

SRSR STATEMENT ON PIRACY TO ICG
Copenhagen, 29 September 2011

Excellencies,

I welcome this opportunity to open this session on Piracy and I welcome the new Chair of the Contact Group for Piracy off the Coast of Somalia Henk Swarttouw and the Danish Chair of the CGPCS Working Group 2 Ambassador Thomas Winkler who will brief us on the important work of the Contact Group and how it relates to the ICG.

Before we hear from the experts I want to put Piracy in the political context. You have heard me say on previous occasions that solving the Piracy problem must be done in context of the overall solution to Somalia. Whilst previously we were perhaps a long way off, we have now moved forward with the Kampala Accord and the Road Map for ending the transitional period. You will have seen in the Roadmap some key targets on Piracy to be achieved in the transitional period:

- Appointment of a single minister to coordinate the TFG's counter piracy efforts, this is a cross cutting issue and involves several ministries and we look forward to see the TFG Counter Piracy task force re-invigorated. UNPOS will continue to support Focal point offices in the TFG and other administrations and we are looking for donor funding to capacities them.
- Developing a counter piracy strategy in common with other regions and administrations. There is absolutely no point in the TFG and the regional administrations going it alone with different strategies and capacity building projects (including commercial projects). We urge all administrations to cooperate under the Kampala Process and for a coordinated approach. We welcome the recent reconfirmation of the Galcayo Agreement and the March 2010 MOU between the TFG and Puntland.
- The drafting and passage of a counter piracy law. Counter Piracy Laws exist in Somaliland and Puntland, the TFG needs to pass urgently its own law. A draft has been prepared and we look forward to its early passage through the TFP.

- The chapeau of these road map measures is the declaration of a Somali Exclusive Economic Zone. My Piracy Unit along with OLA and our friends from Norway have been working to assist the government prepare their case. The case is ready and we expect to see it presented before December to the UNCLOS. But there is still work to be done to win the hearts and minds of many Somali's (particularly MPs) who believe that declaring the EEZ will in some way give away Somali sovereignty. This is just not true, what is true is that the Continental Shelf issue and its mineral rights issues is significantly disputed by Djibouti, Yemen and Kenya and will take many years to iron out. We have sought and have agreement to delink the EEZ case from the Continental shelf case. We need the EEZ case now – the UNCLOS mechanism allows for disputes to be recorded but doesn't detract from declaring and putting into place the protection measures that the EEZ will provide – most particularly in protecting Somalia's natural resources critical to the countries future. Once declared this EEZ will have to be Policed and this brings me to my next point....
- There is a growing need to deliver Somali capacity to deal with its own piracy problem. We are capacitating Somalis National Security and Police Forces, but as yet the International Community has been reluctant to build anti piracy capacity – this is partly based on previous experience where some Coastguards trained by a private company became pirates themselves. But in my view we have moved beyond this. In essence this comes down to stopping pirates going to sea in the first place, the trick is how and where.
 - To me the how is not as difficult as we may think. The problem of piracy is essentially criminal stemming from hardship and economic necessity. Stopping it has to be a combination of police capacity in the coastal area primarily but not limited to the land environment. And secondly offering an alternative...this could very well be training and employing local capacity as Maritime Police/Coastguards as an alternative to joining the pirate gangs. The local elders and leaders are warm to this idea and many communities recognize the evil that piracy brings to them – but they need something to replace the money that they currently get. Re-generating

local industry and livelihoods can come later when we have a higher level of security.

- The where is also interesting: the pirate gangs operate in essentially two centres of activity in the North around Hobyo and Haradheere and then in the south, south of Kismayo to the Kenyan border. Countering this threat will require completely different approaches primarily because the southern sector remains in Al Shabaabs hands and piracy flourishes there with Al Shabaabs consent and approval (and of course payment of dews to allow it to continue unhindered). A very good example of this is the recent kidnapping of Judith Tebbit following her husband's murder on a beach in northern Kenya. The speed and safe passage given to the pirate gang by Al Shabaab that allowed her to be rapidly moved from the southern sector to the safer area of the northern pirate gangs is clear linkage between piracy and terrorism. Addressing the problem therefore requires two types of approaches:

- In the northern area we need to reinforce the security forces in the regions most directly affected. This means building capacity in Galmadug with their embryonic Maritime Police Force who face one of the biggest pirate strongholds in Hobyo. It means engaging with the administration in Heeb and Hiraan who face the other stronghold of Haradheere and of course with Puntland to reinforce the success they have had in shifting the pirates further south and their new policy against piracy. I welcome the strong stance that President Farole has taken against these criminals in Puntland.
- In the Southern area it is more difficult. Al Shabaab occupies the land and therefore the solution must be sea born for the time being until such time as Kismayo is retaken by the government. I commend the TFG for investigating commercial options to create and train a maritime police force to look after the immediate maritime area out to 12 nautical miles. Whilst this is happening I believe the international naval forces need to play a more robust role and take on the pirate encampments and their logistic dumps.

As we come to the end of the monsoon season we are expecting a deluge of pirate action groups going to sea (possibly up to 70 groups). As these groups prepare to deploy they are at their most vulnerable stage, whilst they are still on land with their stockpiles of arms ammunition fuel and boats. The problem can be dealt with pre-emptively at this point.

- The other tool we have is to go after those who organise and benefit from these activities. The Somalia Eritrea Sanctions Group are looking closely at maritime activities (not just piracy) that are fuelling the war in Somalia. The leaders of this activity whether Somalia based or abroad need to be targeted. We welcome the work the new CGPCS Working Group 5 led by Italy in this area. The Sanctions regime is also a tool we can use to allow the naval forces to carry out more intelligence led and focussed operations against the pirates – enforcing the sanctions regime could become a new task for the naval forces and would allow more proactive operations to take place with existing (not new) forces to undermine the income Al Shabaab gains from un regulated use of certain ports as this funding is used to sustain the fight against the TFG and AMISOM, making our job significantly more difficult

In all of this we must remember that Pirates kidnap people and the human misery that is caused to individuals and their families is very significant. We have seen significant use of violence against hostages in order to speed up ransom processes and my human rights team are monitoring this very carefully. At the moment, 333 innocent crew from 15 ships are held for ransom by pirates. This is unacceptable; I implore the TFG, Puntland and the regional administration in Galamadug to use their best efforts to bring an end to this process of kidnapping.

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The payment of ransoms remains a serious issue. The continued payment of ransoms and the use of force to speed up that process has to come to an end. Whilst I fully understand the difficulties the shipping industry face, ultimately it is putting more lives at risk as the business model continues to flourish – that is the lives of other seamen in the region and potentially the lives of the naval forces. The spate of kidnappings from Yachts and now with the attack on the holiday resorts of the region make the imperative to stop this whole process more urgent. Ransom payments are wrong and the money that flows in to the economy from them is making the whole business of a solution in Somalia more difficult for us to achieve.

Lastly the UN is tasked with coordinating Counter Piracy initiatives not just amongst the UN agencies but through the Kampala Process we are assisting the Somalis themselves and through our Nairobi cluster and Piracy technical working groups the counter piracy work of regional organisations and bi lateral donors to achieve economy of effort and coordination. I commend the excellent work which UNODC is doing on the ground in the region with capacitating prosecution, trials and imprisonment back in Somalia by building prison capacity. UNDP is taking the lead in training in the justice sector and developing police capacity. IMO is building training capacity in Djibouti for maritime security needs of the region and IOM is assisting with capacity and training as their migration mission meets the requirement for maritime policing and coast guard capacity. UNEP and FAO (along with other agencies) have helped us complete a report for the Secretary General into alleged Toxic Waste Dumping, Illegal and Unregulated fishing and protecting Somalis natural resources – this will be published in October and will go a long way to addressing the root causes of piracy and what needs to be done to protect Somalis rich natural resources. This is a unique team effort, my piracy team remains one single post and I welcome your continued support to assist us in our key role as coordinator.

Thank You - I would now like to invite the CGPCS Chair to make his statement.