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The situation with respect to piracy and armed robbery at sea off the coast of Somalia

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 33 of Security Council resolution [2442 \(2018\)](#), in which the Council requested me to report within 12 months 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 covers the period from 1 October 2018 to 31 October 2019 and highlights major developments since my previous report ([S/2018/903](#)). It is based on information provided by the United Nations system, including the International Maritime Organization (IMO), the United Nations Office on Drugs and Crime (UNODC), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Assistance Mission in Somalia (UNSOM), as well as Member States and regional organizations, including the European Union Naval Force (EU NAVFOR), the North Atlantic Treaty Organization (NATO), the Indian Ocean Commission and the Intergovernmental Authority on Development (IGAD).

II. Main developments, trends and considerations regarding piracy off the coast of Somalia

3. During the reporting period, efforts to combat piracy off the coast of Somalia continued, thanks to the concerted engagement of the international community, including the Contact Group on Piracy off the Coast of Somalia; the ongoing contributions of individual Member States (see annex I); international naval forces; and the work of the Federal Government of Somalia, with support from UNSOM and partners to strengthen governance and the rule of law within Somalia.

4. During the reporting period, no ships were successfully hijacked for ransom. Two significant piracy incidents, and a few instances of suspicious activity, occurred in the regional waters around the Somali coastline, in the Somali Basin (see annex II).

5. On 16 October 2018, there was an attempt to board the bulk carrier *Sydney* approximately 340 nautical miles east of Mogadishu. The attack was repulsed by warning shots from the privately contracted armed security personnel on board. Following the attack, EU NAVFOR Somalia Operation Atalanta ordered the Spanish



maritime patrol and reconnaissance aircraft *Cisne* to the area for further investigation of suspected pirate activity. On 28 October 2018, a team from the EU NAVFOR Somalia flagship *Castilla* disrupted an active pirate action group¹ whaler used to facilitate the attack.

6. On 21 April 2019, the fishing vessels *Adria* and *Txori Argi* were attacked 280 nautical miles off the central coast of Somalia. The attack was repelled following an exchange of fire between the suspected pirates and privately contracted armed security personnel on board. The suspected pirates had allegedly seized a Yemeni fishing dhow off the central coast of Somalia prior to the attacks, with 25 Yemeni and Somali crew members on board. On 23 April 2019, the EU NAVFOR Somalia flagship *Navarra* seized the Yemeni fishing dhow, *Al Ahzam*, off the central Somali coast, apprehended five suspected pirates and released the 25 crew members held as hostages. On 26 April, the five suspected pirates were transferred to the Seychelles authorities for prosecution. EU NAVFOR headquarters piloted the operation under the command of the operational headquarters in Rota, Spain, three weeks after the operation handover from Northwood, United Kingdom of Great Britain and Northern Ireland. With the support of various EU NAVFOR active assets in the region, including the German *Jester* and Spanish *Cisne* maritime patrol and reconnaissance aircraft, EU NAVFOR Somalia was able to control the situation and prevent any further imminent attacks.

7. Due to the quick intervention by international naval forces and the use of privately contracted armed security personnel, the pirates were therefore unable to successfully hijack the ships. In spite of the overall decrease in piracy attacks off the coast of Somalia in recent years, the attempts remind us that piracy has been reduced but not eradicated and remains a dangerous threat to the region.

8. The industry releasable threat assessment² of 1 September 2019 indicated that criminal groups previously involved in piracy seemed to be continuing to meet their financial objectives by pursuing lower-risk criminal activities, such as the smuggling of people, narcotics, weapons or charcoal. However, they had the intent and capability to conduct pirate attacks should the opportunity arise. Just one successful seizure, leading to ransom, could encourage financiers in Somalia to reinvest in piracy action. It also indicated that the continued presence of international naval forces, such as the Combined Maritime Forces and EU NAVFOR Somalia, together with the measures in the fifth version of *Best Management Practices*,³ continued to constitute the most effective forms of deterrence and defence against piracy in the region. With regard to the southern Red Sea, no attacks had been conducted against shipping in the area during the reporting period. The threat related to such attacks was likely to remain at a low level as long as the Stockholm Agreement held.

9. In response to the decreased threat of piracy, the Round Table of international shipping associations and the Oil Companies International Marine Forum decided to update the geographical boundaries of the high-risk area and reduce its size as of 1 May 2019. The Round Table reiterated that flag States must continue to monitor the threat to ships flying their flag, set appropriate security levels in accordance with the

¹ A pirate action group is a group organized by its members to conduct acts of piracy and robbery at sea, usually within a specific geographic maritime area.

² Written by the Combined Maritime Forces and the European Naval Force (EU NAVFOR) to inform risk management decision-making for merchant and large commercial fishing shipping operators that are transiting through the Red Sea, the Gulf of Aden and the western Indian Ocean.

³ BIMCO and others, *Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea*, version 5 (Livingston, Edinburgh, Scotland, United Kingdom, Witherby Publishing Group, Ltd., 2018).

International Ship and Port Facility Security Code and ensure that all incidents were reported accurately and in a timely manner to authorities.

10. At its 100th session, held from 3 to 7 December 2018, the IMO Maritime Safety Committee noted that the shipping industry had comprehensively reviewed and updated its guidance on piracy and armed robbery, which had resulted in the development of the fifth version of *Best Management Practices* and other guidance. The Committee also noted that the new and revised guidance reflected the developments in piracy and maritime security since the publication of the fourth version of *Best Management Practices*, including the development of further regional guidance, changes in pirate modus operandi and the establishment of new regional reporting mechanisms. The Committee approved the revised *Best Management Practices*, which was publicly available and was intended to assist companies and seafarers in further mitigating maritime security threats, as well as helping to increase the security of world trade.

11. The Committee invited member Governments to take note of the revised *Best Management Practices*, along with other revised guidance, and to advise owners, operators and managers of ships entitled to fly their flag, as well as the shipboard personnel employed or engaged on such ships, to act accordingly. The revised guidance is intended to support existing IMO guidance, namely: Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships (MSC.1/Circ.1333/Rev.1); Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships (MSC.1/Circ.1334); and Maritime Safety Committee resolution MSC.324(89) on the implementation of *Best Management Practices* guidance. International organizations were also invited to take note of the guidance and to advise their membership to act accordingly.

III. Development of counter-piracy efforts in Somalia

A. National legal and policy frameworks

12. Two meetings of the Maritime Security Coordination Committee were held during the reporting period: in Nairobi on 29 and 30 October 2018; and in Mauritius on 18 June 2019, on the margins of the plenary session of the Contact Group on Piracy off the Coast of Somalia. Delegates from the Federal Government of Somalia, federal member states and “Somaliland” attended both meetings, together with international donors and agencies implementing Somali projects. The meetings provided an opportunity for all parties to increase their visibility and coordinate their work in the maritime domain and allowed Somali actors to highlight their most pressing requirements. IGAD, together with international partners, continued to support the Committee during the reporting period. The support consisted of strengthening the capacities of the Federal Government to monitor progress on maritime governance structures on land in Somalia.

13. The Federal Government of Somalia has expressed its intention to reinvigorate the National Maritime Coordination Committee under the Office of the Prime Minister as part of its efforts to improve coordination of all Somali maritime activities. Reinvigorating the Committee is an encouraging development that will allow Somali maritime stakeholders to better articulate collective objectives and ensure increased international focus.

14. The draft bill reviewing the law on pension and gratuities is pending approval by the Upper House of the Federal Parliament. The bill provides the legislative framework relating to the rightsizing of the security services in support of the national

security architecture agreement and is expected to enhance the operational effectiveness of Somalia's maritime forces, in support of the restructuring of the Somali armed forces and security services.

15. The Somali Maritime Administration Department, within the Ministry of Ports and Marine Transport, was established under legislation by the Federal Government of Somalia on 18 December 2018, with its formal launch taking place on 14 October 2019 following a needs assessment undertaken by IMO in May 2019. The launch was attended by federal member states and international partners. A capacity-building plan for the Department, supported by IMO, UNSOM, the World Food Programme and the European Union Capacity-Building Mission in Somalia, will focus on legal compliance, ship registration, crew certification and the establishment of a maritime rescue coordination centre, with an initial operating capability target for the Department in the first half of 2020. Work is also ongoing with the support of IMO and UNSOM to translate a draft Somali shipping code into Somali to meet international legislative requirements, which will allow Somalia to discharge the duties of a flag State, port State and coastal State, in accordance with the relevant IMO instruments, thereby contributing to the delivery of the governance pillar of the country's expanding blue economy.

16. The Federal Government of Somalia, through the Ministry of Fisheries and Marine Resources, issued licences to 31 longline vessels under a memorandum of understanding with the Chinese Offshore Fishing Association. The licensing steps and process were consistent with the Interim Agreement on Revenue-Sharing for the issuance of fishing licences signed by the National Security Council in February 2018. Vessels were licensed to exploit migratory tuna and tuna-like species in the Somali exclusive economic zone beyond the 24-nautical-mile coastal zone reserved for Somali fishers.

17. Noting the need for cross-sectoral and inter-organizational collaboration, the Federal Government of Somalia has continued to engage with the Indian Ocean Tuna Commission and to collaborate with the FISH-i Africa task force and, at a global scale, with partners through the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. EU NAVFOR Somalia and the European Commission Directorate-General for Maritime Affairs and Fisheries share sightings and analysis with the Indian Ocean Tuna Commission for onward transmission to concerned States, including the Federal Government of Somalia, in an effort to support the authorities in understanding the extent of the problem and considering actions to curtail such illegal practices.

B. Capacity-building

18. While piracy remains dormant, Somalia's waters are increasingly becoming a space where maritime crime is thriving, affecting not only its ability to recover from years of conflict, but also posing a threat to the stability of neighbouring countries. National and transnational criminal syndicates, pirate action groups and Al-Shabaab exploit porous borders and a weak rule of law to move people, arms and illicit goods through Somalia and its waters. Somali maritime law enforcement authorities are further challenged by an unprecedented number of vessels that dock in its ever-expanding ports. Against this backdrop, and thanks to the support of a core group of donors, including Denmark, Italy, Japan, the European Union, the Netherlands and the United Kingdom, the UNODC Global Maritime Crime Programme continued to assist Somalia in building its maritime law enforcement and policing capacity and capability to enable effective patrolling of its waters and disruption of maritime crime at sea. The engagement of the Programme is rooted in and furthers the Somali Maritime Resource and Security Strategy, and it is coordinated with partners.

19. In the reporting period, the Programme remained active in three key Somali ports, namely Berbera, Boosaaso and Mogadishu. Puntland continues to face enormous challenges due to the increasing movement of people and illicit goods, particularly weapons, that reach its coastline through maritime routes, mostly from Yemen. To further the capacity of the Boosaaso Port and Maritime Police Unit to patrol longer stretches of the coastline, the Programme supported their efforts to undertake a series of successful rescue operations and interdictions by providing advanced visit, board, search and seizure skills, engineering skills for increased operational readiness and equipment. In “Somaliland”, the Programme supported the Coast Guard in Berbera by providing operational readiness and maritime law enforcement skills to further their efforts to protect the maritime space from illegal fishing as well as the illegal movement of people and goods.

20. In Mogadishu, the UNODC Global Maritime Crime Programme continued its 18-month capacity-building programme, delivered jointly with United Nations Office for Project Services (UNOPS), in coordination with the European Union Capacity-Building Mission in Somalia. The effort is aimed at establishing a solid foundation upon which the Mogadishu Maritime Police Unit will conduct maritime law enforcement and secure the waters off Mogadishu, its coastline and its territorial maritime space. The capacity-building programme focused on seamanship, coxswains and engineering skills with a view to providing visit, board, search and seizure skills. While the programme will end in 2019, the UNODC Global Maritime Crime Programme will continue to work with maritime law enforcement authorities to enhance capacity, particularly in view of the Mogadishu Maritime Police Unit stepping up its patrolling responsibilities around the Mogadishu airport and port.

21. A joint security sector governance programme capacity-building initiative, funded by the European Union and Sweden and implemented by the UNSOM-United Nations Development Programme Integrated Security Sector Reform Section, has been initiated. The aim of the programme is to strengthen security sector governance and reform, promoting and improving the coordination of security arrangements across the country while also enhancing democratic oversight and accountability within the sector. Furthermore, an integrated UNSOM and United Nations Development Programme structure is engaging with Somali counterparts on capacity-building initiatives through the framework of the Comprehensive Approach to Security that will further strengthen the effectiveness of Somali maritime forces.

22. UNODC and UNSOM, along with the European Union Capacity-Building Mission in Somalia, have also played an important role in the capacity-building activities of the Somali Maritime Police Unit. In support of capacity-building efforts, patrol boats are being procured by UNODC for the Maritime Police Unit in Mogadishu and infrastructure augmentation is being carried out by UNOPS, through European Union funding mechanisms. During the reporting period, the UNODC Global Maritime Crime Programme continued to deliver training and mentoring programmes for the Maritime Police Unit to enhance operational capability in the areas of maritime law enforcement and marine engineering.

23. A new coordination structure, the Maritime Police Working Group, has also been established by the Federal Government of Somalia to advance maritime policing with the federal member states. The Working Group, which is seen as a key platform for the expansion of maritime law enforcement along Somalia’s coastline, held its inaugural meeting on 18 September. It was attended by Egypt, Sweden, Qatar and Turkey, as well as by UNODC, UNSOM and the European Union Capacity-Building Mission in Somalia.

C. Community issues

24. The Ministry of Fisheries and Marine Resources continues to lead the drive to develop the marine and coastal fishing sector as a key source of economic growth. Efforts in this area, especially when combined with community strengthening and advocacy, will contribute to the fight against piracy by reducing the recruitment of pirates in coastal areas.

25. Through the implementation of the Coastal Communities Against Piracy project, among other initiatives, FAO is working closely with the Ministries of Fisheries at the federal and state level to provide meaningful employment opportunities along the value chain in the fisheries sector, thereby providing alternatives to piracy or involvement in other illicit coastal activities.

26. The Coastal Communities Against Piracy project is supporting the development of income-generating opportunities for young people through long-term training programmes in Boosaaso and Mogadishu. Training topics include safety at sea, on-board handling, and improved fishing and post-harvest techniques. The project is also working to improve the design and performance of small-scale fishing, having distributed 27 vessels built locally in Somalia. In an effort to reduce post-harvest losses and improve income gained from fishing activities, FAO is providing training on new, value added fish processing techniques and providing cold chain assets such as refrigerated trucks and solar-powered flake ice machines. It is also strengthening fisheries cooperatives and other organizations at landing sites and conducting feasibility studies for new infrastructure. These activities are accompanied by participatory research and activities to build civic responsibility and raise awareness of the dangers of piracy, as well as provide opportunities within a well-managed fisheries sector. Other efforts implemented by FAO in support of fisheries value chain development include market development in domestic markets and in those of neighbouring States, and awareness and education campaigns around cooking and nutrition. In strengthening the value chain, FAO aims to stimulate market demand for underused resources in Somali waters.

27. FAO has also received funding from the trust fund to support initiatives of States countering piracy off the coast of Somalia to install Automatic Identification System transponders and Very High Frequency Digital Selective Calling handheld radios in 175 small fishing boats in Boosaaso, to assist anti-piracy forces with more information and improved monitoring of fishing activity. The intervention has not only improved the monitoring of fishing activities but has also built the capacity of ministries and fisheries associations in monitoring and managing Somali fisheries as well as improving safety at sea for individual fisherfolk.

IV. International cooperation

A. Contact Group on Piracy off the Coast of Somalia

28. The Contact Group on Piracy off the Coast of Somalia held its twenty-second plenary session in Mauritius, on 20 June 2019. It was attended by the following countries: Australia, China, Denmark, Egypt, France, Germany, Greece, India, Italy, Japan, Kenya, Madagascar, Mauritius, Netherlands, Norway, Pakistan, Panama, Portugal, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Seychelles, Spain, Sri Lanka, Sweden, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania and United States of America. Representatives of “Somaliland” also attended, as did representatives of many international, regional and private sector organizations. For the first time, Somalia elected not to attend and to focus instead on

further coordination of the National Maritime Coordination Committee before holding detailed engagements with the Contact Group. The plenary session was chaired by Mauritius as Chair of the Indian Ocean Commission, with the Commission supporting the plenary session as the secretariat of the Contact Group.

29. Recalling Security Council resolution [1851 \(2008\)](#), the plenary welcomed the continued efforts by the international community to combat and deter piracy off the coast of Somalia. It reiterated the need for stronger coordination of maritime security initiatives within the Contact Group community and called for the increased commitment of regional States in the Contact Group and for ownership of activities related to the fight against piracy and related threats and crimes. The plenary acknowledged the suppression of piracy and called upon international naval forces and independent deployers to maintain their presence off the coast of Somalia. The choice of Kenya to chair the Contact Group from 1 January 2020 to 31 December 2021 was endorsed with appreciation, and the offer made by the Indian Ocean Commission to continue to provide secretarial support to the Chair of the Contact Group was noted by the plenary.

30. During the session, the plenary also discussed the future of the Contact Group. It agreed on the need to ensure that the Contact Group remained an agile mechanism that was embedded in a long-term strategy for the region. It also agreed that more efforts were required to ensure a holistic approach for the region, along with better coordination and increased efficiency. The plenary also agreed to establish a steering committee to look into a strategic plan for the Contact Group. It noted the closure of the Working Group on Operations at Sea and agreed to transfer the activities of the Indian Ocean regional capacity-building working group to the Djibouti Code of Conduct. In addition, it called for the strict observance of the transfer agreement and expressed its strong opposition to the premature release of convicted pirates.

31. The plenary followed several other meetings, including the second Ministerial Conference on Maritime Security in the Western Indian Ocean, which was held on 19 June 2019 and was organized by Mauritius and the Indian Ocean Commission, with the support of the European Union-funded regional maritime security programme. Meetings of the Maritime Security Coordination Committee, the Virtual Legal Forum, and Contact Group-related working and technical groups, as well as the annual meeting of the Board of the trust fund to support initiatives of States countering piracy off the coast of Somalia were held on 18 and 19 June 2019. Contact Group members also participated in the side events that were organized on the margins of the Ministerial Conference to celebrate “maritime week”.

32. The Indian Ocean Commission has supported the Contact Group for three years, with support from the European Union-funded regional maritime security programme, which is implemented by four regional organizations – IGAD, the East African Community, the Common Market for Eastern and Southern Africa, and the Indian Ocean Commission – in close collaboration with FAO, the International Criminal Police Organization (INTERPOL) and UNODC. The aim of the programme is to provide a comprehensive approach to maritime security in the western Indian Ocean. The Regional Maritime Information Fusion Centre in Madagascar and the Regional Maritime Centre for Operational Coordination in Seychelles have been created under the programme, with the objective of developing a regional maritime architecture in the western Indian Ocean, based on improved maritime information exchange and joint operations at sea.

33. Regional agreements for the exchange and sharing of maritime information and for the coordination of joint actions at sea were signed in 2018 under the European Union-funded regional maritime security programme by seven East African and

Indian Ocean countries and areas.⁴ The implementation of the agreements and the full operationalization of the Regional Maritime Information Fusion Centre and the Regional Maritime Centre for Operational Coordination are under way. Both are crucial in establishing a surveillance and control mechanism in the region. The signing of these agreements marked an important step in the establishment of a maritime security architecture, which includes other regional initiatives, such as the Djibouti Code of Conduct and its 2017 Jeddah Amendment. The architecture capitalizes on a specifically developed maritime awareness system and on best practices from Asia and Europe, and it complements monitoring and surveillance in the western Indian Ocean.

34. The hosting of the second Ministerial Conference on Maritime Security in the Western Indian Ocean was a flagship initiative of the European Union-funded regional maritime security programme. The conference brought together over 250 participants from 30 countries and regional and international organizations, including researchers, political and government representatives, and maritime technical experts, to debate and discuss maritime security initiatives. Participants called for the strong coordination of maritime safety and security initiatives to improve their impact and avoid duplication, as well as for the development of synergies where necessary, and the facilitation of the involvement of States as well as regional and international partners.

B. United Nations trust fund to support the initiatives of States countering piracy off the coast of Somalia

35. During the reporting period, the trust fund continued to provide financial assistance to contribute to combating piracy off the coast of Somalia. It supported regional prosecution efforts as well as maritime law enforcement and governance, among other things.

36. Since 31 December 2012, the trust fund has received a total of \$14,834,461 from 18 donors. However, for several years, the trust fund has not been able to meet the United Nations Development Group benchmark contribution threshold level for multi-partner trust funds, which denotes diminishing interest from donors. As of 31 August 2019, the balance of the trust fund was \$218,895. Two projects have already been approved by the Board of the trust fund for a total amount of \$1,419,184 and are awaiting funding.

37. On 19 June 2019, the Board of the trust fund held its 21st meeting in Balaclava, Mauritius, with the Department of Political and Peacebuilding Affairs of the Secretariat serving as Chair. During the session, Board members continued their discussion on the future of the trust fund. They highlighted the important value of the trust fund in countering piracy off the coast of Somalia but acknowledged the need to abide by the threshold requirement of the United Nations Development Group for multi-partner trust funds. Therefore, there was consensus among Board members to make a renewed call for contributions to the trust fund to try to avoid its closure. However, if the trust fund did not meet the threshold requirement in 2019 and if there was no commitment from donors to meet the level in 2020, the Board decided it would close the trust fund on 31 December 2021. The Board did not approve new projects

⁴ The two regional agreements under the European Union-funded regional maritime security programme were signed by five countries – the Comoros, Djibouti, Madagascar, Mauritius and Seychelles – during the first Ministerial Conference on Maritime Security, held in April 2018. In addition, Kenya and France/La Réunion signed the same agreements in November 2018 during the Sustainable Blue Economy Conference held in Nairobi.

due to the limited amount of funding available and the already-approved projects that were awaiting funding.

V. Strategic maritime security activities

A. International capacity-building

38. Through the support of the IMO Djibouti Code of Conduct programme, States off the coast of Somalia, the western Indian Ocean and the Gulf of Aden have learned lessons in effective regional collaboration. Currently, the focus of the IMO programme is to develop a multi-agency approach that encourages the region to work at the national and cross-border levels to pursue a more comprehensive approach in order to prevent a resurgence of piracy, as well as to combat other threats, such as terrorism against oil and gas installations, illegal, unregulated and unreported fishing, and the trafficking of drugs, weapons and humans.

39. In response to these existing and emerging threats, the Jeddah Amendment to the Djibouti Code of Conduct was adopted in January 2017 as a mechanism by which participatory States agreed to work together to build national and regional capacity to prevent a resurgence in piracy and to address wider maritime security issues, a key component of which was agreeing to enhance maritime domain awareness in the region. To this end, the region has prioritized the establishment of national maritime information-sharing centres in each of the Djibouti Code of Conduct signatory States. These centres will play a key role as national pillars for the regional information-sharing network alongside the designated regional information-sharing centres. During the reporting period, Kenya began integrating its existing systems to establish a joint maritime operations centre with support from IMO, Denmark and the United Kingdom.

40. The effective implementation of the commitments made by each of the signatory States to establish a national organization to promote inter-agency cooperation and to develop national capability is paramount to the continued success of the Jeddah Amendment. Therefore, it is vital that the signatory States continue to establish their own national organizations, legal frameworks and capacity to address wider maritime security issues. To date, IMO, together with international and regional partners, has facilitated over 84 training courses that have benefited over 1,698 trainees from the region through the Jeddah Amendment.

B. Naval activities off the coast of Somalia

41. During the reporting period, NATO has continued its engagement off the coast of Somalia in support of the international community's counter-piracy efforts. To that end, NATO retains maritime situational awareness of the area and monitors the piracy situation, including through the NATO Shipping Centre in the United Kingdom, which regularly interacts with the global shipping community. Moreover, NATO has continued its valuable partnerships with relevant counter-piracy stakeholders and has remained active in counter-piracy forums, such as the Contact Group on Piracy off the Coast of Somalia.

42. Both the European Union and the Combined Maritime Forces continued to operate dedicated multinational naval counter-piracy missions to protect merchant vessels and deter pirate activity in the Gulf of Aden and western Indian Ocean during the reporting period, as authorized by the Security Council. In addition, individual Member States of the United Nations, such as China, India, Japan, the Republic of Korea and the Russian Federation, have continued to operate in the area as

independent deployers, upholding security at sea by protecting and escorting commercial vessels.

43. The Combined Maritime Forces are a multinational naval partnership comprising 33 members, with a dedicated counter-piracy presence as one of its three constituent task forces. Operating as Combined Task Force 151, the Combined Maritime Forces patrol the Red Sea, the Gulf of Aden, the Arabian Sea, the Somali Basin and the northern Indian Ocean and actively operate in close cooperation with EU NAVFOR Somalia and independent deployers.

44. EU NAVFOR Somalia has continued its counter-piracy efforts through Operation Atalanta, which typically involves up to two warships, two maritime patrol aircraft and up to 700 personnel, covering an area stretching from the Red Sea to the Arabian Sea into the Indian Ocean down to the Mozambique Channel. The force has been further augmented through the periodic inclusion of a warship of the Republic of Korea in addition to the standing direct contributions from non-European Union Member States such as Serbia and Montenegro.

45. EU NAVFOR Somalia actively responded to the attacks against the *Sydney*, the *Adria* and the *Txori Argi*. In addition to its dedicated counter-piracy activities, EU NAVFOR Somalia has continued to engage coastal communities in Somalia by providing a platform for European Union instruments and United Nations agencies to promote development programmes within inaccessible communities with a view to providing alternative forms of income.

46. On 29 March 2019, the operational headquarters of EU NAVFOR was transferred from Northwood, United Kingdom, to Rota, Spain, and the Maritime Security Centre-Horn of Africa was relocated to Brest, France. The Centre remains integral to Operation Atalanta and plays an important role in assuring the global shipping industry that it will see a military response to piracy in the region. The Centre provides regional maritime domain awareness and receives registration details on transiting vessels through voluntary reporting, as recommended in the fifth version of *Best Management Practices*, in conjunction with the United Kingdom Maritime Trade Operations. The Centre uses this information to assess the vulnerability of the vessels to piracy. It also acts as a conduit to inform the shipping industry of threat assessments and incident-related threat bulletins based on the combined assessment of EU NAVFOR Somalia and the Combined Maritime Forces.

47. EU NAVFOR and the Combined Maritime Forces presented their latest joint threat assessment to the shipping industry bodies at the Shared Awareness and Deconfliction conference held in Bahrain in April 2019, and to government representatives at the plenary meeting of the Contact Group held in Mauritius in June 2019. With only two confirmed piracy attacks in the past 12 months, neither force assesses that there are any tactical indicators or warnings to point to a resurgence in piracy off the coast of Somalia, provided a deterrent force still exists at sea, able to deter and disrupt pirate activities.

VI. International legal and judicial issues, including human rights considerations

A. Legal frameworks and cooperation

48. From 1 to 3 August 2019, the Indian Ocean Commission held a ministerial retreat on the future of the organization in Moroni, 35 years after its institutionalization by the 1984 Victoria General Agreement on Cooperation. At the end of the retreat, participants adopted a declaration on the future of the Commission,

redesigning and laying the foundation for what will be the new Indian Ocean Commission. In the declaration, they referred, among other issues, to the risk of terrorism, the development of transnational criminal networks and maritime insecurity. It notes the two ministerial conferences on maritime security in the western Indian Ocean held in Mauritius in 2018 and 2019 and states that the renewed mandate of the Commission should include issues related to peace and security as well as maritime security, among other things. During the reporting period, the Department of Political and Peacebuilding Affairs of the Secretariat and the Commission initiated discussions on activities to help build the capacity of the Commission to promote and consolidate peace and security in the region, in line with the cooperation framework signed on 15 June 2018.

49. In line with the World Maritime Day theme for 2019, “Empowering women in the maritime community”, the Somali Ministry of Women and Human Rights Development, along with the Ministry of Ports and Marine Transport, UNSOM and the European Union Capacity-Building Mission in Somalia organized a consultative conference for women in the maritime sector in Mogadishu on 4 September 2019. The conference sought to create a platform in the lead-up to the twentieth anniversary of Security Council resolution [1325 \(2000\)](#) that would allow the Federal Government of Somalia, federal member states, civil society and international agencies involved in the maritime sector to discuss opportunities for women working in the sector and chart a road map for their future growth, as well as considering their contributions to the development of the blue economy in Somalia.

50. During its forty-sixth ordinary session, the IGAD Council of Ministers established a task force on the Red Sea and the Gulf of Aden. The task force held its 1st consultative meeting in Nairobi on 3 and 4 April 2019 and its 2nd consultative meeting in Djibouti from 15 to 18 September 2019. It agreed on the need for greater cooperation on issues such as combating illegal, unreported and unregulated fishing, violent extremism, piracy and irregular migration and on the need to ensure the freedom of maritime navigation in the waters of the Red Sea and the Gulf of Aden.

51. In its resolution [36/11](#) of September 2017, the Human Rights Council established a new open-ended intergovernmental working group, for a period of three years, with a mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof, and to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies.

52. The first session of the intergovernmental working group, held in Geneva from 20 to 23 May 2019, provided an occasion to reiterate the importance of building on the conclusions and recommendations of the former working group to identify means to more efficiently prevent human rights abuses relating to the activities of private military and security companies; to more effectively protect and ensure access to justice and remedies for victims of such abuses; and to strengthen accountability for perpetrators of abuse, which had been largely elusive throughout the world. To further assist it with its mandate and in line with resolution [36/11](#), the working group invited written contributions from Governments, relevant special procedure mandate holders and mechanisms of the Human Rights Council, the treaty bodies, regional groups, intergovernmental organizations, civil society, the industry and other stakeholders with relevant expertise, including the Co-Chairs of the Montreux Document Forum and the International Code of Conduct Association.

B. Hostage release and support efforts

53. The International Seafarers' Welfare and Assistance Network, an international charity based in the United Kingdom, administers the Piracy Survivor Family Fund of the Contact Group. Financial support from the fund has enabled the network to continue to provide support to hostages and their families during and after captivity, including the four crew members of the *Siraj* who have been held hostage by Somali pirates since March 2015.

54. On 14 September 2019, the Hostage Support Partnership negotiated the release of one of the *Siraj* crew members, who had been held by the pirate group "Karani" and who was very ill. With funding from the Piracy Survivor Family Fund and support from the Government of the Islamic Republic of Iran, the Partnership extracted the hostage and provided assistance for medical treatment and evacuation. Efforts to secure the release of the remaining three hostages continue. The network has been able to establish contact with the families of the remaining hostages and is trying to assess their needs in order to provide humanitarian support. It has also been able to assist released hostages and their families with re-employment, rehabilitation, medical services and education.

C. Cooperation on piracy-related prosecutions

55. During the reporting period, the UNODC Global Maritime Crime Programme, acting as the secretariat of the Law Enforcement Task Force of the Contact Group, facilitated the 3rd meeting of the Task Force at the Lower Saxony State Office for Criminal Investigation in Hannover, Germany, in May 2019. During the meeting, participants discussed progress that had been made relating to the prosecution of suspected pirate leaders, associates and financiers since the previous meeting, held in Lyon, France, in May 2018.

56. The Task Force noted the value of the INTERPOL database of piracy suspects, which had been used to help to identify suspects among refugees arriving in Europe from Africa. The influx of migrants from Africa had brought several pirate associates to Europe, and the excellent crime scene records from hijacked vessels had provided fingerprint records that matched the suspects. As a result, several piracy arrests were conducted during the reporting period by the United States Federal Bureau of Investigation (related to the Michael Scott Moore kidnapping), and by Germany (related to the *Smyrni* case and the *Ems River* and *Susan K* hijackings).

57. At the request of the Law Enforcement Task Force, UNODC presented a report entitled "Proceeds of piracy crime: locating assets of pirate leaders and financiers", which was funded by the Trust Fund. The Task Force called for further research on the issue of piracy and transnational organized crime, including the possible nexus between pirate leaders and Al-Shabaab. In January 2019, UNODC also issued the "Summary of laws regulating floating armouries and their operations" and "Guidelines for the use of privately contracted armed security personnel" both of which are to be annexed to the second edition of the publication *Maritime Crime: A Manual for Criminal Justice Practitioners*.

58. On the basis of work conducted by the Task Force and UNODC, it is believed that four pirate action groups remain active in Somalia and are receiving funding to conduct piracy attacks against the shipping industry. There are indications of a fifth group operating out of the south of Somalia, which has carried out a number of unsuccessful attacks against ships. In addition, there are inactive pirate groups, such as the one holding the remaining crew of the *Siraj*. On 17 March 2019, a major Somali pirate financier was killed in an ambush while he was travelling from Gaalkacyo to

Hoby. He had returned to Somalia in February 2019 after serving time in an Iranian prison.

59. From 18 to 20 March 2019, the UNODC Global Maritime Crime Programme and the EU NAVFOR Legal Advisor from operational headquarters, assisted by an expert from the Australian Constabulary, conducted a piracy prosecution pathway exercise in Seychelles for the purpose of maintaining the region's capacity to conduct piracy prosecutions. Participants included representatives from the Office of the Seychelles Attorney General, the Judiciary, the Seychelles Police Force, the Coast Guard, the Air Force and the Seychelles Armed Forces. The training included sessions on revisions of legal frameworks regarding piracy, challenges in the chains of custody and evidence, and regular procedures for the handover of suspected pirates to the national law enforcement agencies.

60. The UNODC Global Maritime Crime Programme repatriated the last 28 pirates who had completed their sentences in Kenya. The last four were repatriated in February 2019. Since its inception in 2009, the Programme has repatriated 138 pirates who completed their sentences in Kenya, and there are currently no remaining convicted pirates in Kenyan prisons. Six suspected pirates apprehended in 2017 were repatriated from Seychelles on 29 November and 1 December 2018 as a result of their acquittal. Currently, five suspected pirates remain in detention in Seychelles, awaiting trial following their apprehension in April 2019. Finally, in August 2019, the Programme supported the repatriation of one convicted pirate who had completed his sentence in Japan.

61. With a view to promoting the rehabilitation and reintegration of pirates convicted in prosecuting countries in the region, the Government of Seychelles and the Transitional Federal Government of Somalia signed an agreement in 2011 to allow the transfer of persons convicted of acts of piracy to return to Somalia to serve their sentences. This was followed by a memorandum of understanding between Seychelles and each state authority in "Somaliland" and Puntland. UNODC has since facilitated the transfers and has built human rights-compliant infrastructure in "Somaliland" and Puntland, with support from the trust fund.

62. On 29 July 2019, the President of "Somaliland", Muse Bihi Abdi, conferred early release to 19 convicted pirates, held at Hargeysa Central Prison, who had been transferred by Seychelles in 2012. The President acted in accordance with the Constitution of "Somaliland", which grants him the power to pardon prisoners. However, his action was in breach of articles 5 and 7 of the memorandum of understanding between Seychelles and "Somaliland", which stipulate that the transferring State or authority shall retain exclusive jurisdiction for the review of the judgment and sentence and that the receiving State or authority shall continue to enforce the sentence as if the sentence had been imposed in the receiving State or authority. One week later, on 2 August 2019, the pirates were released. Currently, one pirate remains in Hargeysa Central Prison, as his sentence was converted from piracy to attempted escape in 2015. On 2 August 2019, the Chair of the Contact Group on Piracy off the Coast of Somalia issued a communiqué expressing the concern of the international community regarding the decision and highlighting the importance of upholding the responsibilities acquired through several agreements in the region to prevent the reescalation of piracy in the western Indian Ocean.

63. On 3 August 2019, Puntland indicated its intention to undertake a review of the sentences of the 30 pirates currently held in Boosaaso and Garoowe prisons. In response, the Chair of the Contact Group issued a second communiqué on 13 August 2019. The UNODC Global Maritime Crime Programme continues to monitor the enforcement of the sentences of all the convicted pirates transferred from prosecuting countries in the region.

VII. Observations

64. The absence of successful piracy attacks off the coast of Somalia since my previous report demonstrates the effectiveness of the current mitigation measures applied by the Federal Government of Somalia, the shipping industry and the international community, including the Security Council and military and naval forces, to combat piracy and armed robbery at sea off the coast of Somalia.

65. However, I am concerned that several attacks were attempted during the reporting period. While unsuccessful, they demonstrate that piracy networks in the region remain active and ready to resume attacks if the opportunity arises. I commend the capture of the five suspected pirates who are now awaiting trial in Seychelles, which demonstrates that a swift, concerted response from international naval forces and the shipping industry continues to be vital in tackling the piracy threat, and a critical deterrent. Piracy off the coast of Somalia remains suppressed but still not eradicated; it will not be eradicated until the root causes of piracy, including the lack of alternative livelihoods, insecurity and weak governance structures, are addressed.

66. Piracy is only one of many threats to maritime security off the coast of Somalia. I am concerned by the persistence of illegal, unreported and unregulated fishing, and I urge Member States to abide by international regulations.

67. I welcome the efforts of the Federal Government of Somalia to develop a sustainable maritime sector. Initiatives related to gender mainstreaming in the maritime domain and to the recruitment and advancement of more women maritime police officers are encouraging steps in empowering Somali women to participate in the maritime sector.

68. Since my previous report, the international community has discussed fundamental aspects of international cooperation on countering piracy off the coast of Somalia, including the scope and focus of the Contact Group on Piracy off the Coast of Somalia vis-à-vis other regional instruments and mechanisms, prosecution mechanisms, and the future of the trust fund to support initiatives of States countering piracy off the coast of Somalia. In that regard, I note the need to explore synergies among the various instruments and mechanisms on maritime security in the region, including on countering piracy, to achieve the most comprehensive, concerted and effective international response possible.

69. I commend the work of the Hostage Support Partnership and the International Seafarers' Welfare and Assistance Network in relation to the release of a seriously ill hostage captured on the *Siraj* in March 2015 and call for the immediate and unconditional release of all remaining civilians and seafarers held hostage in Somalia. I reiterate my call to all partners to contribute to the Piracy Survivor Family Fund, which fulfils a crucial role in the rehabilitation of survivors of Somali piracy, supporting seafarers and their families.

70. I thank the Government of Mauritius for its leadership as Chair of the Contact Group on Piracy off the Coast of Somalia and welcome the Government of Kenya as incoming Chair from 1 January 2020. I also thank the Indian Ocean Commission for its secretariat role of the Contact Group. I note with appreciation contributions to the trust fund to support initiatives of States countering piracy off the coast of Somalia and encourage Member States to provide contributions to the trust fund for the remainder of 2019.

71. I encourage the Contact Group, international naval forces and the international community, as well as the Federal Government of Somalia and the federal member states to continue working together on combating piracy off the coast of Somalia.

Annex I

Contributions of Member States, observers, non-governmental organizations and the private sector to countering piracy off the coast of Somalia

1. The statements below have been provided by Member States in response to the relevant operative paragraphs of Security Council resolution [2442 \(2018\)](#):

2. Bulgaria participates in the European Union Naval Force (EU NAVFOR) Somalia Operation Atalanta, the objective of which is to deter, prevent and repress piracy and armed robbery off the coast of Somalia. The operation is aimed at contributing to the improvement of maritime security in the region, to deter piracy and armed robbery, to enhance the security of major maritime routes and to ensure the protection of humanitarian aid by escorting vessels of the World Food Programme and other endangered ships to ports in Somalia. Bulgaria has a mandate to participate in the operational headquarters of Atalanta with up to two military officers. Since 2009, Bulgaria has participated with a naval officer at operational headquarters in Northwood, United Kingdom of Great Britain and Northern Ireland. Since 2019, Bulgaria has continued to participate in Atalanta, with a naval officer stationed at its headquarters in Rota, Spain, as a practical expression of the country's contribution to the efforts of the United Nations and the European Union to combat piracy.

3. France is among the main contributors to the EU NAVFOR Somalia Operation Atalanta. In March 2019, the headquarters of Atalanta's Maritime Security Centre-Horn of Africa was relocated to Brest, France, and its operational headquarters was relocated to Rota, Spain. France also participates in the work of the Contact Group on Piracy off the Coast of Somalia. During the latest plenary meeting of the Contact Group on 20 June, France took an active part in the discussions that resulted in the decision not to extend the mandate of the Contact Group beyond piracy issues. Given that piracy cannot be considered completely eradicated, the Contact Group should continue its early warning work on piracy resurgence. Other maritime crime issues could be addressed within other frameworks, including the European Union-funded regional maritime security programme, the European Union Critical Maritime Routes Indian Ocean project and the Djibouti Code of Conduct. France also continues to advocate for regional ownership of maritime security issues. France supports the implementation of the regional security strategy of the Indian Ocean Commission, as well as the implementation of the Djibouti Code of Conduct, with a view to creating interconnected centres for the fusion of information of maritime interest.

4. In accordance with information provided by the Ministry of Internal Affairs of Georgia, in the context of the implementation of Security Council resolution [2442 \(2018\)](#), the Coast Guard Department of Georgia, owing to limited resources and competences, is unable to enforce specific measures in order to combat piracy off the coast of Somalia. However, it should be underlined that relevant offices of the Coast Guard Department systematically share information about suspected vessels with the maritime agencies of partner States and international organizations. Information-sharing will be maintained and relevant Georgian agencies will continue to implement all international obligations, including those contained in Security Council resolutions. According to materials provided by the Ministry of Defence of Georgia, as a leading authority in the field of export control systems, it is a military production licensing organ. With regard to this issue, it takes into account mandatory requirements established by Security Council resolutions relating to arms embargoes and sanctions. This means that a positive decision is not taken and permission for the export and transit of military production is not granted if an embargo applies to the country of final destination. This procedure applies to Somalia, as well, as it has been

subject to the embargo imposed by the Security Council in resolution [733 \(1992\)](#) since 1992. Moreover, a new legislative framework regulating export control in Georgia came into effect in 2014. It is completely harmonized with European Union legislation, resulting in the integration into national legislation of internationally recognized principles, standards and best practices in the field. The starting point in issuing permission is the comprehensive analysis of the product's country of final destination, as well as its end user and end use. This means, in the first place, the fulfilment of obligations under Security Council resolutions and relevant international agreements on security and non-proliferation.

5. Hungary, as a member State of the European Union, implements Security Council resolution [2442 \(2018\)](#) through the European Union missions EU NAVFOR Operation Atalanta and the European Union Capacity-Building Mission in Somalia. Hungary welcomes the efforts and effectiveness of both missions. However, due to their current operational commitments, the Hungarian Defence Forces are not in a position to contribute manpower to the missions.

6. Italy participates in the European Union Naval Force Operation Atalanta and, since the start of the operation, has provided a Navy warship, which also serves as flagship for the Force Commander. Italy has also permanently posted two officers and one petty officer in the operational headquarters in Rota, Spain, and provides, on regular rotation with two other nations, the Deputy Operational Commander (which includes an assistant and a secretary). Furthermore, in order to contribute to the improvement of maritime security in the region, Italian Navy warships provide, during their deployments, local maritime capacity-building activities and key leader engagement activities to local authorities, regional navies and other maritime actors relevant to the maritime security of the area of operation, (i.e. the Navy and Coast Guard of Djibouti, the Navy and Air Force of Seychelles, and the Mogadishu Police Forces).

7. Lithuania takes part in the EU NAVFOR anti-piracy operation Atalanta. During the reporting period, Lithuania posted one officer to the operational headquarters in Northwood, United Kingdom, beginning on 6 November 2018, and later to Rota, Spain. Since August 2019, Lithuania has increased its participation in the operation by deploying an autonomous vessel protection detachment comprising 12 servicemen on the World Food Programme ship and a national support element of 2 servicemen in Djibouti.

8. Maldives, with over 950 km of coastline in the middle of the Indian Ocean, upholds a strong commitment to the maritime security of the nation. This commitment has been undertaken through continuous maritime patrol by the Maldives Coast Guard and through joint maritime patrol by sea and air with friendly naval forces in Maldivian waters. The Maldives signed the Djibouti Code of Conduct in 2009 to support the suppression of piracy by enhancing information-sharing, capacity-building and training among the nations of the Horn of Africa and the western Indian Ocean region. Since then, the country has been engaging in transnational communication and cooperation in receiving information related to maritime piracy. In 2017, Maldives also signed the Jeddah Amendment, which expanded the scope of the Djibouti Code of Conduct. Maldives, Sri Lanka and India signed a trilateral maritime security cooperation agreement in 2012 for joint cooperation in humanitarian assistance and disaster relief, monitoring of exclusive economic zones, search and rescue and anti-piracy efforts. Further enhancements in maritime security include the signing of a memorandum of understanding in 2019 between Maldives and India for the sharing of white shipping information to develop maritime domain awareness, which would help monitor shipping activities in the Indian Ocean region. Now brought under the aegis of the trilateral maritime security cooperation agreement, the multilateral "Dosti" exercise carried out by the Coast Guards has been conducted in Maldives every other

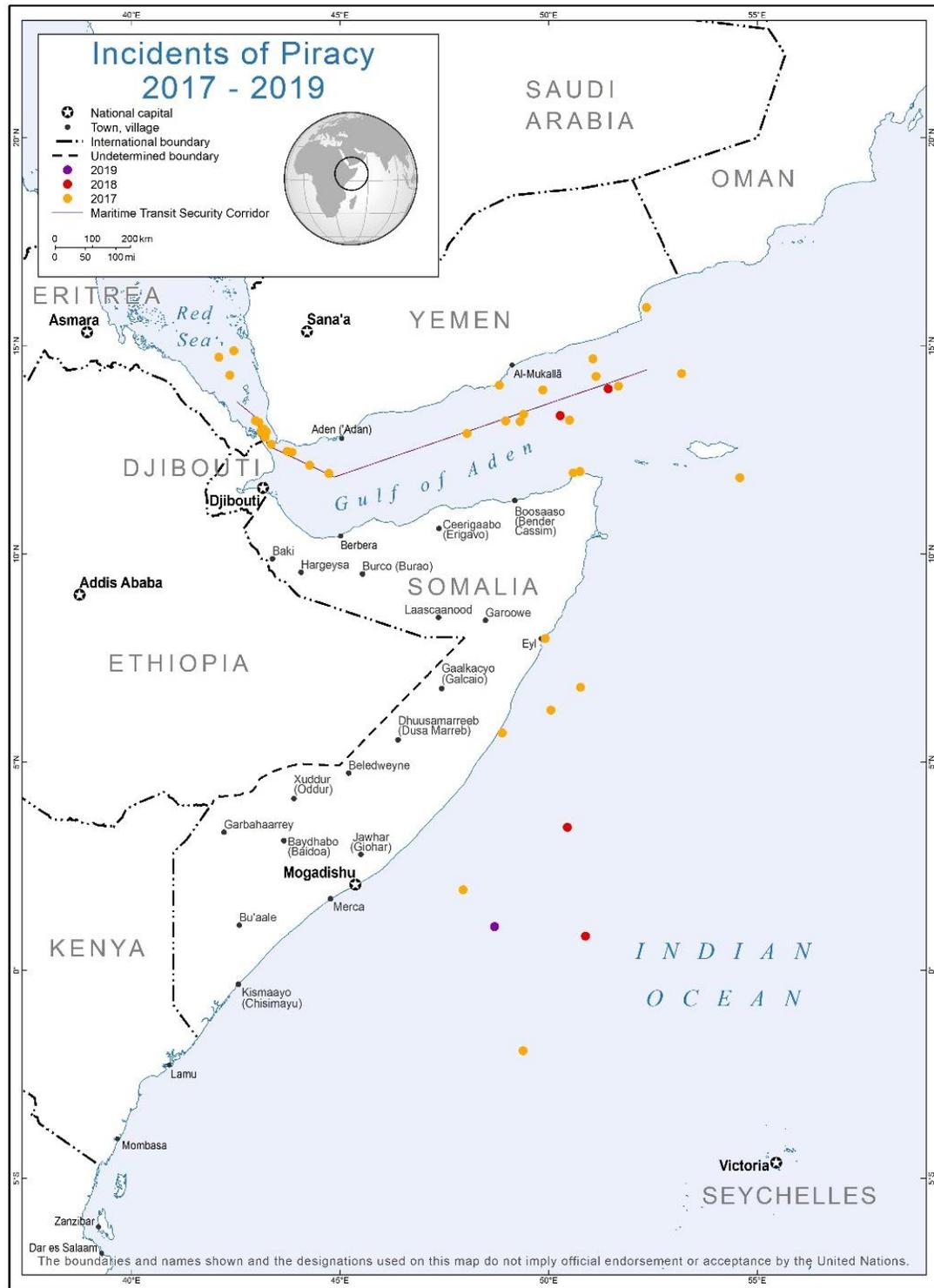
year since 1991 to enhance interoperability in counter-piracy, armed robbery and other issues related to maritime security and safety. In order to enhance further maritime domain awareness, coastal surveillance radar system chains are being installed across the archipelago. A total of 10 integrated radar systems will be completed by the end of 2020, with the assistance of the Indian Government. Since Maldives straddles strategic international sea lanes used by ships passing to and from the high-risk area, legislative provisions have been made for the handling of armed guards on board ships visiting Maldives ports (for the procedure, see <http://www.imo.org/en/OurWork/Security/PiracyArmedRobbery/Documents/Maldives.pdf>). The latest incidents related to Somalia in Maldivian waters include the apprehension by the Coast Guard of a skiff with three Somalis on board 41 nautical miles west of Aa Atoll, Maldives, on 23 June 2018 and the apprehension by the Coast Guard of two fishing vessels in Maldivian waters, each with 200 tons of fish from suspected illegal, unregulated and unreported fishing in Somali Puntland waters in January 2018.

9. Oman has established a centre for maritime security, which includes representatives of all the military, security and civil entities, so as to constantly coordinate and work jointly. The centre works around the clock to administer and lead marine security operations to counter security threats to ports, maritime facilities and coasts, as well as the Omani maritime region. It is equipped with state-of-the-art technical equipment of ships, boats, and maritime reconnaissance aircraft. It goes without saying that the centre harnesses all its capabilities to ensure the safety and security of the Omani maritime region. It is worth mentioning that no incident of piracy or armed robbery has been reported, to date, in the maritime region of Oman, since 6 November 2018, as the centre constantly works to coordinate jointly among the above-mentioned entities to counter illegal threats and activities. It is also in touch with regional and international centres, in order to achieve the objectives of international maritime security.

10. Since May 2009, Sweden has sent five naval units to Operation Atalanta, the European Union maritime intervention in the Gulf of Aden, off the Somali coast. The operation, mandated by the Security Council, is conducted with the consent of the Federal Government of Somalia. The European Union Naval Force protects vulnerable shipping and deters, prevents and represses piracy and armed robbery at sea in the region. In autumn 2017, Sweden provided a fifth contingent consisting of a naval boarding force and two fast assault craft to the operation. Sweden has recently increased its personnel contribution to the headquarters of Operation Atalanta in Rota, Spain, from two staff officers to three. Currently, Sweden does not intend to increase its personnel or contribution further.

Annex II

Map of incidents of piracy, 2017–2019



Map No. 4600 UNITED NATIONS
October 2019

Office of Information and Communications Technology
Geospatial Information Section