyers to ensure due process for those accused of piracy-related crimes. UNDP supported an advance criminal investigations training course for 18 officers deployed to the National Crime Directorate in Garoowe. This builds upon the 96 officers of the Criminal Investigation Department who had received UNDP-facilitated basic training in Puntland and "Somaliland" in 2011. With the Trust Fund grants, UNDP also supported legal aid professionals to provide free legal counsel and representation to 8,778 persons, including 30 court cases involving 138 suspected pirates in Somalia.

54. As part of the Kampala process, the Somalia Law Reform Group, consisting of experts from the three Somali regions, aims to introduce consistent counter-piracy legislation across Somalia in accordance with international standards. Supported by UNODC, the Group has met seven times and has agreed upon a draft law criminalizing piracy (May 2010), a draft law providing for and regulating prisoner transfers (February 2012), a draft law regulating the management and operation of prisons (March 2012) and prison regulations complementing the draft prison law (June 2012).

C. Support to Somalia and prisoner transfers

55. The transfer of individuals convicted of piracy-related crimes to Somalia is crucial to the strengthening of the counter-piracy efforts off the coast of Somalia and in the Indian Ocean. Such transfers allow the prisoners to be close to their family, culture, language and religion, while also increasing the possibility of their successful reintegration into the society.

56. In its resolution 2015 (2011), the Security Council called upon UNODC, UNDP and other international partners to further their efforts to support the development of domestic legislation, agreements and mechanisms that would allow the effective prosecution of suspected pirates and the transfer and imprisonment of convicted pirates. Subsequently, the Piracy Prisoner Transfer Programme was launched by UNODC on 1 January 2012. The programme facilitates the transfer of piracy prisoners convicted in other States to Somalia on a voluntary basis to serve out their sentences, while ensuring humane and secure imprisonment conditions.

57. The first transfer of prisoners from a regional prosecuting State was conducted in March 2012. Seventeen convicted pirates arrested by the Seychelles Coast Guard and tried in Seychelles were transferred to a prison in Hargeisa, "Somaliland", constructed by UNODC. UNODC is also constructing a new building for the Ministry of Justice in "Somaliland". Since some 20 per cent of the prison inmates in Seychelles comprise Somali pirates, Seychelles has made the transfer of prisoners a condition for accepting additional pirates for prosecution. Mauritius is also concerned that it should be able to transfer convicted pirates to Somalia.

58. In Puntland, the Piracy Prisoner Transfer Programme is providing support for the construction and refurbishment of a 500-bed prison in Garoowe as well as a prison academy, prison farm and prison headquarters, the recruitment and training of prison staff, mentoring, domestic and international monitoring of the prison, transfer

flights and law reform. Although the prison's construction is expected to be completed in 18 months, the first prison block is likely to be ready in 12 months to facilitate transfers of prisoners as soon as possible. The prison academy will be in operation before the end of 2012. UNODC is also constructing a new building for the Ministry of Justice in Puntland and carrying out extensive works on Bosaso prison, including an addition of a 200-bed block for men and a 40-bed facility for women. The Executive Director of UNODC will visit the prosecuting centre in Seychelles and UNODC work in Puntland in late 2012 to assure the two centres of the continued commitment of UNODC.

D. Support to regional capacity to combat illicit financial flows

59. Through its Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, UNODC aims, in cooperation with Working Group 5 of the Contact Group on Piracy off the Coast of Somalia, to increase global understanding of money flows linked to piracy through information exchange, capacity-building, coordination and technical assistance in the East Africa and Horn of Africa regions. UNODC has provided technical assistance and capacity-building in financial analysis and financial investigation to the police, financial intelligence units, customs authorities and other law enforcement agencies in Ethiopia, Kenya, Somalia and the United Republic of Tanzania. Further training in the prevention of illicit cross-border movement of cash and bearer negotiable instruments will be provided in late 2012 to Ethiopia and Kenya. Djibouti has requested assistance for the development of operational capacity for anti-money-laundering and counter-financing of terrorism regimes, for which funding is being sought. The Global Programme is engaging the World Bank and INTERPOL in the preparation of a joint report on illicit financial flows linked to piracy, to be published by early 2013.

VII. Addressing the root causes of piracy off the coast of Somalia

60. The problem of piracy has its roots in the prolonged political crisis in Somalia. Criminal networks have taken advantage of the lack of legitimate governance structures in the country to hold ships and seamen hostage for ransom. They are also exploiting the underdevelopment, poverty and lack of legitimate employment opportunities in the country to recruit jobless youths willing to take the risk of hijacking vessels and seafarers for ransom. The international community should continue to intensify its engagement with civil society organizations in Somalia to link the counter-piracy approach with development and State-building goals in the country. On 14 November 2011, the European Union Council of Ministers adopted a strategic framework for the Horn of Africa to guide the European Union's multi-sector engagement in the region. The European Union also appointed a Special Representative to the Horn of Africa to coordinate these efforts. It committed over 500 million euros in development aid for 2008-2013 to tackle the root causes on land.

61. During the reporting period, WFP rehabilitated over 330 kilometres of feeder roads in Somalia through food-for-work activities. These efforts helped to enhance the ability of producers to reach markets, potentially benefiting income and production systems. WFP reached more than 140,000 schoolchildren throughout the country as part of the school feeding programme, which is aimed at decreasing the

gender gap and enhancing school attendance. In coordination with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Children's Fund (UNICEF), WFP will undertake targeted interventions in Somalia to enhance the livelihoods of vulnerable populations and increase income-generating activities.

62. UNPOS is implementing advocacy projects, supported by the Trust Fund, using media and other forms of outreach to inform the Somali public about the perils of piracy. Phase 1 of the project was completed in May 2012. Phase 2 will focus on the dissemination of counter-piracy messaging in Somalia and key refugee camps in Kenya to deter young men from joining criminal networks engaged in piracy. UNODC's advocacy programme is aimed at dissuading Somali youths from taking up piracy by liaising with key community leaders, politicians and religious leaders.

VIII. Allegations of illegal fishing and illegal dumping, including of toxic substances, off the coast of Somalia

63. In its resolution 2020 (2011), the Security Council took note of my intention to provide updates on the investigation of allegations of illegal fishing and illegal dumping, including of toxic substances, off the coast of Somalia. As noted in my report on the protection of Somali natural resources and waters (S/2011/661), it is difficult to provide detailed information relating to illegal, unreported and unregulated fishing and dumping off Somalia's coast without adequate monitoring or reporting systems.

64. Some observers continue to argue that illegal dumping of toxic waste and illegal fishing off the coast of Somalia is one of the factors responsible for forcing Somali youths to resort to piracy and attack foreign vessels because such activities deprive them from engaging in gainful employment opportunities. However, the United Nations has received little evidence to date to justify such claims. Most pirate attacks have been carried out against large merchant vessels several hundred nautical miles off the coast of Somalia.

65. As for the dumping of toxic waste on land and at sea, while this may have occurred a few years ago in the waters off the coast of Somalia, there is no evidence of such activities currently. Concerns about the protection of the marine environment and resources should not be allowed to mask the true nature of piracy off the coast of Somalia, which is a transnational criminal enterprise driven primarily by the opportunity for financial gain.

66. Despite the significant potential of the fisheries and aquaculture sector to contribute to the economy of Somalia, a small percentage of the Somali population is reportedly engaged in coastal fishing. In its Strategy and Plan of Action 2011-2015 for Somalia, FAO notes that coastal fishing is the smallest livelihood system, engaging only 2 per cent of the population. It also notes that some 30,000 people are employed in fishing activities in the primary sector and only 60,000 people in fisheries-related activity in the secondary sector. On the other hand, in 2010, Somalia exported 4.3 million livestock, the highest figure ever recorded. This makes Somalia's livestock sector the largest contributor to the country's livelihoods, with over 65 per cent of the population engaged directly or indirectly in the industry.

67. Reports of pirate attacks on fishing vessels in the wider region nonetheless continue to impede efforts to address illegal fishing. At the thirtieth session of the FAO Committee on Fisheries, held in Rome from 9 to 13 July 2012, delegations discussed a proposal for the establishment of a FAO ad hoc intersessional working group to draft anti-piracy guidelines to secure the safety of fishing vessels in open seas.

68. One of the most effective acts the new Federal Government in Somalia can undertake to protect the country's marine environment and resources and generate income into its economy is to proclaim and then manage its exclusive economic zone consistent with the 1982 United Nations Convention on the Law of the Sea. This will 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.

IX. Targeted sanctions

69. In its report on Somalia (S/2012/544), the Somalia and Eritrea Monitoring Group pointed to pirates' engagement in kidnapping for ransom on land, the increasing involvement of members of Somali diaspora in the pirate business, the collusion of senior Transitional Federal Government officials in shielding a pirate leader from prosecution and the absence of international sanctions, investigations and prosecution against pirate leaders. The Monitoring Group recommended designating pirates identified by itself or Member States for targeted measures and establishing a specialized investigative group of experts with a mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy. It also recommended that, in its resolutions on Somalia and piracy, the Security Council should make explicit reference to the Monitoring Group's responsibility for investigating and identifying key individuals responsible for acts of piracy off the coast of Somalia, as well as the movement and investment of piracy proceeds.

X. Coordination role of the United Nations

70. Current international efforts to respond to piracy off the coast of Somalia have largely focused on building capacity in the justice, prison and security sectors. Efforts and resources are being devoted to introduce legal reforms and to promote livelihood security for the long-term economic benefit of Somalia. These efforts continue to be supported by the United Nations through the mobilization of departments, programmes and specialized agencies.

71. As the United Nations focal point for efforts to counter piracy off the coast of Somalia, UNPOS has established a Nairobi-based integrated task force of United Nations entities and regional organizations called the Nairobi Cluster. Together with IMO and UNODC, UNPOS co-chairs the Kampala process, known as the Somali contact group on piracy, which facilitates the coordination of Somali efforts. UNPOS also co-chairs the Maritime Security and Counter-Piracy Technical Working Group, with the participation of Member States, to coordinate counter-piracy and security efforts.

72. The Department of Political Affairs chairs the subworking group on piracy of the Integrated Task Force for Somalia, which meets regularly to share information

and coordinate United Nations counter-piracy efforts, in coordination with the European Union and INTERPOL. The subworking group kept the focus on allegations of illegal fishing and illegal dumping, including of toxic substances off the coast of Somalia, as well as capacity-building of Somalia and regional States to facilitate the prosecution, detention and imprisonment of pirates. The Under-Secretary-General for Political Affairs chairs the Board of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, and the Department of Political Affairs serves as the secretariat of the Board. The United Nations remains committed to working closely with the Contact Group on Piracy off the Coast of Somalia to develop strategic priorities of the international counter-piracy response and to consolidate international assistance and coordinate activities in order to deliver a comprehensive response to the threat of piracy.

73. In May 2012, IMO organized a conference on capacity-building to counter piracy off the coast of Somalia, at which it signed strategic partnership agreements with FAO, UNPOS, UNODC, WFP and the European Union. These partnerships committed to the improvement of coordination, the strengthening of anti-piracy and maritime capacity of States in the western Indian Ocean and the Gulf of Aden, and the development of viable and sustainable alternatives to piracy in Somalia.

XI. Observations

74. The recent gains made by the international community in its collective fight against piracy off the coast of Somalia are encouraging. However, although there are signs of progress, they can be easily reversed. Until the root causes of piracy, namely, instability, lawlessness and a lack of effective governance in Somalia, are addressed, counter-piracy efforts must not be minimized. In particular, ongoing efforts to build the rule of law and livelihood opportunities ashore should be intensified.

75. A significant gap still exists in land-based programmes in Somalia to address piracy. This is primarily owing to the lack of security on the ground and lack of sufficient funding to support capacity-building and alternative livelihoods. An ever-greater emphasis must now be placed on providing focused assistance to States in the region and to authorities in Somalia to build their capacity to deal with the institutional and operational challenges to governance, the rule of law, maritime law enforcement and security, and economic growth. In addition, counter-piracy actions should run alongside a concerted effort to rebuild the civil structures and institutions of Somalia in close cooperation with the Somali authorities and civil society.

76. The successful end of the political transition in Somalia should act as a catalyst to address the root causes of piracy. I encourage the new Government to develop a comprehensive national counter-piracy strategy, working closely with the regional administrations and neighbouring States. This should include efforts to facilitate the development of skills necessary to earn sustainable incomes in such sectors as agriculture, livestock, fisheries and industry. I also call upon the Somali authorities to adopt appropriate counter-piracy legislation without further delay to ensure the effective prosecution of individuals suspected of piracy and to facilitate the transfer of prosecuted individuals elsewhere to Somalia. The new Government should proclaim an exclusive economic zone off the Somali coast in accordance with the 1982 United Nations Convention on the Law of the Sea.

77. Although pirates' proceeds decreased significantly in 2012 owing to a lower number of executed attacks, militias and parallel illicit activities sponsored by pirate money will continue to pose a threat to the stability and security of Somalia. It is imperative that pressure on Somali pirates and their business model be maintained.

78. The crime of piracy requires a strong coordinated and comprehensive approach that addresses not only law enforcement, evidence collection and judicial aspects of the problem, but also its root causes, in Somalia itself and across broader fronts. Through its working groups, the Contact Group on Piracy off the Coast of Somalia has spearheaded an innovative response to piracy, and the United Nations has led the way on delivering that response. I applaud this problem-solving approach, which continues to lead to better-coordinated, result-oriented and effective international action against piracy.

79. I remain gravely concerned about the fate of the victims, including the seafarers held hostage by the pirates. All hostages should be released without further delay and efforts to secure their release should continue ceaselessly. The problem faced by hostages who are unable to be repatriated after their release by the pirates should also be addressed immediately. I welcome the joint efforts of UNODC and UNPOS to develop a programme of support to provide immediate assistance and care to released hostages.

80. We must ensure that individuals suspected of piracy apprehended at sea are brought to justice through due process of law in accordance with applicable international law, in particular international human rights, humanitarian and refugee law. The Contact Group on Piracy off the Coast of Somalia and its Working Group 2 are encouraged to maintain their strong focus on ensuring that international human rights issues related to piracy are comprehensively addressed. In particular, Member States are encouraged to continue working with the United Nations and the Contact Group on Piracy off the Coast of Somalia in ensuring that emerging issues in the area of criminal justice processes for juvenile piracy suspects are addressed.

81. I encourage the international community to continue to engage with the local communities to show that international naval forces operate in the waters of Somalia solely to prevent piracy and to protect humanitarian supply routes. The first and most effective line of defence against piracy is enhanced vigilance on the part of the shipping industry. Some of the safety and security measures on board vessels, including the deployment of privately contracted armed security personnel, will benefit from regulations developed by the international community through a consultative process. I commend the active role and engagement of IMO, the International Organization for Standardization, and the Contact Group on Piracy off the Coast of Somalia and its working groups for their efforts to develop guidelines for the deployment of privately contracted armed security personnel on board vessels.

82. I thank UNODC for its valuable contribution as manager of the Trust Fund. I am grateful for the well-coordinated and robust counter-piracy efforts undertaken by Somali authorities, Governments, regional organizations, industry and United Nations entities.