



# Security Council

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## Report of the Secretary-General on the situation with respect to piracy and armed robbery at sea off the coast of Somalia

### I. Introduction

1. The present report is submitted pursuant to paragraph 30 of Security Council resolution 2125 (2013), in which the Council requested me to report on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

2. The present report covers major developments on those issues since my previous report, of 21 October 2013 (S/2013/623), up until 15 October 2014. The assessment and observations herein are based on information provided by Member States and regional organizations, in conformity with paragraph 29 of resolution 2125 (2013). Information was provided by Australia, Denmark, Georgia, Greece, Italy, Panama, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as by the European Union and the North Atlantic Treaty Organization (NATO). The United Nations system, the International Criminal Police Organization (INTERPOL) and the Monitoring Group on Somalia and Eritrea were also consulted.

### II. Main developments regarding piracy off the coast of Somalia

3. Piracy and armed robbery off the coast of Somalia remain a major threat to shipping, although there were no incidents of hijacking of commercial vessels during the reporting period. The number of incidents reported to the International Maritime Organization (IMO) for the first three quarters of 2014 was 13, compared to the corresponding period in 2013, but credible reports suggest that ships continue to be targeted by Somali pirates. Some 20 attacks or attempted attacks by Somali pirates were reported in 2013. This is a significant decrease in the number of incidents when compared to 75 ships attacked in 2012 and 237 ships targeted by Somali pirates in 2011. In most cases, ships — through vigilance and situational awareness and an assertive response in accordance with the Best Management Practices for Protection against Somalia-based Piracy — were successful in preventing boarding by attackers. Pirate groups first test a ship's defences in order to identify vulnerable ships, many of which are fishing vessels and dhows. It has been more than two years since a large commercial vessel has been hijacked and



held for ransom by Somali pirates. As at 13 October 2014, 37 seafarers continued to be held hostage by Somali pirates.

4. According to the *Global Report on Maritime Piracy*, prepared by the Operational Satellite Applications Programme of the United Nations Institute for Training and Research, the median distance from where an attack is reported to the nearest coast in the western Indian Ocean fell from close to 400 km in 2010 to under 50 km in 2013, indicating a considerable reduction in the radius of successful pirate activities. It was also noted that the number of incidents involving the use of rocket-propelled grenades, relatively heavy artillery for pirates, had decreased from 43 in 2011 to 3 in 2013.

5. The international community achieved considerable success in its efforts to combat Somali piracy as a result of close cooperation between and among States, regions, organizations, the maritime industry, the private sector, think tanks and civil society. Such cooperation led to the development and implementation of practical solutions regarding naval and operational coordination and legal and judicial issues, self-protection measures for the shipping industry, public diplomacy and the disruption of illicit pirate enterprises ashore. A Somali pirate kingpin, Mohamed Abdi Hassan, known as “Afweyne”, was arrested in October 2013 in Brussels. Another pirate leader, Mohamed Garfanji, was arrested in August 2014 in Mogadishu for possessing illegal arms and on other charges relating to piracy. The successful prosecution of suspected pirates and the imprisonment of those convicted sent a strong message to the perpetrators and their backers that impunity would not be allowed.

6. The application of self-protection measures, including the deployment of privately contracted armed security personnel aboard vessels and vessel protection detachments, along with increased situational awareness, training and evasive manoeuvres and the use of secure maritime channels by commercial vessels, may also have discouraged pirates from attacking ships. Oceans Beyond Piracy, a non-governmental organization, estimated that \$3.2 billion had been spent in 2013 to tackle piracy, with the international community spending some \$139 million for each attack.

7. On 7 April 2014, two experts from the United Nations Office on Drugs and Crime (UNODC), Clément Gorrissen and Simon Davis, were killed at the airport in Gaalkacyo, Puntland, Somalia, while on a mission relating to the tracking of illicit financial flows accruing from piracy. I condemned in the strongest terms the cold-blooded killing of the two experts and expressed my deepest condolences to their families, friends and colleagues. Two suspects in the attack are in custody in the prison built under the Maritime Crime Programme of UNODC. The United Nations continues to support the people and the Federal Government of Somalia in their efforts to strengthen peace, security and the rule of law. Strong condemnation was also expressed by the Chair of the Contact Group on Piracy off the Coast of Somalia and the Governments of France and the United Kingdom of Great Britain and Northern Ireland.

### **III. Hostage release and support efforts**

8. Owing to the decline in pirate attacks over the past two years, the number of ships and hostages held has fallen. Nevertheless, 37 seafarers from Cambodia,

China, India, Indonesia, the Philippines, Thailand and Viet Nam continue to be held hostage ashore by pirate groups, having been seized in 2010. A crewman died in captivity in 2014. The hostages are from three ships: the *MV Asphalt Venture*, the *FV Prantalay 12* and the *FV Naham 3*. On 18 January 2014, the European Union Naval Force operation, *Atalanta*, with the maritime support of Japan and the Combined Maritime Forces, freed the crew of an Indian dhow, the *Shane Hind*. The dhow was believed to have been used by five suspected pirates as a mother ship in the attack on an oil tanker in the Gulf of Aden. On 26 April 2014, six armed pirates who had taken a dhow and its crew hostage fled the scene after sighting a European Union Naval Force maritime patrol and reconnaissance aircraft.

9. On 6 June 2014, 11 crew members of the *MV Albedo* from Bangladesh, India, Iran (Islamic Republic of) and Sri Lanka were released to UNODC officials in Somalia after 1,288 days in captivity and flown to Kenya. They were then repatriated. The ship had been held by armed Somali pirates since 12 November 2010. It had sunk in bad weather close to the Somali coast in July 2013 following a mechanical failure and the surviving crew members had since been held onshore by pirates. My Special Representative for Somalia welcomed the release of the crew members and commended the efforts of UNODC and the local authorities. He called upon those detaining the remaining seafarers to release them without further delay. Efforts in that regard are continuing.

10. The UNODC Hostage Support Programme, funded by the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, has provided medical support to the crews of the *FV Naham 3* and the *FV Prantalay 12*. The Programme secured proof-of-life calls for all the hostages from the *FV Prantalay 12* and delivered medicine and welfare items. According to a lessons-learned exercise conducted by UNODC for the Programme, the remaining hostages in Somalia are generally from pirated vessels whose owners and insurers have since become untraceable. This has led to a situation in which the flag States, the ship owners and the insurers are unwilling or unable to resolve the crisis and the States of nationality of the crews lack sufficient capacity to respond. In some cases, the Programme has been left as the only point of contact for the hostages, the pirates and the families. The exercise called for a flexible financing mechanism for instant funding of flights, medical support and human information at short notice. It also noted that the hostages and their families were often also subject to continuing hardship when employers failed to provide back pay for the period that the seafarers were held hostage and to support their often-considerable post-release medical requirements. At its fifteenth meeting, held on 13 May 2013, the Board of the Trust Fund allowed the financing of hostage support, recovery and repatriation expenses at short notice from the Expedited Facility.

11. Working Group 3 of the Contact Group on Piracy off the Coast of Somalia submitted interim guidelines on measures relating to the welfare of seafarers and their families affected by piracy off the coast of Somalia to IMO so that they could be used as a reference framework in dealing with the welfare of seafarers affected by piracy in other parts of the world. While the IMO Maritime Safety Committee, at its ninety-third session, in May 2014, expressed support for the goals of the draft guidelines, most delegations were of the view that the provisions were a matter for the International Labour Organization (ILO) to consider, given that many of the aspects fell under the purview of ILO and were complementary to the Maritime

Labour Convention, 2006. The guidelines have therefore been forwarded to ILO for its review and possible further action.

#### **IV. Efforts by Somalia**

12. The Regional Maritime Coordination Mechanism facilitates the participation of the Federal Government of Somalia and regional authorities at the technical level to effect a land-based solution to piracy and to build institutional capacity to exploit the maritime resources of Somalia fully. Through its three working groups, on maritime strategy, the legal framework and fisheries, the Mechanism has been supporting, with funding from the United Kingdom, counter-piracy focal points in the Federal Government and in each region. Discussions are being held with the Federal Government and donors on the funding mechanism and the appropriate representation of focal points. Proper coordination among the Somali authorities regarding the exploitation of maritime resources is necessary to ensure that the significant revenue that can be generated to help the country's economic recovery and establish livelihoods essential to countering piracy and other crimes in the Somali coastal regions will not be lost.

13. I received a letter dated 24 November 2013 from the Federal Government of Somalia in which it requested technical assistance with regard to the implementation of the United Nations Convention on the Law of the Sea, notably the effective governance of Somali maritime spaces in conformity with international law, including through the reinforcement of national legislative and administrative frameworks. Following close consultations with government officials, the Office of Legal Affairs of the Secretariat prepared a project proposal to build the knowledge and capacity of Somali legislators and technical officials regarding the implementation of the Convention and related agreements. On 13 May 2014, the project was approved for funding by the Board of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia.

14. I have previously noted that the proclamation of an exclusive economic zone in conformity with the provisions of the Convention, together with the adoption of enabling legislation, would clarify the legal basis for the protection of the sovereign rights of Somalia with regard to natural resources and its jurisdiction over the marine environment. On 30 June 2014, the President of Somalia issued a proclamation to define the exclusive economic zone of Somalia as extending to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea of Somalia is measured, together with a table containing a list of geographical coordinates of points defining the limits of that zone. The proclamation and the table have been transmitted to the Secretariat for dissemination and are available on the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. One State has objected to the list.

15. On 17 September 2014, the Somali Anti-Piracy Information Centre, a community organization based in Somalia that advocates the elimination of piracy in Somali and international waters, convened a round table in Mogadishu at which young people discussed piracy and its effects on the Somali people. The participants agreed that, beyond the danger posed to seafarers and goods, piracy was also a threat to young people, who were lured into the practice and often ended up dying at sea or being imprisoned. They stressed that increased parental education was key to

preventing young people from engaging in piracy. They recommended that efforts to rehabilitate and reintegrate former pirates into society should be stepped up. They also noted that the increased availability of information about the harmful effects of piracy had led to positive changes in former piracy hotspots.

## **V. International cooperation**

### **A. Contact Group on Piracy off the Coast of Somalia**

16. From 10 to 15 November 2013, the Contact Group on Piracy off the Coast of Somalia, chaired by the United States, met in Djibouti. This first-ever extended gathering of the Contact Group included meetings of all five working groups, a number of stand-alone thematic discussions, the fifteenth plenary session and the fourteenth meeting of the Board of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. Notably, the first-ever plenary session in the Horn of Africa included active participation by the Federal Government of Somalia and regional partners in efforts to combat piracy. The participants agreed that, while significant progress had been made in the past two years, the underlying conditions that had allowed piracy to flourish remained. They noted that Somalia would continue to require significant capacity-building assistance to ensure that pirate gangs could not return to peak levels. The fifteenth plenary session also saw the European Union take the Chair for 2014. The Chair announced the formation of a lessons-learned project, to be undertaken by a consortium consisting of the International Peace Institute, Cardiff University, Oceans Beyond Piracy and the European Union Institute for Security Studies. The consortium will create and maintain an online repository to gather and make available to researchers, analysts and policymakers the unedited submissions from Contact Group participants that reflect their views about the international efforts undertaken since 2008 to combat piracy off the coast of Somalia.

17. The Contact Group endorsed a document on messaging to the international community produced by Working Group 4 and reaffirmed that the Federal Government of Somalia should lead counter-piracy messaging efforts to Somalis and that the Contact Group should support it to ensure that its messages are consistent with those of the international community. Working Group 4 agreed that it had completed its mission and, noting the importance of messaging, recommended that future Chairs of the Contact Group should develop an annual strategic communications plan.

18. On 14 May 2014, the Contact Group met in New York for its sixteenth plenary session, chaired by the European Union. It was dedicated to the memory of the aforementioned slain UNODC experts, Mr. Gorrissen and Mr. Davis. The Contact Group adopted the objective of having zero ships and zero seafarers in the hands of Somali pirates. It endorsed a series of measures to streamline and refine its structures and working procedures with a view to making it more demand driven, delivery focused and cost-effective and increase regional participation and representation through a system of co-chairing arrangements for its working groups. It will hold its seventeenth plenary session in Dubai, United Arab Emirates, in parallel with the fourth United Arab Emirates counter-piracy conference, in the last week of October 2014. The two events will enable the international community to

discuss ways to sustain the achievements of the Contact Group, public-private partnerships to combat piracy and land-based solutions to deal with the root causes of piracy.

19. Chaired by the United Kingdom, Working Group 1 considered the coordination of naval counter-piracy activities, regional engagement, capacity-building coordination and information-sharing to tackle piracy off the coast of Somalia. It agreed that regional perspectives and ownership were valuable in developing capacity. In May 2014, it was renamed the Working Group on Capacity-Building. It will henceforth be co-chaired by the United Kingdom and the Indian Ocean Commission. It was changed to a panel format where representatives of the Federal Government of Somalia and regional counter-piracy authorities engaged in a discussion with United Nations and European Union bodies and Oceans Beyond Piracy. The format allowed both Somalia and the region to take greater ownership of the process. It was agreed that Somalia, the region and the international community needed to bring greater focus to counter-piracy capacity-building and maximize the gains achieved by the naval forces. The Working Group noted that the Federal Government was developing a maritime security strategy, in line with the Somali Compact, that would build upon the Somali Maritime Resource and Security Strategy and the Regional Maritime Coordination Mechanism.

20. Working Group 2, chaired by Denmark and supported by UNODC, worked to ensure that the incarceration of pirates remains an important long-term element of counter-piracy action. The Working Group contributed to the development of a comprehensive legal toolbox and models for trial and transfer and the establishment of legal networks. Since its main mission was completely successful, Working Group 2 has been transformed into a legal forum, to be co-chaired by Mauritius and Portugal. The legal network will be preserved as a virtual forum of legal experts. It will keep the Contact Group updated on relevant legal information, serve as a forum for discussion of new legal challenges and assist States of the region in implementing and using the legal toolbox. The Legal Forum will meet on an ad hoc basis, if and when required.

21. Working Group 3, chaired by the Republic of Korea, supported the efforts of States, the maritime industry and labour groups to protect vessels from piracy off the coast of Somalia. The Chair noted the enduring concern of some countries over the scope of the high-risk area. Now known as the Maritime Counter-Piracy and Mitigation Operations Working Group, it will bring together, among others, the shipping industry, navies and seafarers' organizations. It will be co-chaired by Japan, Seychelles and the United Arab Emirates.

22. Chaired by Italy, Working Group 5 continued its work to disrupt pirate criminal enterprises ashore and the illicit financial flows associated with maritime piracy. It called upon States to step up efforts to investigate and prosecute pirate financiers. It expressed its support for cooperation in the area of international law enforcement to prosecute pirate leaders and piracy financiers, including by promoting Somali cooperation in facilitating the arrest and prosecution of pirate kingpins. Now known as the Disrupting Pirate Networks Ashore Working Group, it will continue to focus on financial flows and tracking and arresting piracy kingpins. It will aim to become more technical and operational by incorporating specific expertise. Law enforcement expertise will be concentrated within a dedicated,

autonomous task force. It will now be co-chaired by Italy and a State from the region.

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

23. The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, chaired by the Department of Political Affairs of the Secretariat, continues to provide financial assistance to strengthen the rule of law and the judicial and correctional capacity of States in the region to combat impunity of pirates. It also supports other activities relating to implementing the Contact Group's objective of addressing piracy in all its aspects. Priority is generally accorded to projects that improve prison and judicial systems, strengthen the rule of law through training and capacity-building and reform the legislative framework in Somalia and the States in the region. At its sixteenth plenary session, the Contact Group commended the Trust Fund as an efficient mechanism, taking into account that projects that it supported are implemented in a volatile security environment.

24. During the reporting period, the Board of the Trust Fund met twice and approved 12 projects worth \$4.9 million. On 14 November 2013, the Board held its fourteenth meeting, in Djibouti, the first such meeting in the region, and approved four projects amounting to \$1.7 million, three of which were UNODC projects. The first would allow the Hostage Support Programme to continue for the coming 18 months. The second would deliver a package of assistance to strengthen the capacity of the maritime law enforcement authorities in Somalia so that they could exercise control over their territorial sea. The third was intended to rehabilitate the police station in south Gaalkacyo, which serves as the centre of counter-piracy investigations in Galmudug. The Board also approved a project submitted by INTERPOL and the International Maritime Bureau that would support the debriefing of former hostages of Somali pirates in support of law enforcement investigations in India, Indonesia, Malaysia, the Philippines, Sri Lanka and Viet Nam.

25. On 13 May 2014, the Board convened in New York for its fifteenth meeting. It approved \$3.2 million for eight projects and decided to replenish the Expedited Facility to avoid any disruption of programming. Four UNODC projects will ensure operations and enhanced security at the prisons in Boosaaso, Garoowe and Hargeysa and provide support to the Garoowe Major Crimes Court. Three other UNODC projects will develop maritime domain awareness and law enforcement capacity in Seychelles, build the capacity of law enforcement authorities and criminal justice practitioners in the United Republic of Tanzania and strengthen the personnel and resource management of the Hostage Support Programme. As indicated above, the Board also approved a project submitted by the Office of Legal Affairs to build the capacity of the Federal Government of Somalia with regard to the implementation of the United Nations Convention on the Law of the Sea and related instruments. Funding therefor was released on 2 September 2014, and the Office has begun to develop courses while awaiting an indication from the Federal Government on the possible timetable for course delivery.

26. At its fifteenth session, the Contact Group approved the Board of the Trust Fund for 2014-2015, which includes representatives of the following countries: France, Germany, Japan, Kenya, Netherlands and Norway, which share a seat,

Seychelles, Somalia, the United Arab Emirates, the United Kingdom and the United States. On 8 and 9 November 2013, UNODC conducted a field visit for Trust Fund donors to Puntland and “Somaliland”. Donor representatives were able to visit projects in Garoowe, Berbera and Hargeysa.

### **C. Regional cooperation**

27. The implementation of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, funded and administered through IMO, continues to deliver tangible results in the four thematic areas of information-sharing, training, national legislation and capacity-building. The three information-sharing centres established in Sana’a, Mombasa (Kenya) and Dar es Salaam (United Republic of Tanzania) manage a network of focal points throughout the region, including in Somalia, providing information on piracy activity and dhow movements.

28. The Governments of Seychelles and the United Kingdom redesignated the Regional Anti-Piracy Prosecution and Intelligence Coordination Centre as the Regional Fusion and Law Enforcement Centre for Safety and Security at Sea, using the acronym REFLECS3 to better describe its new three-pronged mission: combating transnational organized crime, improving the sharing of information on maritime shipping and coordinating local and regional capacity-building programmes. Working with a range of partner countries and international organizations, including UNODC, the Centre has brought together information on the kingpins, financiers and enablers of piracy to support their prosecution. The Centre and INTERPOL are discussing a cooperation agreement to allow the sharing of information.

29. In conjunction with the University of Seychelles and experts from the Centre, UNODC designed a curriculum for police, coastguard and other law enforcement officers involved in investigating piracy and maritime crime. The course has been accredited by the Seychelles Qualifications Authority for certification by the University and is the first such academic qualification to be developed and delivered in the region. UNODC is currently establishing maritime domain awareness capability at the Centre.

30. With the support of Norway, the INTERPOL Evidence Exploitation Initiative created the first regional joint investigation team, involving Kenya, Mauritius, Seychelles and the United Republic of Tanzania. The team meets on a quarterly basis and shares information and evidence on high-value targets, including financiers and organizers of piracy.

### **D. Naval activities off the coast of Somalia**

31. International naval missions from the European Union, NATO and the Combined Maritime Forces, in addition to counter-piracy missions from several Member States, including China, India, Iran (Islamic Republic of), Japan, the Republic of Korea and the Russian Federation, continued to ensure security at sea, protect vessels and disrupt pirate attacks in the Gulf of Aden, as authorized by the Security Council in its resolution 2125 (2013).



32. The European Union Naval Force operation, Atalanta, continued to deter and disrupt piracy off the coast of Somalia. It comprises up to five warships, four aircraft and more than 1,000 personnel. Since October 2013, it has disrupted two pirate attacks and transferred five suspected pirates for prosecution in Seychelles. It also supports States in the region in developing counter-piracy capacity. It has to date provided protection to World Food Programme vessels on 275 occasions. No ship carrying Programme food supplies has been attacked by pirates since the operation began. Its mandate is likely to be extended until December 2016.

33. Ocean Shield, a NATO operation, has continued to make a significant contribution to the international response to piracy off the Horn of Africa by deploying up to five vessels and, at times, maritime patrol aircraft. It continues to coordinate its activities at the tactical level with all counter-piracy stakeholders. In late 2013 and early 2014, respectively, two States not members of NATO, Ukraine and New Zealand, participated in the operation for a limited period. NATO has extended its counter-piracy mission until the end of 2016 and decided to maintain a focused presence in the Indian Ocean during the inter-monsoon periods. The NATO Shipping Centre in the United Kingdom has continued to support merchant shipping in the high-risk area of the Indian Ocean by providing timely information.

34. Three combined task forces are operated by the Combined Maritime Forces, a multinational naval partnership comprising 30 States. The counter-piracy efforts of the Forces in the Gulf of Aden, the Arabian Sea, the Indian Ocean, the Somali Basin and the Red Sea are managed by Combined Task Force 151 in close cooperation with the European Union and NATO. During the reporting period, Combined Task Force 151 was under the command of the United Kingdom, Denmark, Pakistan, the Republic of Korea and New Zealand; Thailand will be in command until the end of 2014. It maintains a constant air and sea presence.

## **VI. Legal and judicial issues, including human rights considerations**

35. The United Nations, Member States and regional organizations continue to support Somalia and other States in the region in their efforts to prosecute suspected pirates and punish convicted pirates, including onshore facilitators and financiers, consistent with applicable international human rights law. The UNODC Maritime Crime Programme continues to support States in the region that are prosecuting piracy, including Kenya, Mauritius, Seychelles and the United Republic of Tanzania. In Kenya, 160 suspected pirates have been prosecuted and 4 remain on trial. In Seychelles, 133 have been prosecuted and 14 remain on trial. In Mauritius, 12 remain on trial. Another 155 suspected and convicted pirates remain in detention in Kenya, Mauritius and Seychelles.

36. In March 2014, UNODC organized a legal drafting workshop for judges and lawyers from Somalia, held in Addis Ababa. Agreement was reached on the next steps in the process of ensuring that there is a firm legal basis for the Somali maritime police, coastguard and exclusive economic zone.

37. Under the Piracy Prisoner Transfer Programme, 96 convicted Somali pirates have been returned to Somalia to serve their sentences, with the support of UNODC. Forty Somalis held in Maldives have been repatriated by UNODC. They were

detained on suspicion of engaging in piracy, but were not charged because the Maldives has no legislation on the subject.

38. On 6 December 2013, the European Union signed a technical agreement for the transit of suspected pirates through Seychelles to another State for the purpose of prosecution. On 3 April 2014, the European Union signed a transfer agreement with the United Republic of Tanzania aimed at increasing regional support for prosecuting piracy.

39. On 2 April 2014, a 500-bed prison opened in Garoowe, Puntland, which was built under the Maritime Crime Programme of UNODC. It will receive inmates of local prisons and, especially, prisoners convicted of piracy who are serving their sentences in neighbouring countries. By returning pirates to Somalia, the burden on regional States of prosecuting and holding them will be reduced. This will also allow the prisoners to serve their sentences closer to their families and within their own cultural environment. The prison has been constructed to provide humane and secure detention conditions in line with international human rights standards. It offers improved infrastructure and sanitation, medical support for inmates and staff and education and vocational training programmes in such areas as construction, sewing, carpentry and brick-making. Strong emphasis has been placed on training and mentoring custodial staff to ensure that the prison is managed in accordance with best practice in the provision of criminal justice. As a high-security facility, it exceeds the security conditions of any institution of its type in the region.

40. UNODC finalized the construction of a new block for 40 women inmates at the prison in Boosaaso, Puntland. The construction of another block for 200 male inmates is continuing. A new gatehouse and armoury have also been built. The Hargeysa Central Prison in “Somaliland” is fully operational, with the support of UNODC, which also provided a prison mentor for critical operations, including the provision of training to staff and vocational training for inmates.

41. On the night of 8 November 2013, Al-Shabaab fighters launched a deadly attack on the prison in Boosaaso. The prison had previously been substantially rebuilt by UNODC using funds from the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. A UNODC prison adviser has been based in Boosaaso to assist in managing the 49 convicted pirates transferred there from Seychelles and in making wider improvements to the operation of the prison. Tragically, the Deputy Commander and a guard were killed in the attack, while the Commander and a supervisor were injured. The attackers caused substantial damage to the main entrance gate, a section of the prison’s external perimeter wall, razor wiring on the perimeter wall and the prison’s only prisoner transport truck. Prison staff and Puntland security forces bravely fought the attackers and were able to prevent the prison from being taken over and the potential escape of Al-Shabaab operatives, including an expert in improvised explosive devices and a suicide bomb coordinator, the imprisoned pirates and others.

42. The United Nations Interregional Crime and Justice Research Institute, at the request of Working Group 2 of the Contact Group on Piracy Off the Coast of Somalia and with the support of the Government of Italy, organized two informal expert working group meetings in 2013 to draft a set of guidelines, standards and best practices with regard to the use of privately contracted armed security personnel aboard merchant vessels, for the use of private sector companies and interested Governments. The report of the informal expert working group was

presented to Working Group 2 in Copenhagen in April 2013 and in Djibouti in November 2013.

43. Following the publication of the International Organization for Standardization (ISO) Publicly Available Specification (PAS) 28007 on guidelines for private maritime security companies providing privately contracted armed security personnel on board ships, a private maritime security company can now be certified to this voluntary industry standard to facilitate uniform international implementation. Several national bodies have already certified, and will continue to certify, private maritime security companies using ISO/PAS 28007.

## **VII. Capacity-building and support for piracy-related prosecutions in the region**

44. It is important for States to put in place the requisite national legislation criminalizing piracy, in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea. In this regard, the General Assembly, in its resolution 68/70, encouraged the Division for Ocean Affairs and the Law of the Sea, IMO and UNODC to further cooperate with a view to assisting Member States, upon request, to develop their national laws on piracy.

45. IMO has, in partnership with UNODC, helped to develop Somali maritime legislation to support maritime law enforcement capabilities. IMO has conducted more than 35 courses and workshops for 800 officials, including Somali maritime officials, to tackle piracy issues using the annual regional training programme developed by the regional training centre in Djibouti. Coastal maritime surveillance systems and communications systems have been, or are in the process of being, supplied to Kenya, Mozambique, Seychelles and the United Republic of Tanzania to provide a shared picture of the maritime domain.

46. In partnership with Australia, UNODC has been providing specialized courses to professionals from the police, prosecution services, courts and prisons in countering piracy and maritime crime, with a high level of academic teaching and recognized qualifications for those participants who pass the assessment. UNODC continues to provide long-term support aimed at making the efforts of the States concerned to prosecute maritime crime self-sustaining, without the need for further mentoring from UNODC.

47. In 2013, the United Kingdom contributed £2.58 million to the UNODC Counter-Piracy Programme to support the construction and refurbishment of prison facilities in Puntland and “Somaliland” and the provision of mentoring expertise at those prisons, along with the development of court and prosecution capacity in those areas. Some of the funds have also been used to finance the development of court and prison capacity in countries in the region, including Mauritius and Seychelles. A further £500,000 has been contributed to a UNODC programme to create a new secure facility in southern and central Somalia for prosecutors, defence lawyers and judges that will contain accommodation for staff during trials, a medical facility and a training centre. This will help to facilitate the remand, trial and post-conviction arrangements for high-risk offenders in accordance with international human rights standards. In 2014, the United Kingdom contributed an additional £1 million to UNODC to help to develop maritime capabilities in Somalia further.

48. On 22 July 2014, the European Union extended the mandate of its maritime capacity-building initiative in the Horn of Africa, EUCAP Nestor, until December 2016. It provides advice, mentoring and training to maritime forces in Djibouti, Seychelles, Somalia and the United Republic of Tanzania. It conducted training for coastguard personnel from Puntland, Galmudug and “Somaliland” in Djibouti. IMO, EUCAP Nestor, UNODC and the United Nations Assistance Mission in Somalia continue to support the efforts of the Somali authorities to draft a coastguard act and to pass a complete set of anti-piracy laws, in accordance with relevant Security Council resolutions. The Federal Government of Somalia has requested technical and financial assistance to refurbish the coastguard training academy. Once implemented, the measures would significantly contribute to enhancing Somali capacity to undertake counter-piracy operations off the coast. In March 2014, EUCAP Nestor opened a field office in Hargeysa to work together with the “Somaliland” authorities to design and run mentoring, advisory and training programmes in the area of maritime security and governance.

49. On 22 November 2013, the European Union and UNODC launched a programme to support maritime security, known as MASE. The programme, worth €5 million, is intended to tackle maritime crime in the Indian Ocean, including piracy, drug smuggling, arms smuggling, human trafficking, illegal fishing and maritime pollution.

50. Complex criminal investigations into piracy and criminal networks involved in piracy are under way, with a focus on leaders, financiers and organizers. INTERPOL continues to support its member countries and naval forces through its Global Maritime Piracy Database, which now contains more than 41,000 entities, including data resulting from the arrests of Mohamed Abdi Hassan and Mohamed Aden. Consultations of the database and requests for analytical products by member countries significantly increased during the reporting period.

51. INTERPOL continued to build the capacity of countries affected by maritime piracy through the Critical Maritime Routes Law Enforcement Agency Project funded by the European Union and the Evidence Exploitation Initiative. A total of 410 law enforcement officers and six prosecutors from seven countries, mostly from East Africa, have benefited to date.

52. In January 2014, the Assembly of Heads of State and Government of the African Union formally adopted the 2050 Africa’s Integrated Maritime Strategy. The Assembly reiterated the geostrategic importance of seas and oceans in the socioeconomic development of Africa and the critical position that they occupied within the post-2015 development agenda. To that end, the Assembly underscored the importance of reinforcing the capacity of Member States to manage their exclusive economic zones and invited regional economic communities and regional mechanisms to develop and adopt a regional strategy against piracy, armed robbery and other illegal activities committed at sea, consistent with the Strategy.

## **VIII. Support to build regional capacity to combat illicit financial flows**

53. Through its Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, UNODC continued to support regional capacity-

building to combat the illicit financial flows linked to piracy and other forms of organized crime. In November 2013, INTERPOL, UNODC and the World Bank published a joint study, *Pirate Trails: Tracking the Illicit Financial Flows from Pirate Activities off the Horn of Africa*, focused on Djibouti, Ethiopia, Kenya, Seychelles and Somalia. UNODC provided a mentor to Djibouti to build the operational capacity of the financial intelligence unit. In November 2013, it conducted three outreach workshops for officials and providers of money or value transfer services in Somalia, including in Puntland and “Somaliland”, following which the Central Bank of Somalia updated its registration form for money or value transfer services. UNODC continues to cooperate with the Somali Money Services Association, which is based in the United Kingdom and promotes customer due diligence and other measures to prevent money-laundering among its members. Owing to the high risk that money or value transfer services will be exploited by criminals, and in order to disrupt illicit financial flows from piracy, UNODC also conducted two workshops on money or value transfer services in Kenya and the United Republic of Tanzania in May and June 2014, respectively. At the request of the Central Bank of Somalia, UNODC developed a draft regulation to combat money-laundering and the financing of terrorism, which was provided to the Bank in August 2014.

54. INTERPOL has continued to support the efforts of its member countries to combat illicit financial flows through several initiatives, including the creation of the first regional joint investigation team and the organization of a conference, jointly with the European Union, in May 2014 on the theme “Combating transnational organized crime at sea: following the money trail and pursuing networks and organizers of maritime crime”. Some 130 participants from Europe, East Africa and West Africa discussed topics that included breaking the piracy money cycle, legal and institutional frameworks to combat financial crimes, regional cooperation and border management, public-private partnerships to combat money-laundering and strengthening cooperation against illicit flows from maritime piracy. Furthermore, in May 2014 INTERPOL organized the first meeting of an expert working group on search, seizure, confiscation, management and return of assets illicitly acquired by organized crime groups. The meeting, held in Rome, brought together 130 experts from 50 countries, including from East Africa and West Africa.

## **IX. Tackling the root causes of piracy off the coast of Somalia**

55. The Food and Agriculture Organization of the United Nations (FAO) continued to assist Member States in tackling illegal unregulated and unreported fishing and promoting livelihood diversification. Piracy not only adversely affects fishing directly through the hijacking of fishing vessels for use in attacking vessels, but also affects it indirectly by interfering with fishing operations and reducing licensing revenue. In this context, FAO supported Somalia in strengthening its fisheries management and improving and diversifying the livelihood of fishers and local communities in areas affected by piracy.

56. On 26 March 2014, aboard a European Union Naval Force vessel, FAO and the Puntland authorities launched the first database for Somali fishers aimed at improving the management of fisheries in the Indian Ocean and the Gulf of Aden. The creation of the database was funded by the Trust Fund to Support Initiatives of

States Countering Piracy off the Coast of Somalia and implemented by the Ministry of Fisheries and Marine Resources of Puntland with the technical assistance of FAO. To date, more than 3,600 fishers — more than half of the estimated 6,500 fishers in Puntland — have been registered using a biometric system that uniquely identifies individuals by their fingerprints and physical features. The database is a first step towards facilitating better access to livelihood opportunities for fishers, while enabling the international naval presence to establish and confirm their identities. The database, which belongs to the Ministry, allows for the first detailed analysis of fishing activities in Puntland in more than two decades.

57. FAO is also providing technical and legal support to the Federal Government of Somalia to facilitate the adoption of a strong legal framework for fisheries, including the establishment of a federal Somali fisheries authority, under the Ministry of Fisheries and Marine Resources. Its establishment will enable Somalia to benefit from fees from licences issued to foreign-flagged tuna vessels and to effectively exercise monitoring, control and surveillance of its waters. FAO provided technical support to Somalia in meeting its obligations as the most recent Contracting Party of the Indian Ocean Tuna Commission, which include contributing to the sustainability of tuna resources.

58. In Puntland, the rehabilitation of the road linking the redeveloped fish market in Eyl to the town centre has begun. A plate freezer will be installed there by the end of 2014, which will improve product quality and facilitate exports of high-value catches. In September 2014, FAO completed the construction of the fish market, ice plant and floating jetty in Boosaaso and the training of local stakeholders to manage the facilities. Further infrastructure work in Boosaaso and Gaalkacyo in the Mudug region is planned to improve the management of the cold chain and enhance capacity to land fish. In addition, FAO has initiated work to rehabilitate the fish jetty in Berbera and begun the process of assessing the possibility of dredging and expanding the port. Plans to rehabilitate the fish landing sites and markets in Kismaayo have also begun.

59. FAO is introducing new vessel designs, including low-impact vessels, and supporting boatbuilding capability to help to maximize catch quality while reducing running costs. These new, reliable and seaworthy designs are expected to counter the effects of the reduced availability of fish during the south-west monsoon winds, allowing shorter trips to target the available stocks. Improved post-harvest practices and marketing efforts and new value-added dried fish products will improve income-generation opportunities for young people in remote coastal communities.

## **X. Observations**

60. I welcome the substantial gains made by Somalia and the international community in tackling piracy off the coast of Somalia. I remain concerned, however, that, without the continued support provided by the international naval presence and the self-protection measures adopted by the shipping industry, large-scale piracy may return. While capacity-building efforts ashore are under way, they have yet to produce lasting and sustainable effects. I call upon the international community to increase its support to Somali efforts in the area of governance, the rule of law and economic development. Success at sea must translate into the

development of the Somali blue economy, thereby harnessing the economic potential of the ocean.

61. Weak governance, the lack of robust administrative and justice structures and the serious security challenges in Somalia provide fertile ground for criminal networks to hold ships and seafarers hostage for ransom. To tackle the challenges, the Federal Government should step up efforts to provide people with what they need most: better governance, security and basic services. This challenging endeavour requires strong and persistent international support for the peacebuilding and State-building priorities set out in the Somali Compact. Alternative livelihood programmes targeting communities, access to markets, the construction of roads and maritime infrastructure promoting fisheries and trade through development assistance will make the gains made through counter-piracy efforts more sustainable. The United Nations system and the United Nations Assistance Mission in Somalia remain committed to supporting the Federal Government and the people of Somalia by providing assistance with regard to long-term sustainable development, institution-building and peacebuilding.

62. Additional efforts are needed to measure the impact of piracy on the Somali population at large. In particular, the gender dimension of piracy and how it affects Somali women need to be better understood and evaluated. I am concerned about reports of sexual exploitation of women and girls in areas controlled by pirates and by the impact of piracy on issues such as early marriage. I call for additional efforts to be made to ensure that women are included and given a voice in counter-piracy efforts and that solutions are inclusive of gender.

63. Long-term security off the Somali coast first needs to be built up onshore. Reconstructing Somalia's judicial and maritime security capacity is the most critical and challenging element of the counter-piracy efforts of the international community, yet is essential for their sustainability. A strategy that focuses on supporting security sector reform in Somalia and the creation of regional security architecture, in coordination with the African Union and subregional organizations such as the Indian Ocean Commission, the Intergovernmental Authority on Development and the Southern African Development Community, will be critical to sustaining the gains made to date.

64. Efforts to establish the maritime patrol capacity of Somalia should continue in coordination with other capacity-building efforts. Supporting Somalia in guarding and defending its coastal area will limit the number of safe harbours that could be used by pirates to anchor hijacked ships, thus hampering piracy.

65. The prosecution of individuals suspected of piracy and the punishment of convicted pirates in accordance with relevant Security Council resolutions is an essential deterrent to would-be pirates, demonstrating that they cannot act with impunity. The United Nations will continue to strengthen the capacity of Somalia and other States in the region to prosecute individuals suspected of piracy and to punish those convicted in accordance with international standards. This must include deterring and suppressing the financing of piracy and the laundering of ransom money.

66. I encourage the Somali authorities to enact all relevant legislation to facilitate the prosecution of individuals suspected of piracy and the imprisonment of convicted pirates in the country. The international community should support the

efforts of the Somali authorities to prosecute and punish individuals suspected of piracy in compliance with international human rights law. Adherence to international human rights standards is fundamental in addressing threats to international peace and security, including maritime piracy. I welcome efforts by States to ensure that suspects are given a fair trial and that their conditions of imprisonment are humane and secure, in accordance with international human rights standards.

67. I renew my call for the immediate and unconditional release of all innocent seafarers held hostage in Somalia so that they can rejoin their families. I call upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure the immediate release of the hostages.

68. The killing of two UNODC experts on 7 April 2014, while on a counter-piracy mission in Somalia, was a sobering reminder of the risks that United Nations personnel face in their work to improve the lives of others. I condemn in the strongest terms the reprehensible targeting of people supporting the Somali people in their efforts to combat the organized crime that is hindering the development of their country. The risks notwithstanding, the United Nations is committed to continuing to support the efforts of the people and Government of Somalia to eliminate piracy.

69. I commend the Contact Group on Piracy off the Coast of Somalia and the international naval forces for their work. The continued decrease in piracy is due in no small measure to their efforts, support and coordination. Sustained international cooperation and continued support from naval forces remains critical to further suppressing organized criminal networks that target merchant vessels. Until those networks are dismantled, maritime routes in the western Indian Ocean will remain vulnerable.

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