

**Eleventh Plenary Session of the
Contact Group on Piracy off the Coast of Somalia
New York, 29 March 2012**

COMMUNIQUE DRAFT

1. The Contact Group on Piracy off the Coast of Somalia (CGPCS) held its Eleventh Plenary Session in New York on 29 March 2012, under the chairmanship of the United Arab Emirates.
2. The CGPCS emphasized that close international coordination and cooperation continue to be of central importance to effectively combating piracy off the coast of Somalia and in the wider Indian Ocean. It welcomed significant developments in counter-piracy efforts by the international community since the Tenth CGPCS Plenary Session in November 2011.
3. The CGPCS expressed the importance of enhancing Somalia's engagement with all aspects of the CGPCS process and welcomed the efforts already made to engage Somali partners.
4. The CGPCS noted that piracy can only be eliminated by combining the counter-piracy activities outlined above, with the wider efforts at stabilizing Somalia, promoting good governance and rule of law, strengthening the institutions of the Transitional Federal Government of Somalia (TFG) and fostering socio-economic development into a comprehensive, multi-faceted approach, while reaffirming the international legal framework mentioned in UNSC Resolution 2020 (2011) applicable to combatting piracy and armed robbery at sea. In this respect, the CGPCS welcomed the attendance of the Foreign Minister of the TFG, as well as the engagement by the Special Representative of the Secretary-General for Somalia with the CGPCS and noted the strengthened cooperation between the CGPCS and the International Contact Group on Somalia.
5. In particular, the CGPCS:
 - a. Concluded that piracy continues to pose a serious threat, noting that while the number of hostages in captivity has decreased since the last meeting (currently 197 individuals as of 19 March 2012, as compared to 250 in November 2011), the number of hijacked vessels has gone up, and currently stands at 13, compared to ten at the last Plenary in November 2011; total incidence of attacks also remains high, with 36 reported so far in 2012, seven of which have been successful;¹
 - b. Took note of the fact that the reach and extent of piracy in the East Arabian Sea/Western Indian Ocean region, especially east of 70 degrees East, had reduced since May 2011 and

¹ All statistics provided by the ICC International Maritime Bureau: <http://www.icc-ccs.org/piracy-reporting-centre/piracynewsfigures>.

recognized that this might present a timely opportunity for industry to review the limits of the piracy High Risk Area.

- c. Noted that the low success rate of attacks was a positive development due to a combination of factors, including the application of best management practices (BMPs) by the shipping industry, the continuing naval presence and more effective engagement rules, deployment of military Vessel Protection Detachments (VPDs), and the more legally challenging issue of privately contracted armed security personnel (PCASP); and recalled the need for close cooperation between coastal states in the region, flag states, and countries deploying VPDs;
- d. Noted the concern of some coastal states in the Indian Ocean region about the increasing use of armed guards by commercial ships in the proximity of such states, and invited WG2 and WG3 to discuss the implications of the use of such guards, and potential ways to address the related concerns.
- e. Reiterated the importance of bringing suspected pirates to trial, including high-level suspects, and detaining those convicted, in Somalia as well as other nations in the region wherever possible, expressing the continued high priority of increasing prosecutions and imprisonment as a deterrent, and calling on the international community, including the global maritime industry, to make continued efforts to facilitate this process including through updating existing legislation to accommodate remote witness testimony where necessary, and other additional mechanisms ensuring the more effective prosecution of pirates;
- f. Encouraged the important role of United Nations Office of Drugs and Crime (UNODC), United Nations Development Program (UNDP), and United Nations Political Office for Somalia (UNPOS) in supporting Somali and regional authorities to work against the scourge of piracy, including prosecuting and detaining suspected pirates and strengthening of the Somali security and judicial system as a whole;
- g. Noted that the establishment of the Global Maritime Piracy Database at the United States National Central Bureau (USNCB) is well advanced and looks forwards to its transfer to INTERPOL, commended the States that have provided INTERPOL with such information, and urged all other States and actors to share piracy data with INTERPOL;
- h. Welcomed new pledges and contributions to the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia since the last meeting in November 2011, bringing the total deposited contributions to the Trust Fund to nearly US\$ 14 million since its inception in January 2010, of which US\$ 10.3 million has been disbursed, and called on States as well as on the private sector to contribute to the Trust Fund;

- i. Recognized the strong progress made by the United Kingdom's London Conference on Somalia, held on 23 February, in particular its achievements in raising awareness about the need for further international action to address the underlying causes of instability, as well as its symptoms (famine refugees, piracy and terrorism). It also recognized the London Conference's delivery of new mechanisms of support to Somalia, including the Local Stability Fund, and initial work toward developing a Joint Financial Management Board for Somalia;
 - j. Underlined its support for the "Kampala Process," which ensures effective dialogue and co-ordination between Somali authorities. In congratulating Somali parties on the successful Garowe I & Garowe II meetings, in December 2011 and February 2012, the CGPCS expressed its hope and confidence in further political progress in Somalia in the run-up to the end of the transition, in August 2012;
 - k. In this respect, the CGPCS praised the results of the last meeting of the International Contact Group on Somalia (ICG) in Djibouti on 4-5 February, and reiterated the need for UNPOS and the CGPCS to keep each other updated on current and planned activity in implementing the Roadmap for Somalia in full and on time, including priorities and funding shortfalls, to enable donors to make best informed decisions, and through formal briefing by the CGPCS Chairmanship at ICG meetings and vice versa.
6. The CGPCS further welcomed the progress being made by the five CGPCS Working Groups (WGs). In particular, it:
- a. Welcomed the presentations of various local, regional, and international initiatives to develop regional capability, including by industry representatives, during WG1, while recognizing the need for continued international cooperation and coordination in the field of capacity building, and underlining the importance of the work to refresh the needs assessment matrix;
 - b. Acknowledged the work of outgoing WG1 chairman Chris Holtby of the UK, and welcomed the incoming chairman James Hughes;
 - c. Welcomed the updates on ongoing operations and international military cooperation in WG1, while recognizing the continued need for consistent flow of forces and so-called force multipliers;
 - d. Underlined the importance of developing regional maritime capacity to ensure the sustainability of the results so far achieved in the fight against piracy; in this regard, the CGPCS welcomed the update from the European Union (EU) on its Regional Maritime Capacity Building Mission in the Horn of Africa and Western Indian Ocean States, in particular its focus on strengthening maritime capacities to complement the work of EUNAVFOR Operation ATALANTA and the EU Training Mission Somalia;

- e. Welcomed the International Maritime Organization's (IMO) continued work to develop sea-going maritime capacity in the region through its work on information sharing, legal issues, training and operational capacity building, and underlined its continued support for the full implementation of the Djibouti Code of Conduct; WG1 noted the planned review meeting of the Djibouti Code of Conduct in May 2012;
- f. Took note of the progress by States to facilitate prosecution of suspected pirates at the national level and the related work and efforts of organizations and the industry; an overview provided by the UNODC shows that 1149 Somali pirates are currently either incarcerated or being prosecuted in 21 States;
- g. Commended Seychelles and Kenya for their efforts to undertake prosecutions of Somali pirates and welcomed the efforts of Mauritius and Tanzania towards undertaking prosecutions including through the conclusion of transfer agreements;
- h. Welcomed the work of the Somali Law Reform Group on drafting the necessary Somali counter-piracy legislation – the Piracy Law, the Prison Transfer Law, and the Prison Law, which will allow Somalia to accept the transfer of pirates sentenced in other countries to serve their sentence in prisons in Somalia;
- i. Commended the TFG, Puntland and Somaliland for the establishment of national counter-piracy units or task forces which will constitute single point of contacts for the international community;
- j. Welcomed the recent implementation of the Post Trial Transfer arrangement between Seychelles and Somaliland and invites other States to conclude similar arrangements including with the TFG, noting the offer of assistance in this regard from the UNODC and the WG2 chair;
- k. Welcomed the Report of the United Nations Secretary-General of 20 January 2012 on specialized anti-piracy courts in Somalia and other States in the region, as well as the decision of the Security Council in resolution 2020 (2011), to continue its consideration, as a matter of urgency, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support;
- l. Noted the difficulties at times in ensuring successful prosecutions following naval engagement, called on all parties to maximize efforts to preserve evidence and facilitate successful prosecution of pirate activity wherever possible, and noted that the WG2 chair has raised a discussion on the reasons behind the gap between the number of prosecutions and the number of suspected pirates detained by international forces; the CGPCS welcomed this initiative;
- m. Commended the leadership of the outgoing United States chairmanship of WG3, and expressed support to the new Republic of Korea chairmanship of the Group;

- n. Noted that implementing Best Management Practices (BMPs) is crucially important for reducing the success rate of piracy and appreciated the progress made in the dissemination and implementation of BMP version 4 by industry;
- o. Appreciated the development by WG3 of a draft framework for flag states to implement best practices to avoid, evade, and defend against acts of piracy;
- p. Noted the use of privately contracted armed security personnel in preventing pirate attacks, and the work carried out and progress made by the relevant Working Groups, on formulating advice for the consideration by the IMO regarding possible guidelines and code of conduct for PCASP, understanding that the subject raises a variety of legal questions and issues which will be discussed further at a special WG2 meeting to take place on 24 April in London;
- q. Noted that while the value of VPDs was highlighted in WG1, WG2 has discussed the legal issues associated with their use based on an analysis of the four categories of states involved in the use of VPDs: the “sending,” flag, coastal and port State; WG2 welcomed the discussion and agreed to revert to the issue for further discussion at its next meeting;
- r. Took note of the necessity to further promote the wider use of BMPs and to develop regulatory procedures to the private maritime security company (PMSC) management, including through making the criteria for employing PCASPs by PMSCs more robust;
- s. Encouraged the formulation of guidelines for seafarers’ welfare, especially for kidnapped seafarers and their families, as shown in the work of the Maritime Piracy-Humanitarian Response Program (MRHRP) and the Seamen’s Church Institute (SCI), among others; the CGPCS welcomed the chairmanship of WG3 by the Republic of Korea and its role in tackling these tasks;
- t. Commended the progress made by WG4 on communications and awareness regarding the threat posed by piracy off the coast of Somalia, in both the international community at large and within Somalia itself;
- u. Welcomed the further steps taken toward the development of counter-piracy messaging guidelines, building on progress made at the Oceans Beyond Piracy “Messaging Workshop” in London, and in this respect recognized the work of outgoing WG4 chairman Ambassador Ashraf Mohsen of Egypt, and welcomed the incoming chairman Ambassador Ahmed Farouq; it furthermore supported WG4’s proposal to coordinate the messaging of the different Working Groups of the CGPCS regarding the achievements and challenges pertaining to their areas of concern;

- v. Under the auspices of WG5, noted with satisfaction the closer dialogue underway with the shipping industry and related private sector organizations to foster a more efficient information flow to the competent public authorities; WG5 is now working to define a) the priority information that national authorities and international organizations should receive and b) the transmission mechanism, with the possible involvement of INTERPOL;
 - w. Welcomed examples of structural cooperation between public prosecutors working on piracy cases, including cases against pirate leaders, and encouraged ongoing efforts to further expand this cooperation, including with the collaboration of the Joint Investigation Team under the European Union Judicial Cooperation Unit (EUROJUST);
 - x. Commended the progress made by INTERPOL, in collaboration with national authorities and the Government of the interested area, to systematically preserve, collect and organize post-vessel release information and to make this information accessible to relevant national judicial and law enforcement authorities;
 - y. Welcomed the proposed joint study by INTERPOL, UNODC and the World Bank to improve the international community's understanding of the financial flows of piracy and to strengthen the region's capacities to disrupt these flows, in particular through strengthening the regional Financial Intelligence Units; while welcoming the funding so far, it noted, however, that a lack of adequate financing could jeopardize the study's full realization, in particular the implementation of its main findings, and invited the international community to consider its support to the joint study.
7. The CGPCS endorsed the progress made in each of its Working Groups, and tasked them to continue their work in conformity with the conclusions of their respective chairs.
8. The CGPCS was informed of the United Arab Emirates' plans to hold a second high-level, public-private conference on counter-piracy in Dubai on 27-28 June, and affirmed the importance of such meetings and initiatives taking place in the regions most affected by piracy, in raising awareness, and serving complementary purposes to the work of the CGPCS.
9. The CGPCS welcomed the activities of the official CGPCS website and expressed its gratitude to the Republic of Korea for developing and maintaining the website, and to the United Arab Emirates for working to provide an Arabic-language version of the website.
10. The Twelfth Plenary Session will be held under the Chairmanship of Spain.

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