

**CONTACT GROUP ON PIRACY OFF  
THE COAST OF SOMALIA**

**WORKING GROUP 1**



**REGIONAL COUNTER-PIRACY CAPABILITY DEVELOPMENT  
NEEDS ASSESSMENT AND PRIORITISATION MISSION  
TO EAST AFRICA AND THE GULF OF ADEN**

**7-13 SEPTEMBER 2009**

**20 OCTOBER 2009**

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## **1. INTRODUCTION**

The Contact Group on Piracy off the Coast of Somalia (CGPCS) has recognised the importance of regional capability development as key to the medium and longer term solutions to piracy in the region. This capability development must include Somalia and its regions as well as other countries in the region, and support work by others involved in the wider stability and development of Somalia.

Further to the decision of the CGPCS in Cairo to widen the mandate of Working Group 1 to include regional capability development, the United Kingdom as chair of the working group has led two needs assessments and prioritisation visits to East Africa and the Gulf of Aden States. The first mission in April – May 2009 produced initial outline findings to present to the Seoul High Level meeting on Piracy in June.

Working Group 1 agreed at its London meeting in July that it should continue to work with Somali partners, other regional and international organisations and other Contact Group partners to assemble an overall package of needs, synchronised and prioritised where possible, for consideration and then delivery by Contact Group partners in the earliest possible timeframe.

The United Kingdom therefore led a second mission in September 2009 which included participants from France, Japan, the United States, the UN Office for Drugs and Crime, the International Maritime Organisation, NATO, EUNAVFOR and the European Commission. The Mission consulted regional partners including representatives of the Somali Transitional Federal Government and the regions of Puntland and Somaliland, as well as representatives from key international organisations such as the UN Office for Drugs and Crime, the UN Political Office for Somalia, UNDP and representatives of non-State actors.

The mission focussed on examining the needs identified in the first assessment mission and in response to requests at meetings of Working Group 1 for regional capacity building proposals. It consulted experts on the ground on the practical implications of implementation. It also sought to map the various strands of activities that have been proposed to address counter-piracy needs regionally to provide visibility of the various initiatives which could be mutually supporting or, as highlighted in the first initial post-visit report, potentially duplicate existing efforts. It also sought to identify and highlight where counter-piracy proposals risked cutting across other priorities for the International Community in Somalia.

## 2. EXECUTIVE SUMMARY

These findings/recommendations are designed to provide members of the Contact Group with an outline of the issues to be considered in making decisions on the delivery of increased regional capacity and raise awareness of how they might be co-ordinated with other initiatives. They do not bind any of those partners consulted in the production of this report.

As highlighted in the initial report, **regional capability development encompasses direct action to combat piracy by enhancing specific capabilities. This includes Coastguard and naval/military structures, as well as enabling capabilities in the judicial and penal/detention sectors.**

Significant action in the penal/detention sectors was seen to have been made since the first mission through the UNODC/EC project to support the trial and related treatment of piracy suspects in the region outside Somalia. Some scope was identified for extending and reinforcing this project, and risks to its continuation have also been identified and prioritised.

The value of similar complementary action in some of these sectors in Somalia was recognised, as was wider progress within Somalia on governance/law and order structures and economic/alternative livelihood programmes. Tackling these elements will help address instability and will help long-term with making piracy a less attractive option if the benefits of other activities can outweigh or compete favourably with the potential benefits of piracy. This mission concurred with the view of the CGPCS plenary on 10 September that stabilisation through economic growth and development is of such importance that closer liaison between the CGPCS and the Contact Group on Somalia is essential in order to address the problem comprehensively and effectively.

Notwithstanding clear support from both the Transitional Federal Government and the authorities of Puntland, it is too soon to proceed with any plan to create a sea-going Coastguard in Puntland. Their divergence of plans and vision needs to be addressed. While there is clearly a requirement for a Coastguard in the medium to long term, before such a step can be taken there needs to be a clear, transparent and robust legal structure in place on which such a Coastguard could base its operations, free from political influence. But a land-based monitoring capability could be considered in the near term as an interim solution, recording port movements and monitoring authorised and non-authorised traffic, passing on such information to the international naval presence. The resource implications of such a solution should be investigated, but are likely to be relatively small. In parallel, CGPCS partners should support now the proposals from the UNODC for work in the judicial and penal sectors in Puntland, as well as UNDP work on police reform.

Somaliland appears to present the best prospect for working with an existing coastguard within Somalia, having demonstrated significant effect for its current limited resources. It is keen to work with international forces and a modest investment might provide a significant extension of capability. Further clarity on the legal structures on which counter piracy activity is based (particularly including on the status of the EEZ) is however required. UNODC is likely to conduct an appropriate assessment of the legal context shortly.

Clarification and/or progression by the Somali authorities of a claim for an Exclusive Economic Zone (EEZ) under the UN Convention on the Law of the Sea (UNCLOS) is essential for determining the basis on which any coastguard can police the coastal waters off Somalia, and tackle illegal activity such as unlicensed fishing. There has already been some initial work with the TFG in this area and clarifying progress to date will provide a useful basis for further work.

Reinforcing the capacity of regional coastguards in stable countries neighbouring Somalia has been prioritised by this report as the area of coastguard/naval capability which donors should aim to support quickly to deliver a rapid result. The Kenyan Navy's inshore capability is one area where a relatively modest provision of training, spares and maintenance programmes, and communication and surveillance equipment could considerably enhance the Navy's capabilities whilst the longer-term IMO projects under the Djibouti Code of Conduct are implemented.

The potential was identified for Yemen's Coastguard, which has received considerable investment from the international community over the past few years, to provide a capability from the island of Socotra. However the timing of the Mission meant that it has not yet been possible to provide clarity on whether such a geographically beneficial presence could be established. Surveillance of the Bab-el-Mandeb strait is a key element, and work with Yemen and Djibouti to develop effective mechanisms will address an obvious gap.

Djibouti has a key central location, a stable security situation and strong cultural and linguistic links to Somalia. Its demonstrated commitment to the fight against piracy, providing the most important logistic hub for coalition warships, provides a real opportunity to develop a comprehensive project that will significantly improve regional maritime security capability. It has recently changed the administration of its coast guard from Ministry of Defence command to the Ministry of Equipment and Transport and is currently seeking to establish this new structure and develop its limited Coastguard capabilities as well as launch a regional Maritime Security Training and documentation Centre. However, it is not currently pursuing options for the prosecution of pirates in its own court.

On the former, support to the establishment of the new coastguard may provide useful regional capability able to support the operations of international naval forces in the Gulf of Aden. Exchange with international forces' training facilities and gaining experience as ship-riders is likely to provide significant operational advantage.

Longer term, partners should consider supporting the delivery of progress on the training centre. The IMO and bilateral partners should be able to provide quick advice to inform the development of modules for use at this and other training centres. Training should be able to commence even before regional partners have agreed on the format of any new building to be based in Djibouti; the Djibouti University has already been consulted on developing the courses and has links to Maritime Colleges in France to assist in the development of relevant programmes. The exploitation of such existing resources is a promising example of how new capabilities can be quickly launched using established facilities. A virtual database of academic/legal/practical resources to the whole region, including those parts of Somalia with good internet connections (such as Somaliland) will provide a useful regional resource in support of this activity.

More broadly regional training is likely to be one way of extending capacity to other regional partners who might not yet demonstrate the necessary structures or stability to support immediate investment in their coastguard capabilities. Combined Joint Task Force Horn of Africa has run a pilot training programme in Mombasa which has demonstrated the feasibility of this model, and which provides indicative costs. There would be clear value in continuing such training, perhaps with modules focussed on counter-piracy methodologies and frameworks. Again, the IMO and bilateral partners should be able to provide rapid advice on the content of these modules, and through the IMO's wider work, links between the Djibouti centre and regional centres in Mombasa, Sana'a and Dar es Salaam are already envisaged.

These should be taken forward, as should existing links to reinforce lesson learning and best practice. The Djibouti Navy already maintains contacts with neighbouring coastguards including Yemen and Somaliland. Yemen's Coastguard development project may provide useful experience as Djibouti and Kenya consider how best to operate in similar environments and facing similar challenges.

It was also recognised that some of the programmes assessed fall beyond the sole direct responsibility of the CGPCS, but where their importance has been identified recommendations have been made about how they might be taken forward in a spirit of co-ordination/co-operation/deconfliction. A comprehensive approach to planning/activity in these areas can reinforce the greater effectiveness of counter-piracy related programmes. Included amongst the proposals that have been mapped and assessed is the package of proposals pulled together by the UN Political Office for Somalia. The value of these programmes in supporting counter-piracy initiatives has been outlined and recommendations made as to those organisations how best to take forward action in these areas.

The synchronisation of projects to allow for co-ordination and de-confliction necessarily required a good understanding of the detail of international partners' regional capability development activity. It also required detailed and justified proposals for new work. Despite earlier requests, not all international partners have yet shared the information they hold on their regional capability development activities. Although the mission was able to expand on some of the information available to it, the lack of response on some fronts means that it is not possible to guarantee that the mapping of current and planned activity is completely comprehensive and accurate. Nevertheless the range of key partners consulted suggests that the main areas of activity have been identified.

It is hoped therefore that the mapping of activity by this mission has consolidated the various strands of ongoing activity, and identified gaps in activity that a coherent regional strategy and plan of engagement should seek to address. Recommendations of how the vision that we are trying to achieve can be delivered are again provided to allow follow-on work to focus further engagement at a more detailed level in a way that will contribute to a comprehensive solution to the concerns of regional partners and international donors.

## **PRIORITISED OPTIONS FOR ACTION**

### **High impact, quick delivery**

1. Support for UNODC project on penal/judicial sectors with longer-term funding and extension to other regional actors, including Puntland and Somaliland.
2. Support to IMO implementation of the Djibouti Code of Conduct, especially the information sharing centre in Sana'a and the regional training centre in Djibouti.
3. Provision of Compatible Surveillance equipment to Kenyan Navy

### **High impact, longer term delivery**

1. Support for an official claim by Somalia for an Exclusive Economic Zone (EEZ) under the United Nations Convention on the Law of the Sea, to include the agreement and support of the Puntland and Somaliland authorities.
2. Support for UNDP projects to develop Rule of Law and Security within Somalia to establish the basis for policing and security activity including Coastguards.
3. Puntland Coastguard pilot project, if adequately prepared.

### 3. KEY CROSS-CUTTING THEMATIC RECOMMENDATIONS.

Activities in place have been mapped by country/region to provide oversight of recurring themes that need to be addressed. Mapping against agreed strands of activity has also helped to identify gaps in project proposals which could be crucial in the delivery of project proposals that have been submitted.

The progress made by programmes such as the EC/UNODC project to provide assistance to support the trial and related treatment of piracy suspects demonstrates that a **significant impact can be made in supporting regional states' abilities to deal with the penal/judicial treatment of piracy suspects.**

Two major barriers to making progress with such proposals have been identified:

- 1) If the initial trigger of a political decision to accept piracy suspects for trial has not been made there is limited prospect for progress on this front. Recognition by Member States that progress on the passing of supporting legislation to secure support for penal/judicial legislation will be a key factor and further engagement with those States may be necessary. States must also accept and implement urgently their obligations to investigate arrest and prosecute acts of Piracy as set out in the Djibouti Code of Conduct.
- 2) If the country receiving such support does not have a clear legal framework, or its constitutional framework does not meet the standards necessary for donor engagement, further work on these requirements is likely to be necessary *before* such assistance can be successful. The absence of a legal prosecutorial system within Somalia that meets international norms is a clear example.

On the latter point, the longer-term work of IMO on ensuring the **supporting legislative and administrative framework** is in place to allow wider work to be completed is shown to be an important precursor to adopting an effective maritime interdiction capacity in some regional countries.

The requirement to ensure that any activity, particularly in Somalia, **supports the political process** was a recurring theme from many consultations. Whilst UNPOS thought it unlikely that the sort of activity being assessed by WG1 was likely to cause any major difficulties, it is important to be alive to the risk. Clearly a stabilised Somalia is the best hope for a long term solution to piracy and it is vital to ensure that support from donors for counter-piracy projects does not have the effect of supporting a negative element in progress towards a more stable country.

The importance **of media and communications**, and concrete action underpinning/complementing this, particularly in relation to the issue of illegal fishing and toxic waste dumping, as well as more positively in providing support to alternative livelihoods in fisheries, agriculture and in other areas, has been identified as a key element to any successful counter-piracy strategy. The importance of this issue in any initiative that might be implemented leads to the recommendation that the CGPCS and/or CGPCS Working Group 4 should consider how it can support and reinforce those measures that are adopted and funded by donors following the recommendations in this report. And any messaging on piracy needs to be co-ordinated with communication about the wider international effort in Somalia. Providing technical assistance to UNPOS to bring these strands together would provide immediate value.

Similarly, the need for **community involvement** in Counter-Piracy efforts was seen to be fundamental to its successful implementation on the ground. Support for Counter-Piracy initiatives are likely to be short lived if not supported by the provision of **alternative livelihoods**. We have mapped



suggestions from representatives of non-state actors to demonstrate the need for engagement by relevant partners, which might include Non Governmental Organisations, private businesses and international organisations.

Matching national/sub-national training requirements with regional and international training opportunities was a key theme identified by the first Working Group 1 needs assessment mission. This theme was again apparent, with the Kenyan and Djiboutian maritime organisations underlining the importance of access to good quality training, endorsed by international agencies. The training development experience of some of the Contact Group stakeholder militaries or military organisations would be particularly valuable in the delivery of this effect.

The sorts of courses that cover international law of the sea, ship boarding techniques, and protection of evidence for prosecutorial reasons may be available through the training centres in Dar es Salaam and Alexandria, as well as elsewhere. Options for bringing in train-the-trainer programmes may also be cost-effective and will provide the additional advantage of experience of training and being educated with international forces that may take part in counter-piracy operations in the Gulf of Aden and the Indian Ocean. The importance of legal training in a system consistent with the receiving country's legal framework was underlined – common law training for Kenya for example, civil law for Djibouti.

This highlights the importance of counter-piracy capability development being consistent with the work of the International Maritime Organisation's long-term efforts to establish a regional approach to maritime security, which looks at this issue from a wider strategic perspective. Counter-piracy initiatives need either to build on or be consistent with the existing IMO regional projects which will provide a longer term framework for tackling the range of maritime security threats, including piracy. Implementation of the Djibouti Code of Conduct should underpin all regional counter-piracy activity.

The key elements of this are to ensure that the correct legal basis for maritime security is in place; to ensure that there is national co-ordination between agencies, and that focal points are nominated for contact between national maritime security structures; to establish an information exchange centre in Sana'a, with information hubs in the Maritime Rescue Co-ordination centres in Dar es Salaam and Mombasa; development of Coastguard capabilities; and improve development of situational awareness, for example through the use of vessel monitoring systems, ships' automatic identification systems (AIS) and long-range identification and tracking of ships (LRIT).

Where legal/judicial activity in regional countries supports the enforcement of maritime security, it will be important to join up training and capacity building on the executive side with training happening elsewhere –such as through the UNODC project- so that the experience and lessons learned provide a self-supporting system and the ability to learn and share lessons that will result in increasing professionalism and effectiveness throughout the process.

Specific proposals in this regard are provided in relation to the Kenyan Navy's inshore maritime patrol capability. Discussion with Kenyan Navy counterparts suggests that there are existing provisions for the use of existing opportunities for the sharing of expertise, such as ships visits to ports and bases and putting shipriders on warships of navies operating in the region. Such opportunities may require Memoranda of Understanding to be put in place with the relevant nation, and it will be important for receiving nations' requirements in this regard to be understood.

On a related point, the mechanisms for facilitating navy-to-navy contacts in the region, and especially in Kenya, are the same as were used prior to the significant increase in piracy activity. The pressure

on defence attaches to facilitate prisoner transfers, make arrangements for witnesses to attend trial (the legal system in Kenya requires attendance in person) has significant resource implications and partners may wish to consider whether they have **sufficient human and financial defence liaison assets** in place to support the processes on which successful prosecutions depend, whilst noting that the EU has a Liaison Officer in Mombasa performing these roles in respect of EU cases.

Principles to inform the provision of equipment to bolster existing maritime security facilities were recognised in the first needs assessment visit report, and their importance confirmed during this mission. Requests for equipment received suggested that the main needs related to improving existing facilities which had been donated but the required associated support was no longer available to ensure the provision of a reliable capability. Spares for Kenya's Inshore Patrol Vessels were an obvious example. Associated support and training had originally been provided but many of those trained had moved on from the navy and the provision of spares would enable greater degrees of reliability.

Securing and importing relevant spares is an area where donor partners may be best placed to act. As well as dialogue with boat manufacturers to ensure compatibility, however, technical advice will be required as to the most appropriate levels of inter-operability with other equipment being used on shore and/or by international forces. This is particularly crucial as regards communication and surveillance equipment. It will also be important to recognise the operating environment in which equipment will be used; sophisticated computer-based chat co-ordination and de-confliction systems may not be appropriate for the type of vessel used by some countries (particularly if the boat is open). The need for **connectivity** (in the case of internet based systems) will need to be borne in mind, as will **reliable power systems** for the onshore elements of any network.

Requests for surveillance equipment will also need to be considered against the structures available on the respective vessels; some radar based equipment requires a mast to provide sufficient line of sight. It is therefore recommended that a technical assessment is provided by experts who will respect the national security considerations of relevant states and be able to make recommendations about **appropriately compatible and robust systems** to meet the counter-piracy aspirations of receiving nations.

### **The Djibouti Code of Conduct**

The Djibouti Code of conduct takes into account and promotes the implementation of a number of aspects of maritime Security (within the areas of competency of IMO) of Security Council resolutions 1816 (2008), 1838 (2008), 1846 (2008) and 1851 (2008) and of General Assembly resolution 63/111. Its full and early implementation is essential to effective regional action on maritime security.

In particular its signatories agree to cooperate, in a manner consistent with international law, towards: (a) the investigation, arrest and prosecution of persons who are reasonably suspected of having, or have committed piracy and armed robbery including those inciting or intentionally facilitating such acts; (b) the interdiction and seizure of suspect ships and the property on board such ships; (c) the rescue of ships, persons, and property subject to piracy and armed robbery and the facilitation of proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to such acts, particularly those who have been subjected to violence; and (d) the conduct of shared operations – both between signatory States and also with navies from outside the region – such as nominating law enforcement or other authorized officials to embark in the patrol ships or aircraft of another signatory.

In addition, the Djibouti Code of Conduct provides for sharing of related information, through a number of centres and national focal points using existing infrastructures and arrangements for ship-shore-ship communications (i.e. the Regional Maritime Rescue Coordination Centre in Mombasa, Kenya and the Sub-Regional Rescue Coordination Centre in Dar es Salaam, United Republic of Tanzania) and the Regional Maritime Security Information Centre, which is being established in Sana'a, Yemen.

The signatories are also undertaking to review their national legislation with a view to ensuring that there are laws in place to criminalize piracy and armed robbery against ships and adequate provisions for the exercise of jurisdiction, conduct of investigations, and prosecution of alleged offenders.

Regional counter-piracy capability development activity therefore needs to be aware of and supportive of the proposed programme of activities developed by the IMO Secretariat. These will be conducted in cooperation with other United Nations agencies, States and development partners with a view to promoting the speedy and effective implementation of the Djibouti Code of Conduct and include:

1. The review of national legislation on piracy with a view to the enactment of national legislation in the signatory countries to deal with pirates, a project for which the UNODC has the lead and which is already in progress;
2. Training of the national focal points for piracy and staff of the information centres, including through the sub-regional workshop which took place in the Seychelles from 12 to 16 October 2009, and with further training for national focal points to take place in Singapore and the Philippines.
3. The establishment of a training centre in Djibouti available to train and develop law enforcement officers and coast guards from the region;
4. A needs assessment for the establishment and operation of the Sana'a information sharing centre, a preliminary visit already having taken place;
5. Needs assessment missions to signatory States for development of coast guard capabilities;
6. The training of coast guards and other personnel with law enforcement roles; and
7. Needs assessment missions in relation to the enhancement of maritime situational awareness.

## COUNTRY SPECIFIC ANALYSIS

### SOMALIA

The importance of the Transitional Federal Government working together with the Puntland and Somaliland administrations was highlighted by a number of interlocutors. The TFG/Puntland Galkaio agreement demonstrates an intention for progress in this area. The letter from the TFG Prime Minister to the UK Prime Minister of 7 October (Annex D) confirming the support of the TFG for engagement with the TFG and the regional governments on counter-piracy projects is another important signal of intent and an important enabler to international donors to provide the support which is required for projects in Puntland and Somaliland. If, in the area of counter-piracy activity, it is possible to demonstrate the capacity for the TFG and Puntland to work together, the wider political process in Somalia may be strengthened.

#### **Judicial/Penal sectors**

Collaboration at the wider level is also a vital precursor to progress on the structures on which effective counter-piracy activity can be based. Tackling illegal fishing off Somalia has been identified as a fundamental part of any solution to piracy, not just in presentational terms to demonstrate that the international community is not only defending its own fishing vessels, but to ensure that local communities can protect their own livelihoods and economies.

"Somalia does not currently claim an EEZ (200nm would be the maximum allowable claim under UNCLOS), but instead claims a 200nm territorial sea (the maximum allowable claim under UNCLOS is 12nm). Somalia should regularise its claims, although it is recognised the legal and diplomatic capacity to do so may not exist for some time. In the meantime, states should consider accepting that the excessive territorial sea claim is de facto an EEZ claim and that the fishery stocks within are exploitable only by Somalia and those with Somalia's permission. The regularisation of these claims is therefore identified by this report as the highest priority activity for putting in place a framework to address the causes of piracy.

The establishment of an internationally recognised EEZ is also crucial to provide the wider underpinning for action within Somalia to tackle piracy. Assessments by UNDP and UNODC suggest that there is no prospect of credible trials for piracy – or wider crimes– in Somalia. Laws, where they do exist relating to piracy – are derelict. Knowledge of them and ability to act up on them is patchy at best. There is no provision for defence. And questions have to be raised about the existing process for convicting prisoners and dealing with appeals, as well as consistency in sentencing. Donors are likely to find it difficult to support processes with such fundamental flaws, but UNODC as indicated elsewhere has the capability to extend the assistance in assessing and amending the penal code to Somaliland and Puntland."

As an interim measure on the legal side, it may be possible to institute a prisoner transfer agreement, so that pirates **convicted outside Somalia (e.g. in Kenya and the Seychelles)** could serve their sentences in Somaliland and Puntland. UNODC estimate that such an arrangement could be set up within 18-24 months, and there have been positive reactions from a range of stakeholders, including the TFG, Puntland, Somaliland and those states currently detaining pirates. Transferring states are however likely to need to provide explicit permission under the terms of prisoner transfer memoranda of understanding. It is therefore recommended that those entities with MoUs in place begin

engagement with UNODC to provide information on the assurances they would require to meet their legal responsibilities in consenting to such a transfer.

Whilst the conditions of prisons in Puntland and Somaliland as they currently stand mean it unlikely that prisoner transfers would be acceptable in the **immediate** future (Mandera prison in Somaliland and Garoe Prison in Puntland currently lack basic record keeping facilities and the processes by which people are kept in prison are unsatisfactory) two prisons are under construction in Puntland and Somaliland through a UNDP project and UNODC experience in Southern Sudan suggests that once sufficient training has been provided – which may take up to two years – prisoner transfer may be feasible.

### **Coastguard and Naval/Military Structures**

Creating a coastal monitoring and fisheries protection capability should be seen as an early priority but it will need to be seen within this legal context. Crimes such as human trafficking are happening with impunity. Kidnappings have reduced in Puntland, but security is a key issue. If the authorities in Puntland are not yet able to stop kidnappings, it may not be possible to send trainers to Puntland.

One of the areas identified for developing a comprehensive strategy to dealing with piracy is gaining intelligence about pirate bases ashore, and being prepared to take action against them. Similarly, interdicting suspicious vessels and dealing with them according to international standards of law enforcement requires the legal framework to be understood and for those involved to be trained before it will be possible to have confidence that a coastguard could be held accountable for counter-piracy activity. Acceptance by coastal communities and their understanding of the framework under which the coastguard operates will be part of establishing the legitimacy of any coastguard.

Whilst the first phase project presented by TFG Defence Minister Boss (Annex F) during the needs assessment mission recognises these elements, the fundamental basis upon which the private companies involved would operate have has not yet been established, and there appeared to be a need for clarification/agreement between the TFG and the Puntland authorities on how the proposal would operate, especially given the proposal for the project to be based in north Eastern Puntland.

An example of the details that require further agreement between the TFG and the Puntland authorities was the proposal that the Somali Coast Guard unit equipped with 8 fast patrol craft and 96 personnel and coastal observation teams be made up of recruits from across Somalia. The Puntland representative conversely said that personnel from within Puntland's existing security forces would provide the personnel for any coastguard force. Given that mixed clan boat crews and thorough vetting of potential recruits were identified by the TFG as an important factor in ensuring accountability, clarifying this point would be a major requirement for attracting donor support. In the meantime, extreme caution is needed in this area if well meaning attempts to build coastguard capacity are not to exacerbate existing problems.

The undertaking to work together on counter-piracy activity in the Galkaio declaration will require further clarification if this is to result in proposals which partners may be able to support, particularly with funds. Engagement with the PriceWaterhouseCoopers mechanism to provide accountability for funds would also help to demonstrate that appropriate accountability and checks and balances had been put in place. The expectation of income from fishing licences to make the project sustainable also appears premature given the current lack of clarity on Somalia's EEZ.

The consultants who presented the pilot coastguard project alongside TFG Defence Minister Boss recognised the need for accompanying due legal process and said that this would be provided by the Somali side. As highlighted above, however, and on the basis of assessments by UNDP and UNODC, supporting projects on the judicial and penal side are unlikely to produce a credible legal process in under 2 years, and the UNDP Rule of Law and Security project proposal envisages a 3 year process.

A land-based coastal monitoring capability could be considered in Puntland in the near term as an interim solution, recording port movements and monitoring authorised and non-authorised traffic, passing on such information to the international naval presence. The resource implications of such a solution should be investigated, but are likely to be relatively small.

### **Alternative Livelihoods**

Although outside of the scope of Working Group 1's mandate on regional capacity development, a continuing theme in discussion of tackling piracy on land was the need to provide alternative livelihoods so the local communities had alternatives to supporting themselves from the proceeds of piracy.

Discussions with non-state actors emphasised the need to develop local economies intelligently. Economic development projects following the 2004 Tsunami had unintended consequences by marginalising some elements of communities and providing incentives for engaging in maritime activity to communities that did not traditionally engage in fishing.

Examples of successful economic development initiatives included slaughterhouse co-operatives and fisheries/canneries which built on existing community structures and brought the communities together. Identifying opportunities where value could be added in country – whether in fish processing or production of frankincense - will be vital for providing the impetus for community economic development. Good practice is likely to be copied by locals, and technical guidance from eg UNDP to meet international standards will provide both an impetus for economic development and the standards necessary to export produce. Developing fishing and slaughterhouse proposals would appear to indicate a role for the UN, perhaps through the Food and Agriculture Organisation.

Examples of other alternative livelihood programmes already underway include the £3million IMO Somalia Employment and Enterprise Livelihoods programme (which the UK's Department for International Development is already supporting) working with 420 households. DFID support for literacy and vocational skills training and Quranic schools in Puntland through UNICEF/UNESCO Africa Educational Trust to improve opportunities for youth could also be supplemented by others.

As important - will be the engagement of women who are key to reconciliation as well as alternative livelihoods through micro-credit projects. On the ground experience suggested that communities would be open to changing approaches. Examples included community elders accepting the rule of law and incorporating the tackling of impunity within traditional law. So potential for progress exists. Local NGOs as well as international NGOs and organisations should be engaged to take forward such activity which is likely to have a significant counter-piracy as well as economic development impact.

The counter-piracy effort may be engaged to revitalise the Reconstruction and Development plan which resulted from the joint needs assessment between the Government, the World Bank and UNDP at the end of 2007.

### **Communications Strategies**

Equally important - is the impact of strategic communication in relation to counter-piracy regional capacity building. As already highlighted, the ability to support Somali livelihoods as well as to address and tackle perceived illegal fishing and illegal dumping is hampered by lack of clarity on the legal status of Somalia's territorial waters. But it is vital to show that the international community is alive to these concerns and is trying to help Somalia to address them. This again points to the need to prioritise technical assistance to Somalia in submitting its EEZ claim and establishing a licensing regime from which the people of Somalia will benefit.

## **Somali Regions:**

### **Puntland**

#### **Judicial/Penal sectors**

Puntland representatives were optimistic about improvements in the security situation in Puntland, stating that there had been no kidnappings for the last 9 months and claiming proposals to downgrade the UN security phase from four to three. This was not a view that the UN shared. Puntland authorities report that weapons had been banned in towns, police patrols are operating in all towns 24 hours a day and ensuring security, and through that tackling piracy, as presented as the top priority. Consultations with international organisations seeking to work in Puntland however suggested a less benign assessment of the security environment, particularly for internationals seeking to operate on the ground.

The Puntland representatives were also positive about their ability to prosecute piracy despite suggesting that there was no legal framework in place for prosecuting illegal acts at sea. Laws against armed robbery and kidnapping were being deployed, and as a result penalties depended on what activity was prosecuted. The construction of a new 600 place jail in Bossasso was identified as another tool for tackling piracy, and the suggestion was made that inmates could be re-trained in prison, and that the views of the international community would be taken into account when determining how to deal with those convicted. UNODC has taken on the task of retraining the Puntland Penal Corps and establishing proper management practices in their prisons: it will take 18-24 months.

On the issue of fishing licences, the Puntland authorities provided copies of 6 licences which had been issued to ships operating off Puntland. They claimed that Puntland's longstanding (11 years) administration meant that it was able to administer such licences, in a way which would not be practical for the TFG in Mogadishu. Income from licences at ports and airports came to Puntland and were sometimes shared with the Federal Government based on goodwill rather than any form of agreement, and whilst there was apparent openness to negotiate with the TFG about fishing licences should it be useful, Puntland representatives thought it would not be a priority for the TFG at the moment.

A national constitution should clarify issues of sovereignty including the control of the seas, but in the meantime it was considered unlikely that there would be agreement on how to proceed. This would appear to be a significant barrier to achieving clarity on the legal basis upon which acts at sea, from piracy to fishing, could be investigated or prosecuted.

A further barrier to effective counter-piracy activity is the perception that community support may be permitting piracy activity to continue. Building up a civilian police is the key to providing a system in which the community has a vested interest, but that will be an enormous challenge that will need to start with community engagement and developing a grass-roots openness to changing the law. Some of the sources of Somali law – which may be community/traditional, sharia or written law from the old republic – may have been transitioned from the Parliament, but making communities aware of it and accepting it will be a significant challenge. The International Police Charter is a good basis on which police activity could be based, and UNDP has begun discussion on police reform in Puntland which may be a good starting point.



The UNDP programme takes a holistic approach and includes the human rights and gender perspectives that will be essential if the project is to succeed. It also has links to non-state actors whose contribution will be essential. A comprehensive approach along these lines appears more likely to succeed than providing assistance and training without the necessary back-up. The whole judicial chain and investigative branch needs to be addressed so that impunity – on which the pirates depend – can be targeted.

It is also important to recognise that expectations of what is possible in the short to medium term will need to be limited without political will to address it. Design, monitoring and evaluation of programmes in this area will be crucial and good co-ordination between key organisations such as UNDP and UNODC will continue to be a key factor in ensuring delivery.

### **Coastguard and Naval/Military structures**

A practical barrier to the implementation of a coastguard in Puntland was identified in the Puntland representatives' objection to the TFG selecting a commercial partner to work with to establish a Coastguard. This was presented as having been done without consultation with Puntland, and whilst there was openness to the coastguard being called a Federal Coastguard in accordance with the Galkaio accords, the need for it to be controlled by Puntland, working with the Puntland courts and Puntland police was emphasised. The control of what was happening locally was emphasised by the identification of a Puntland Intelligence Service based in Bosasso, and its ability to send 350 armed vehicles to the coast to deal with a small tribal war that had broken out there.

It was again therefore clear that any Federal initiative operating in Puntland will require detailed agreement with the local authorities, and it is recommended that such detailed discussions be taken forward to provide a proposal that could be actionable by the donor community. Whilst Puntland representatives signalled their openness to listening to the International Community about how any Coastguard should be trained and developed, it is not clear why the Puntland authorities' reportedly tight grip on the security situation has not been used to more directly target pirates' interests, or to apprehend pirate leaders rather than ordinary pirates. The risks to hostages in locally run operations to free pirated ships are a credible reason for not tackling pirates on hijacked ships, but there was no credible explanation provided about why those responsible for directing piracy were not being tackled.

It is therefore recommended that assistance by donors to the establishment of a coastguard operation in Puntland under the control of the local authority be conditional on evidence of the intent and actions of the local authority to tackle piracy using its existing capabilities.

## **Somaliland**

### **Judicial/Penal sectors**

Somaliland's relative stability meant that there was a greater degree of clarity on structures in place for tackling piracy. The Attorney General identified thirty seven cases of prosecution of piracy suspects, with another five cases pending. Sentencing had been for 10-20 years, on the basis of legal powers established by the old Somali penal code and the maritime code of 1964/65. The constitution of Somaliland states that the civilian government can use the old Somali laws unless there had been an amendment or change to the law, and action was taken on this basis.

A website had been established where Somaliland's extant laws could be accessed. However the implications for this in terms of prosecuting acts of piracy, whether close to shore or on the high seas was still not well understood by those running Somaliland's coastguard.

There would therefore be clear value in widening access to information about Somaliland's legal framework. Access to this virtual database should be one of the elements to be provided in all regional training facilities, including the proposed Regional Training and Information Centre in Djibouti. It was noted that internet access in eg Berbera is relatively reliable, and that the infrastructure for such information sharing might provide more potential than in other parts of Somalia.

There is a clear requirement for an assessment of the existing legal structures being used in Somaliland, and if appropriate following that assessment, further work to bring together the basis for counter-piracy activity and provision of better training on its use. UNODC's experience in this area may allow progress to be made on this key area relatively quickly and an assessment will take place 3-5 November. The representatives of Somaliland also expressed openness to participation in a conference with TFG and Puntland representatives to settle a claim for an Exclusive Economic Zone given the importance of this for tackling piracy/establishing fishing rights.

This legal basis for action is crucial, as is providing a strong institutional framework from which piracy suspects can be intercepted and prosecuted. Somaliland coastguard and prosecutors face personal threats through individuals' clan and family structures in Puntland. This threatens both the credibility of sustainability of the legal process, as well as the safety and security of Coastguard and judicial authorities. Somaliland officials identified a need for lawyers trained in maritime law, used to the common law system, as helpful in confronting the personal liability of prosecuting pirates. The value of the UNDP RoLS programme is again demonstrated and underlined by this on the ground reality.

Somaliland's prisons are reported by UNODC to be only a little more developed than those in Puntland. The UNDP built prison in Hargeisa will be ready for use early in 2010 and the intention is that UNODC will train the staff and settle the prison management and routines. As with Puntland, a humane, well regulated and secure prison offers the prospect of transferring Somali pirates to Somaliland to serve their prison sentences: Somaliland authorities have indicated a willingness to hold them.

### **Coastguard and Naval/Military sectors**

The Somaliland Coastguard is relatively developed compared to other regions of Somalia, consisting of six inboard engine patrol boats and 19 speedboats with outboard engines. The coastguard is made up of 342 personnel, mainly ex-Somali navy personnel. It is seeking additional assets, supported by maintenance provision and training.

Information sharing and exchange has already taken place, with Somalilanders providing advice to International Naval vessels working in the region. This sort of interchange provides valuable local experience and knowledge to the international naval forces, and provides additional capability to the Somaliland Counter-piracy forces.

In order to enhance this co-operation in future, there is a clear need for equipment to facilitate communication between Somaliland authorities and the international naval forces. Compatible radio

equipment would therefore be a worthwhile investment, as would the transport facilities to provide the land-based elements of the operation. Somaliland also expressed an interest in sending its Coastguards abroad for training, and links should therefore be established between Somaliland Coastguards and any new regional training centres that are established for example in Djibouti or Kenya.

The Somaliland Coastguard has already successfully interdicted and captured piracy suspects, and providing the logistics to securely transport and transfer those suspects for processing will provide an important auxiliary capability backing up the international naval presence. The equipment needs to be compatible with that already being provided for the Somaliland police forces.

Other equipment identified by the Somaliland coastguard as being useful for increasing their counter-piracy capability included new Yamaha engines, new jetties (the existing floating jetty in use needs re-welding), uniforms, automatic identification systems as well as training facilities. The International Community might also consider turning over confiscated piracy equipment to regional forces.

### ***Recommendations***

#### ***SOMALIA***

##### ***Judicial/Penal sectors***

- ***TFG and regional authorities to agree modalities on EEZ and fisheries licensing. Support for technical assistance to a joint TFG/Puntland/Somaliland process to establish Somalia's Exclusive Economic Zone and legal rights over territorial waters and fishing rights.***
- ***Transferring entities to provide information to UNODC on the assurances they would require to enable them to consent to the transfer of convicted pirates to serve their sentences in Somali jails.***
- ***Resources provided to UNODC's prison training programme to allow standards to be raised in the newly opened prisons to a standard that would permit prisoner transfers to take place from Kenya and/or Seychelles.***
- ***Support for UNDP's Rule of Law and Security Project (Annex E) – contributions required to meet budget proposal of €13million, with activity in Puntland likely to have the most impact on piracy.***

##### ***Coastguard and Naval/Military structures***

- ***Requirement for TFG and the Puntland authorities to agree on command and control and accountability mechanisms for any pilot coastguard project based in north Eastern Puntland, including possible engagement with the PriceWaterhouseCoopers management project.***

##### ***Alternative Livelihoods***

- ***Support for economic development initiatives such as slaughterhouse co-operatives and fisheries/canneries building on existing community structure and adding value in-country.***
- ***Ensure engagement of women and revitalise the Reconstruction and Development plan which resulted from the joint needs assessment between the Government, the World Bank and UNDP at the end of 2007.***

##### ***Communications Strategies***

*- Effective and properly resources communications strategies, owned and delivered by local authorities as well as UNPOS.*

*- Support for publicising technical assistance for Somalia in submitting its EEZ claim and establishing a licensing regime from which the people of Somalia will benefit.*

### **Puntland**

#### **Judicial/penal structures**

*- Support for UNODC proposals to provide prison training with a view to facilitating prisoner transfers from receiving regional states.*

*- Support for the Puntland-focussed UNDP Rule of Law and Security Programme. This will also help to demonstrate the required community support for any counter-piracy intervention.*

#### **Coastguard and Naval/Military structures**

*- It is recommended that the TFG and the Puntland authorities agree on the structure and command and control of any coastguard operation to be based in the area from which most pirate attacks emanate and the processes by which they would demonstrate accountability for its activity.*

*- A land-based coastal monitoring capability could be considered in Puntland in the near term as an interim solution, recording port movements and monitoring authorised and non-authorised traffic, passing on such information to the international naval presence. The resource implications of such a solution should be investigated, but are likely to be relatively small and could provide significant added value.*

*- It is recommended that the Puntland administration be challenged to demonstrate how it is using its existing resources to tackle the roots of piracy before any additional capability is provided to any structures under its control. International delivery is likely to have to be considered in the interim and mentoring/monitoring is likely to be required in any case to ensure accountability and donor confidence.*

### **Somaliland**

*- Funding be provided for an analysis of the Somaliland judicial system and if appropriate development of a criminal justice system review that will allow the framework for piracy to be better understood.*

*- Provision to the maritime police / coastguard the same vehicles and radios that are being provided to the Somaliland police ( 12 x pickup vehicles, 12 shore to ship marine radios for their lookout posts (only approx \$100 each) (24 if they can be fitted to the vehicles as well), 50 x hand held radios). This is required to improve the maritime police / coastguard land-side capability. Wider requirements of the Somaliland Coastguard can be found in the 1<sup>st</sup> Assessment trip report.*

*- Provision of (Yamaha) outboard engines and engineering tools and training to the Maritime Police/Coastguard.*

*- Provision of infrastructure renovation and construction support to the Maritime Police/Coastguard Headquarters in Hargeisa, operational headquarters and maritime co-ordination centre in Berbera and the various coastguard look-out stations along the coast.*

*- Provision of land-based surveillance equipment (radar and AIS) to cover Somaliland waters, linked to effective shore-ship communication.*

## **DJIBOUTI**

Djibouti identified two key issues for a sustainable solution to the problem of piracy off the Horn of Africa: the need for stability in Somalia, and the need for a regional mechanism for the co-ordination of training local forces to fight piracy. It envisaged a Regional Training and Documentation centre based in Djibouti, co-ordinating with information centres in Mombasa, Dar es Salaam and Sana'a, in accordance with work being done by the IMO to implement the Djibouti Code of Conduct.

The Minister of Foreign Affairs suggested that Piracy was one of the negative effects of the collapse of Somalia and recommended providing training for coastguards and security forces. There was recognition however that there were different levels of stability in different regions of Somalia, and that care needed to be taken in how support for Somaliland structures was perceived.

### **Judicial/Penal structures**

In terms of prosecution of pirates, Djibouti was reluctant to prosecute pirates but has signed technical agreements in relation to providing assistance to naval forces in the region requiring land resources to provide support for captured pirates. This includes providing medical facilities for captured pirates prior to their transfer elsewhere. These do not however currently extend to taking captured pirate suspects for prosecution in Djibouti due to uncertainty about the legal basis for prosecutions outside of Djiboutian territorial waters. There was some expectation that a special tribunal, perhaps based regionally, might help to resolve jurisdictional issues relating to territorial waters and legal process relating to action on the high seas.

Djibouti's existing penal code provides a number of provisions that can be used to tackle piracy, but is currently working on revising its maritime affairs code to include international conventions, and the expectation is that the law will be brought into compliance with these within existing limited resources.

Djibouti highlighted during the mission the impact of piracy on its port sector, and its support for the activity of the International Forces in the region by providing a logistics hub. It also identified the need for stability in Somalia to provide a sustainable solution to piracy, as well as advocating reinforcing Coastguards within Somalia with training and additional security forces. A better understanding of the legal framework under which international forces and ground-based regional states can act will be an important area of development, which should be taken forward through the establishment of a Regional Training Centre in Djibouti.

The International Maritime Organisation adopted a resolution at its meeting in Djibouti in January 2009 requesting States, IMO, the United Nations Development Programme (UNDP), UNODC and the maritime industry to provide assistance, either directly or through IMO, to those States which require support in the effective implementation of the Djibouti Code of Conduct and recommended the establishment of a regional training centre in Djibouti for the purposes of promoting the implementation of the Djibouti Code of Conduct.

Taking forward the establishment of this regional training centre was a major priority for the Djiboutian authorities who had identified and prepared a site for construction, made links to the Djibouti University (which in turn has links to other international universities that could provide access to Maritime Security best practice) and done some initial work on the curricula of modules to be studied at this centre.

The links to existing educational establishments was a welcome initiative which should allow training and information sharing to begin even pending the provision of funds by other regional partners for the construction of a new facility, particularly given the Djiboutians' target of launching the centre in January 2010. The insistence that Somali students needed to participate in the regional training was a key element of the Djiboutian proposal, and discussions with the Somali government have already taken place about the content of modules to be included.

### **Coastguard and Naval/Military structures**

Because of its location and role as the main logistic hub there is considerable scope for interaction between International Naval Forces and the Djiboutian authorities. A more formalised approach to the embarkation of ship-riders would enhance the development of local knowledge, liaison and language capabilities.

However Djiboutian counter-piracy capabilities are currently limited and Djibouti intends to restrict Coastguard activity to its own territorial waters. Djibouti has recently changed its structures for tackling piracy by setting up a new Coastguard in February 2009 to take on responsibilities previously handled by the Navy. The coastguard comes under the control of the Ministry of Equipment and Transport, whilst the Navy remains under the control of the Ministry of Defence. Significant training will therefore be required to provide the new institution with the required capability. The 120 new Coastguards are currently undergoing basic training through the Gendarmerie and should be operational in early 2010, and would benefit from more specialised training on the legal aspects of maritime law.

Djibouti is also establishing a new coastguard department to be co-located with the proposed training and information centre site. A list of equipment including construction of entire educational facilities, helicopters and vehicles was submitted to support the establishment of these centres, but supporting such expenses would appear premature whilst the fundamentals of training curricula and identifying participants have not yet been agreed. More appropriate would be for training to take place at existing facilities to provide the experience which will inform a better quantified list of requirements. The University and Gendarmerie training centres already in place have appropriate facilities and relevant experience, as well as providing synergies with existing law enforcement training.

Using these existing structures, it should be possible to build on existing training opportunities using specialist expertise from the IMO and other international partners to develop training packages ranging from boat maintenance to international law. Avoiding duplication with the Kenyan Maritime Centre of Excellence and linking into the other regional information centres in Alexandria, Yemen and Tanzania will be essential. The IMO meeting from 12-16 October in the Seychelles will provide further visibility on progress in this area, as well as underline the importance of establishing the legal frameworks regional partners will work to in developing a better maritime security capability.

In terms of equipment, the Djibouti coastguard has 3 speedboats and 3 small inshore patrol boats which are being made available from existing resources, previously committed to the Navy. It will continue however to rely on the assistance of the Navy in terms of access to surveillance systems such as radar and INS. In conjunction with CJTF HOA's project to improve AIS coverage, this system is operational. A vessel tracking and monitoring system in Djibouti, to link into a wider system for the whole of the Gulf of Aden and ultimately the Red sea would be a productive investment.

Requests for additional resources have been submitted from within the Djibouti government, but again the importance of training and experience was highlighted to allow this equipment to be

effectively used, especially in techniques such as boarding. The objective will be to have a commando unit that is able to board ships so that prosecutions can follow. Appropriate equipment, particularly communications equipment, to accompany such capability will be required, as will advice on how best to maintain such a capability. This will allow already good existing co-operation between the Djibouti Navy with Yemeni Counter-Piracy activity to be transferred to the new Djibouti coastguard and best practice shared.

A final element of the picture on Coastguard and Naval/Military capability is the importance of the Djibouti port in facilitating international naval forces' operations in the regions. In May 2008 only 7 warships stopped in Djibouti's port. A year later in May 2009, the figure was 60 warships. Since January 2009 nearly 300 warships had used the port, compared to 112 in the whole of 2008. The pressure on existing facilities was increasing. The Port authorities in Djibouti had given priority to warships but the high volume, combined with the security issues related to mixing naval vessels with commercial ships, suggested that there would be value in conducting a survey into the value and feasibility of developing a facility for the exclusive use of international naval forces.

Linked to this is the recognition that the increased volume of traffic in the region and reckless activity by pirates increases the risk of a pollution incident. Djibouti appears from a geographical and stability point of view to be well placed to house an anti-pollution unit. Djibouti has already had to tackle one incident involving toxic products but putting in place a specialist anti-pollution unit would be a useful contingency given the potential for pirate action to trigger a major environmental alert.

### ***Recommendations***

- Support for the establishment of the Regional training centre, with IMO to provide urgent advice on course content and links to other international maritime security institutions.***
- report by IMO legal expert on maritime law to be provided to Djibouti to inform development of training.***
- Other international partners to consider whether course materials used in their own Coastguard training can be made available to the regional centre – including lesson plans, modules on case file preparation, boarding procedures and techniques.***
- Lesson sharing with the Yemen Coastguard and its experience of developing interdiction capabilities will be crucial. A formal interchange system should be established.***
- International partners should provide places for instructors on existing courses to help establish new modules, especially where those existing courses provide train the trainer opportunities and use objective based learning techniques.***
- regional states to consider contributions for the construction of new facilities for a regional training centre on the site provided by Djibouti. Japan and the European Commission have expressed interest in funding this centre, as have some of the Gulf States; such proposals should be co-ordinated through the IMO to avoid duplication.***
- in the meantime, pilot courses to be run using the existing facilities and academic links provided by the University of Djibouti.***
- TFG, in consultation with Puntland and Somaliland representatives, to nominate Somali candidates to attend training.***



*-International partners to provide funding for Somali Coastguard students to attend courses run at the Djiboutian Regional training Centre.*

*Coastguard and Naval/Military structures*

*- Drawing on the facilities of the Regional Maritimes security and information centre, to provide input to the development of courses on a range of tactical Counter-Piracy approaches.*

*- Provision of radio equipment (must be compatible with existing communications systems) will reinforce the development of the new coastguard and help to ensure liaison with international forces and other regional coastguards.*

*- Opportunities from the International Naval Forces for ship-riders and other interchange to be co-ordinated through the Regional Training Centre to ensure most effective dissemination of information and train-the-trainer opportunities.*

*- A survey be conducted into the value and feasibility of an additional jetty to accommodate the ships of international naval forces, taking into account particular security considerations.*

*- Advice to be provided on the establishment of an anti-pollution unit in Djibouti to respond to environmental threats resulting from piracy activity against ships carrying hazardous cargoes in the region.*

## **KENYA**

### **Judicial/Penal sectors**

Kenya has clearly been the regional partner with whom most progress has been made in reinforcing counter-piracy capability, focussing on support to the Kenyan system's ability to receive and prosecute suspected pirates from the international Naval Forces operating in the Gulf of Aden and the Somali basin.

The UNODC programme funding by the European Commission has taken a holistic approach to the various elements of the legal system, ranging from legislative review and the commitment to assist with amendments where required, to logistics and IT, police, witness and trial support, judicial systems and improving prisons.

The area requiring greatest attention appears to be that of prosecutorial support. Providing prosecutors with the opportunity to understand the overall piracy legal regime has been a key element of reinforcing capacity, with piracy workshops held in Mombasa and Nairobi. UNODC is also working to provide improved access to legal resources and additional office space.

But there are also legal realities that the international community needs to recognise for its interaction with the Kenyan legal system; attendance at trial by Video Tele Conference is not permitted under Kenyan law (and telecommunications infrastructure cannot support it at present), and international forces need to recognise and resource the need for attendance of witnesses in person at the relevant court cases. Such attendance will require liaison by the EU Liaison Officer (for EU units) and defence attaches (for other relevant countries'), which may not be resourced for such a potentially large through-put of activity.

There is a risk that trials will be dismissed due to the deferring of procedures. It will be important for international partners to ensure that it is not their procedures that are responsible for the dismissal of cases, particularly given the investment being put into reinforcing Kenyan prosecutorial capability.

UNODC is already focussing on other areas of support to ensure that the legal process does not fall down for lack of investment. It has for example repaired four police vehicles and provided travel for police and prosecutors to attend courses. The use and repair of existing resources rather than buying new has been an important element of ensuring local ownership of the facilities, reinforced by the provision of basic equipment such as cameras, copiers, computers and internet access for courts, police, prisons and prosecutors.

Enhancing police capability in Kenya has been taken forward by refreshing the existing handover manual by a joint EU/Combined Maritime Force team and conducting piracy workshops. Further training in evidence handling is planned, and a package to support exhibit handling was planned to be in place by the end of October 2009. This activity will underpin work on witness and trial support, which provides for the transportation of witnesses to Kenya for trial, the provision of interpreters and defence services. The provision of facilities for the transportation of police and prosecutors to Yemen and a transcription service are also crucial elements to successful prosecution, and are envisaged under the existing UNODC project.

On the judicial side, work has already begun to refurbish the Shimo La Tewa Court Room, which will provide for witness protection arrangements, video link facilities, transcription services, online legal resources and a review of remand cases. Combined with improving the prison facilities – including doubling sanitation and water supply capacity, and the provision of mattresses, blankets and medical support, this activity will provide assurances to donors that the treatment of convicted pirates will meet required international standards.

UNODC has rightly identified the need for context-specific support and projects to ensure that local communities do not feel that prisoners receive better facilities in terms of health and education. Clearly this is an important part of how the international community's communications effort. UNODC is also conducting an assessment of four other prisons in Kenya in anticipation of more convicted pirates.

The holistic approach adopted by the UNODC project appears to be providing results, and the focus on improving prosecutorial support in the context of this wider approach appears to be the right one. The provision of technical expertise to reinforce prosecutorial teams would help galvanise progress. Partners using a Common Law system should consider whether they have paralegals or others with relevant qualifications who could work with the Kenyans. Although partner nations may elect to send experienced lawyers from their armed forces or coastguards, it would be perhaps more beneficial to identify and send legal experts from the civilian justice system to assist Kenyan prosecutors, as opposed to those with experience exclusively in the Military Justice system. Extending such support to other countries providing legal support for the international naval activity would be valuable not only in the legal context but also in helping to communicate messages about the international community's approach to tackling lawlessness at sea and more widely.

It is important to highlight in this report that funding for this project is not secured beyond the end of 2010. Given the importance of its contributions, it is recommended that partners make provision to take over funding from that point. The support for this project will need to match the duration of EU Operation ATALANTA and any other operations which establish prisoner transfer memoranda with the Kenyan government. Because prison sentences are likely to outlast currently approved mandates, a more enduring level of support on the legal/judicial side will be required, matched by more enduring funding. Countries providing legal support for operations should not feel abandoned if we are to seek continuing support from them.

In a related area, the Memoranda of Understanding on piracy suspect transfers are silent on what will be done with suspects upon acquittal or, in the case of conviction, after serving their sentences. This could be a substantial burden on Kenya, which has limited capacity to provide for deportation, if the courts so order. It is recommended that, in the interests of retaining support from receiving nations such as Kenya, assurances are provided by the arresting authority in relation to funding repatriation. Limiting the burden on receiving nations also extends at the local level to engagement with authorities prosecuting, processing and imprisoning piracy suspects. There have been seven needs assessment visits to Mombasa in recent months, and twenty piracy related prisons visits. Given UNODC's role in supporting activity in these areas, more information may be gleaned and less disruption caused by making contact through the UNODC office in Nairobi.

### **Coastguard and Naval/Military structures**

Kenya has identified piracy as a major threat as it now begins to impinge on Kenya's coastline. It poses a major challenge for Kenya as a country and the region more widely given the importance of

Mombasa port not just for Kenya but to Uganda and others who receive imports through Mombasa. The Kenyan Navy, which also provides a Coastguard function, has therefore been tasked to play an active role, particularly in its own territorial waters.

The Kenyan armed forces are acting by conducting maritime patrols within its own territorial waters from Mombasa up to the Somalia border. There have been no significant contacts to date, but the presence in these waters is considered to have had an impact. Patrols are also conducted using transport and fighter aircraft. Oversight is provided by nine radar stations along the coastline which are able to monitor the ships.

The Kenyan Ministry of Defence identifies the challenges it faces resulting from limited patrol resources. The Kenyan Navy has five inshore patrol boats provided by the United States. The Kenyan Maritime Police, reporting to the Kenyan Internal Security Ministry, also have a limited number of boats. Their main capability is patrolling close to the shore, and they have various monitoring functions. Kenya currently has no offshore patrol vessels available whilst they undergo refurbishment, though it does have trained personnel to man those vessels.

Whilst additional vessels would be welcome, in order to enhance the existing forces' counter-piracy capability, the main requirement is for better communication capability, surveillance capabilities and the capability to challenge ships. Provision of proper surveillance equipment for use in the transport aircraft is also a priority for horizon scanning, detecting suspicious activity, and directing surface vessels to take further action. The radar stations on land appear to have some Automatic Identification System (AIS) capability, but there are gaps in the connectivity provided.

Contact with Combined Joint Task Force Horn of Africa (CJTF HOA) in Djibouti suggests that their programme to enhance AIS coverage along the African Coast will extend to Kenya by the end of 2010, which may address this issue. CJTF HOA's technical expertise will in any case enable the connectivity issues to be addressed, and donors wishing to support this area of counter-piracy capability should ensure that they co-ordinate with this wider programme. There appears to be a continued need for improvement to national infrastructure to maintain the connectivity of the coverage provided.

Beyond the support to improve connectivity, a need for maintenance capability was identified. Equally, the maintenance of the Inshore Patrol Boats was identified as a priority. The patrol vessels (10-15m IPBs) were provided with a six month spares and support package that has now lapsed. Expertise in maintenance was provided, with personnel trained in the United States. But trained personnel would gradually leave the Navy and a process of refreshing and retraining would be beneficial, along with the provision of relevant spares which needed to be obtained from outside the country. Training packages would also be needed to support the maritime air assets. In the long term, mentorship in the development of life cycle programmes for various capabilities will provide a means to achieve sustainability.

Training for Kenyan personnel would most efficiently be carried out at the Maritime Centre for excellence (MCE) at Badari, Mombasa. There were also opportunities for continuing training by the US Navy of those deployed in IPBs, but further support for running courses, providing stipends for students attending the courses would be useful. The Maritime Centre for Excellence provided good grounding in the strategic issues of law of the sea etc, but there was a recognition that specific tactical training was also required.

This might be an area on which the Djibouti Training Centre could focus in developing its curriculum, given that the CJTF HOA support to the MCE has already invested \$0.25 million in curriculum development on wider strategic issues. Whatever training is provided needs to be sustainable, with ongoing training provided to enhance the capabilities of trained personnel, and provide for the replacement of those personnel who leave their national services.

Outside of these regional training opportunities, it should be possible to capitalise on continuing links to the US Coastguard (2 Kenyans per year already attend courses at Yorktown in the United States) with further provision of train-the-trainer courses. The maritime law enforcement course in Charleston South Carolina provides good train the trainer opportunities, and there may be opportunities to develop better understanding of vessel-on-vessel use of force procedures by attendance on an established course at Camp Lejeune. This could provide Kenyan Navy and Maritime Police with skills relevant to any boarding, including on maintaining evidentiary standards.

The link between Navy prosecutors and the evidential chain and the legal/penal work being done through UNODC is a clear area for co-ordination of support. The fact that the Kenyan Navy recruits qualified lawyers to work in its legal branch provides the opportunity to support it with offering specific courses at partner nations war colleges and defence academy to cover international law of the sea issues.

Practical experience in a range of areas may be provided by placing Kenyan Law Enforcement officers on the warships of international naval forces. This will require Memorandums of Understanding to be put in place between the host nation and the Kenyan government, but these have been established between some partners with historical links to Kenya and the experience has been assessed by the Kenyan Ministry of Defence as very positive.

The Kenyan Maritime Agency is establishing through the IMO a rescue and co-ordination centre. Providing resources and qualified personnel to staff that centre will be a key requirement, and resources for that will be an important element of a wider network to provide support to the Kenyan system.

## ***Recommendations***

### ***Judicial/Penal sectors***

- Commitment to be made now to take over funding of UNODC project from end of 2010 with an enduring funding line to allow for future project planning. [Mauritius and Yemen have already expressed interest in providing an element of this funding]***
- Recognition by contributing nations of the legal structures requiring attendance by witnesses in trials, and provision of the necessary resources to facilitate their attendance at court.***
- Engagement with Kenyan authorities by those nations transferring pirate suspects to Kenya for trial to make arrangements for deportation of suspects after either acquittal or completion of sentence.***
- Provision of lawyers or paralegals with relevant experience to reinforce the development of prosecutorial standards. These individuals should come from a Common Law jurisdiction and if from a Navy or coastguard legal service should have experience of prosecuting cases beyond purely Military Justice Cases.***

## **Key risks**

*Care needs to be taken not to unbalance the legal system in Kenya. The provision of improved facilities for prisoners, for example, could lead to a situation where prisoners have better physical provision and healthcare than prison guards and their families, or better education opportunities than local communities. Assistance needs to be provided with awareness of that local context, and where appropriate further support provided beyond the immediate provision for prisoners. Mitigation to this risk could be the development of community projects that improve the livelihoods of the local population.*

## **Commitments already identified from partner nations**

*The European Commission funding for the UNODC Programme is €1.75million. The United States Australia, Canada, France and Germany have also contributed. These commitments may also be used for other countries which showed the political will to provide the level of support committed by Kenya, but separate funding has also been identified for programmes in eg the Seychelles.*

## **Coastguard and Naval/Military structures**

### **Equipment**

*- Provision of Surveillance Equipment for installation in Kenyan Airforce's transport aircraft. Equipment needs to have horizon scanning capability for detecting suspicious activity, and needs to be compatible with the communications equipment to be used in the patrol vessels (see below). Equipment need to be effective from either platform used by the Kenyan Airforce (Buffalo and Y-12 aircraft) and be supported by surface-based communication equipment.*

*- Provision of appropriate spares and maintenance packs for existing Inshore Patrol Vessels. Technical visit required to ensure compatibility with existing equipment, and to ensure compatibility with required surveillance and communication equipment (do vessels have sufficient superstructure to support eg enhanced visual systems/infrared systems?). Also need to ensure compatibility with existing infrastructure – eg laptop based IT systems may not be appropriate for open cabin environments, and land-based infrastructure may not provide sufficient internet connectivity to permit full functionality of some systems.*

*- Enhancement of onshore radar stations and closing of gaps in Automatic Identification System (AIS) to provide greater visibility of maritime traffic. Close liaison required with CJTF HOA to ensure avoidance of duplication.*

### **Training**

*- Funding of Kenyan Navy and Kenyan Maritime Police on courses at the Maritime Centre of Excellence for strategic issues, and at the Djibouti regional training and information centre for tactical issues. Courses at Djibouti still under development. Future courses at the Maritime Centre of Excellence require additional funding, though course content has already been developed and paid for.*

*- Funding of attendance by Kenyan Navy and Kenyan Maritime Police on train-the-trainer courses at relevant facilities such as the maritime Law enforcement centre in Charleston South Carolina,*

*and Camp Lejeune, with a focus on evidentiary standards, tying into the UNODC project on legal/penal development.*

*- Provision of legal training for Kenyan Navy lawyers on courses specifically focussed on international law of the sea. Particularly valuable from those nations that have Naval Justice and operational law courses.*

*- Funding of maintenance training for relevant staff to ensure ongoing serviceability of existing IPBs.*

*- Funding for the training and provision of personnel to the Kenyan Maritime Agency's Rescue and Co-ordination Centre.*

*- Provision of opportunities to place Kenyan Law Enforcement officers on the warships of international naval forces. This will require Memorandums of Understanding to be put in place between the host nation and the Kenyan government.*

#### *Key risks*

*Need for sustainability of both equipment provision and training opportunities so return on initial investments can be maximised. Important to ensure that training, particularly on legal issues, is compatible with legal system.*

#### *Commitments already identified from partner nations*

*CJTF HOA is already taking forward a regional programme of improving AIS coverage. The United States already provides some training to Kenyan Navy officers in maritime security. The IMO is providing input to Djibouti on the development of modules for its Regional Training Centre. Any additional support should factor in where such training is already in place.*

## **ETHIOPIA**

Ethiopia's role in regional Counter-Piracy capability development is sometimes overlooked because it is not itself a coastal state. But its close involvement in developments in Somalia means that it is worth factoring in its perspective on what mechanisms will work. Ethiopia has a keen interest in security in the Gulf of Aden given that all of its surface imports and exports currently go through Djibouti port, and because it wants to ensure that it is not strategically dependent on that sole point of access and is trying to secure access to Port Sudan and possibly Berbera facilities.

### **Judicial/Penal structures**

The Ethiopian legal system does not currently have provision for prosecuting piracy activity due to the absence of a navy or territorial waters. There is however an apparent openness to introducing legal measures to tackle piracy, particularly following attempted attacks on vessels from the Ethiopian Commercial fleet (currently consisting of 9 vessels with a further 9 under construction). The intent would be to at least be able to prosecute pirates who attack Ethiopian ships.

Ethiopia has recently established a Maritime Transit Authority with a remit to act on maritime security as a flag state. The authority however recognises its lack of experience, and is seeking to increase its engagement with wider maritime security issues, including by participating in IMO meetings. Piracy has been identified as a high level priority which will be incorporated into its Comprehensive Maritime Strategy which is now being drafted. Ethiopia will require technical support in the production of this strategy, and will shortly present proposals for specific support to Working Group 1.

The Authority has also recognised the need to update its shipboard security officers, and plans to establish a training facility. It would appear logical for any such facility to draw on regional facilities and perhaps develop in parallel with the Djibouti Regional Maritime Security and Information Centre, allowing best practice to be shared, particularly given the close relationship that will necessarily develop between the Ethiopian maritime institutions and Djiboutian ports. Training to date has been almost entirely computer based, though a training facility for seamen is being established 45km outside of Addis Ababa. A link between this and regional and international facilities would clearly be valuable, and IMO advice on assistance with drafting its code and developing training should be requested as soon as possible.

The maritime authority is disseminating information to ensure that Ethiopian flagged vessels are adopting IMO guidelines on best practice, and was devising guidance for dealing with piracy, liaison with maritime forces, and improving security measures. However it was clear that some of the guidance being deployed was out of date, and updated guidance and support in implementing it should be provided as a priority. Ethiopia should also engage with other signatories to the Djibouti code of conduct to establish what further assistance could be provided; the Seychelles meeting in October provided a good opportunity for further progress, and for helping Ethiopia to consider its mechanisms for investigating and prosecuting acts of piracy. Its current proposal for developing a security committee will require further development.

Other assistance may be provided to make progress on the ratification of the International Convention for the Safety Of Life At Sea, legislation which is applied customarily but not ratified.

### **Coastguard and Naval/Military Structures**



Since it does not have a coast, Ethiopia is unlikely to provide many opportunities for receiving input from international donors. However its links to Somalia and its provision of training to groups there may be useful for partners seeking experience on how best to determine which bodies in Somalia should receive training and vetting. The Ethiopian view that forces needed to be equally well trained and armed as pirates needs to be considered in the light of the arms embargo on Somalia

In terms of accountability and control, Ethiopian experience on clan engagement and working with local elders and local politicians appears to be consistent with the TFG proposal of mixing clan groups to provide a federal force. This was assessed to be the best way of avoiding an inclination to warlordism and extremism, as well as providing a route for sustainability and a mechanism for securing resources.

### ***Recommendations***

- Support be provided to the Ethiopian Maritime Transit Authority in the drafting of its Comprehensive Maritime Strategy.***
- Model maritime code to be provided to the Ethiopian authorities in their development of an Ethiopian Maritime Code.***
- IMO to provide updated guidance in circulars 1332, 1333 and 1334 in electronic format for dissemination by Ethiopian Maritime Agency.***
- Support be provided for the development of training materials for Ethiopian Shipboard Security Officers, in parallel to the development of the Djibouti training facility. Links between the Djibouti and other regional facilities be established with the Ethiopian training facility for Seamen. Resources be provided for the attendance of Ethiopian Officers at regional and international training courses.***

## **SEYCHELLES**

An island country with a population of only 85,000 the Seychelles has an estimated EEZ of 1.5million square miles. The Seychelles recognises that recent piracy activity places it on the front line of the fight against piracy and has signed agreements with both UK and EU for the prosecution of pirates. Whilst it has limited capacity in agencies focused on piracy it has recently conducted extensive discussions with international partners to help strengthen its capability.

UNODC has already delivered Coastguard training and has committed to judicial sector support and prison security, assuming a draft EC programme comes on line. A UNODC funded lawyer travelled to Victoria to review the cases of suspected pirates and UNODC also assisted with the costs associated with trial administration for eg translators. The most significant case of prosecution of piracy suspects was not able to proceed and further support for the legal process will be required in the case of future prosecutions and to assist with providing appropriate prison conditions. As highlighted in the Kenya section of the report, additional support for the longer term funding for the UNODC project will help to ensure that this penal/judicial support is sustainable.

Negotiations of further transfer agreements continue to underpin international counter-piracy co-operation with the Seychelles and the conclusion of these memoranda continues to be a priority. They will be fundamental to international partners providing assistance to the Seychelles' own response to piracy acts.

The Ministry of Transport is preparing proposals to enhance its patrolling capability, which may include boats and Unmanned Aerial Vehicles. As with proposals for additional capability in the Kenyan navy, technical assessments of the appropriate equipment will be required, tying into the CJTF HOA proposals to provide Automatic Identification Systems to cover Seychelles' immediate coastal areas.

### ***Recommendations***

***- Equipment for coastal protection – boats/UAVs and relevant surveillance equipment, to be verified by relevant technical experts once received.***

***- As per Kenya UNODC project, enduring funding to be provided once UNODC's current funding runs out.***

## **TANZANIA**

The existing sub-regional rescue co-ordination centre in Dar es Salaam will also operate as a piracy information exchange centre pursuant to the Djibouti Code of Conduct. Staff operating the rescue and co-ordination centre will need additional training of a type expected to be delivered by the training centre in Djibouti and could also benefit from course investments made for the Mombasa Maritime Centre of Excellence supported by CJTF HOA. CJTF HOA AIS project information could be shared regionally. Both of these facilities will benefit from equipment and training support as identified in the Djibouti and Kenya sections of this report.

### **Judicial/Penal structures**

Tanzania has a 70m USD law reform programme, starting from building primary court capacity. The Ministry of Infrastructure has been identified as the lead on piracy issues. The maritime police force has limited capacity and would need support to conduct counter-piracy operations. The European Commission-funded UNODC project has already demonstrated its potential to provide assistance in Kenya, and similar support could be made available to Tanzania. However Tanzania has not yet expressed a willingness to accept Piracy suspects for trial which suggests that such investment would not at this point make any contribution to regional counter-piracy capability. UNODC are meeting all the key players in the criminal justice system 10-11 November to discuss what if any interest and capacity for taking piracy suspects exists.

### **Coastguard and Naval/Military structures**

The Tanzanian Navy has prioritised the following development needs which are assessed as worthy of support in enhancing regional counter-piracy capabilities:

- Training – identifying, pursuing and interrogating pirates, including through the embarkation of Tanzanian naval personnel on international warships as well as training opportunities in partner nations' war colleges, and most especially in regional training centres referred to elsewhere in this report.
- Information Centre. The recently installed observation systems need to be developed and integrated with AIS systems being rolled out elsewhere in the region. The MRS system in use fulfils IMO requirements for search and rescue, but did not allow adequate observation and monitoring of Tanzanian waters, so close engagement with CJTF HOA development of systems will be particularly valuable.
- Vessels – Tanzanian ships are not big or fast enough to play a full role in counter-piracy operations. Two 500 tonne craft would improve the navy's capacity; current vessels are not adequate to patrol the high seas, though they have escorted ships along the Tanzanian coast.

### **Recommendations**

***-Subject to recognition by the Tanzanian authorities of the value of accepting pirate suspects from international vessels, a penal/judicial/prison support programme along the lines rolled out by UNODC in Kenya might be funded to complement the existing law reform project.***

***- Technical assistance to identify items of surveillance equipment that would enhance the counter-piracy capability of the Tanzanian Navy's existing vessels.***

*- Co-ordination by other regional training centres to include Tanzanian naval officers in regional training, with funding for attendance and support for curriculum development provided by international partners. Common law background considered most appropriate.*

## **YEMEN**

There is significant illegal activity including people trafficking between the Horn of Africa and Yemen. There are likely to be significant humanitarian as well as law enforcement and counter-terrorism interests in this activity.

### **Judicial/Penal sectors**

Engagement with Yemeni judicial systems is limited because of standards of process and sentencing which are not consistent with the requirements of many international partners. Handing over suspects for trial within the Yemeni legal system may be contrary to the responsibility for individuals' welfare as required by detaining forces' legal obligations. UNODC is planning a criminal justice assessment mission to Yemen November 2009 and have invited WG I/II to accompany them. Once that mission is complete the picture may be clearer.

### **Coastguard and Naval/Military forces**

There are already a number of bilateral capacity building projects underway on the basis of agreements with individual partners. The Sana'a regional maritime information centre and the coastguard training centre in Aden are already providing improvements to the maritime security and coastguard capabilities of Yemen. The UK has an in-country team supporting the training of the Yemeni Coastguard. Italy has a coastal surveillance project linked to the Yemeni Coastguard development plan. France has links to the Yemeni Navy. All of these provide opportunities for the sharing of best practice which can be built upon, but opportunities for ship-riding and more established information exchange are limited by security concerns relating to ports on Yemen's south coast. Even were these to be overcome, a Memorandum of Understanding would be required between those nations/entities providing International Naval Forces and the Yemeni Coastguard and Navies. However there would be clear value in exchanges including joint exercises, personnel exchange and information sharing.

The Yemeni Navy does possess a number of coastal patrol vessels which are engaged in escorting shipping through the Gulf of Aden and providing facility protection for key strategic infrastructure. The Yemeni Coastguard, reporting to the Interior Ministry, is currently limited to operating around the port areas of Aden and Hodeidah. Proposals do however exist for extending the capability of the Yemen Coastguard along the entire southern coast of Yemen. Whilst comprehensive Coastguard coverage from Aden to the Omani border would be an important contribution to wider maritime security, specific counter-piracy capability could benefit significantly from the ability to operate from the strategically important location of Socotra. This would provide an important additional capability in tackling piracy based from North Eastern Puntland.

The alternative/supplement is international basing in Socotra – an option which the Yemen Minister has indicated to the Working Group would be acceptable. The modalities for such a presence, and which organisation might facilitate it, would require further exploration.

It was not possible to assess further opportunities for taking forward CGPCS support to Yemen during this needs assessment mission due to the timing and availability of qualified contacts. But Working Group 1 will continue to look into the potential to move forward on Yemeni Coastguard capability development, will consult Yemen authorities and will report further shortly.

## ***Recommendations***

### ***Judicial/Penal sector***

- ***Sharing of experience on enforcement of international maritime law by Yemeni Coastguard/Yemeni navy***

### ***Coastguard and Naval/Military sector***

- ***Funding to be provided for extension of Yemen Coastguard capability to Socotra***
- ***Once port security permits/mitigation measures have been put in place, Memoranda of Understanding be put in place to facilitate exchanges between International naval forces and Yemeni Coastguard and Yemeni Navy to allow for local information exchange, sharing of best practice etc***
- ***Exchange of information with Djibouti Training centre to share experience of Coastguard development, and encourage dissemination of best practice amongst regional partners.***

## ANNEX A

### Terms of Reference: Needs assessment visit 7- 13 September 2009

- **Further to its mandate on regional counter-piracy capacity building from the Contact Group on Piracy off the Coast of Somalia (CGPCS), Working Group 1 will be carrying out a needs assessment, validation and prioritisation mission to Nairobi, Addis Ababa and Djibouti between 7 and 13 September 2009.**
- **As chair of Working Group 1, the UK will lead the mission, made up of representatives from partners likely to be engaged in programmes and other activities to deliver capability development in the region. This is likely to include the UN, USA, France, EU, NATO, IMO and Arab League.**
- **The purpose of this international needs assessment is to follow up on the initial Working Group 1 assessment in April/May 2009 and to make an in-depth assessment of the requirements to enable regional partners to themselves combat piracy in the Gulf of Aden and the Indian Ocean, working in partnership with the international community for as long as such support is required (both military and in terms of development support).**
- **The mission will discuss project proposals with relevant Kenyan, Djiboutian and Somali Ministries and other entities, including from the Somali regions of Puntland and Somaliland, as well as consult interested parties from the different regions of Somalia. It will also engage with the African Union in Addis Ababa.**
- **A mission to Yemen was not possible at this time, but dialogue will continue with the Yemeni authorities and a follow-up mission may take place to Yemen. The team will attempt to provide an update on Yemeni needs and priorities based on the information available to them.**
- **The assessment will be based on the priority needs identified by these countries/regions (which have been requested in advance of the mission, and which will be forwarded on receipt, if received in time), discussion of needs with country/region representatives, the opinions and assessment of the experts participating in the mission, and an overall region-wide prioritisation.**
- **The end-result of the mission will be an overall assessment of priority needs, including specific project proposals where possible, for consideration for funding/training support/support in other ways by countries and organisations participating in the international Contact Group on Piracy of the Coast of Somalia, to be circulated to the Contact Group as soon as possible after the conclusion of the mission.**

## **ANNEX B**

### **VISIT PROGRAMME**

#### **Monday 7 September Nairobi**

*All meetings in Nairobi to take place in Hotel Tribe hotel unless otherwise indicated*

**08:30** Delegation to meet at Hotel Tribe

**09:00** Alan Cole, UNODC

**11:00** Meeting with TFG representatives;

*Minister of Defence Boss*

*Hon Ferro Aden*

*Abshir Aden*

*Chris Moore*

**13:00** Lunch

**14:00** Discussion of structure of report and main elements for inclusion

**15:00** Analysis of UNODC proposals

**16:00** Analysis of TFG proposals

**Structure of draft report**

#### **Tuesday 8 September Nairobi**

**09:30** Meeting with Farah Dala and Mohamud Ali Hashi, Puntland Development Aid Coordinator

**12:30** Lunch

**13:00** Meeting with Timothy der Weduwen, Civilian Police Project Manager/Senior Police Advisor, UNDP

**14:00** Meeting with Pat Johnson, and Abdiraham Raghe, Interpeace re community engagement

**16:00** Meeting with Charles Petrie, UNPOS

**draft report**

#### **Wednesday 9 September Nairobi and Addis Ababa**

**10:00** Col Nathan Kigotho – Ministry of Defence

**Major (Kenyan Navy) Moses Mutete Defence Headquarters Operations**



**15:00 Depart Nairobi by car to airport**

**18:15 Depart Nairobi on Kenyan Airways Flight 800 to Addis Ababa**

**20:15 Arrive in Addis Ababa and continue by car to Hilton Hotel**

*Delegation are staying at the Hilton Hotel, Menelik II Avenue, Addis Ababa 1164*

**Thursday 10 September Addis Ababa**

**09: 00 Ministry of Foreign Affairs**

**Ethiopian Maritime shipping line - Department for Transport**

**African Union**

**16:00 Diplomatic debrief**

**Delegates to meet in the evening to draft report**

**Friday 11 September Addis Ababa and Djibouti**

**10:35 Depart Addis Ababa for Djibouti on Kenyan Airways Flight No 402**

**11:55 Arrive in Djibouti and continue to Djibout Palace Kempinski**

**13:30 Lunch with CJTF HOA**

**Meeting with Admiral Osman Jibril Comd SLCG**

**Captain (Retd) Abdullahi Kawden -Consultant to SLCG (previous Minister of Justice)**

**Somaliland Attorney General**

**draft report**

**Saturday 12 September Djibouti**

**Meeting with Mohammed Idriss Ministry of Foreign Affairs, Co-ordinator for Piracy**

**Meetings with officials from the Ministry of Transport and Ministry of Foreign Affairs**

**23:45 Depart Djibouti on Air France Flight 1080 for UK via Paris**

**Head of Delegation**

**Andrew Bowes, Foreign and Commonwealth Office,**

**Participants**

**Susan Polizzotto, US State Dept**

**Nicolas Durand, French Directorate Strategic Affairs**

**Craig M Bennett, Joint Command Lisbon, NATO**

**LTC Michel Pierson, Joint Command Lisbon, NATO**

**Maj Andrew Birkby, Joint Command Lisbon, NATO**

**Michael Duthie, UNODC**

**Chris Trelawny, Head Maritime Security Section, IMO**

**Shinya Iwata, First Secretary, Embassy of Japan in Kenya**

**Thorsten Bargfrede, Head of Regional Political Section (Horn of Africa), EC Delegation**

## ANNEX C

Agreement between the Prime Minister of Somalia, Dr Omar Abdirashid Ali Sharmarke, and President Andirahman Mohamed Farole after Galkaio talks, 25 August 2009:

1. The TFG and Puntland will collaborate in safeguarding the unity and the statehood of Somalia. The TFG recognises Puntland as a stable and self-governing part of Somalia, it also considers it as a model for the Federal system in Somalia.
2. The TFG would work on finalising the Federal constitution, and will establish a constitutional commission. Puntland will support the TFG with the constitution
3. In order to accomplish the Federal constitution and the creation of Federal states in Somalia, the commission will be based in Garowe, the capital of Puntland. In return Puntland will support the commission in fulfilling their tasks.
4. In accordance with the Federal Charter, the Federal government will form more autonomous states in Somalia, and the TFG will also encourage the only existing State in Somalia, which is Puntland.
5. Puntland is allowed to participate as an administration, in all meetings regarding the State's interests.
6. The TFG together with Puntland, will lobby for the return of Italian development projects of FIA and re-energising the development projects in the region, that were terminated after the collapse of the Somali government in 1991.
7. Both parties agreed on setting up military camps in Puntland.
8. Both parties agreed on establishing the command of anti piracy forces in Puntland.
9. The TFG and Puntland will collaborate on fighting piracy
10. Of all education funds and Scholarships to Somalia, Puntland will receive its share of 25%.
11. The Education ministers of Puntland and the Federal government will work together on training the teachers and establishing a new curriculum.
12. The TFG and Puntland agreed on, calling for International agencies working in Somalia, to move their main offices in to stable regions in Somalia, such as Puntland.
13. Both parties will work together on protecting Historic sites in the country, safeguarding the cultural heritage and the religion.
14. Both parties agreed to support and encourage the Somali diaspora, to take part in rebuilding their country.
15. Both administrations' ministers will also work together.

The agreement was signed by the Prime Minister of Somalia Omar Abdirashid Ali Sharmarke and Puntland's President Andirahman Mohamed Farole.



## ANNEX D

### Summary of major projects identified and prioritised by the Needs Assessment Mission

<u>Proposed Action</u>	<u>(Potential) Project Details</u>	<u>Countries/ Organisations involved</u>	<u>Status</u>
<b>1: Somalia:</b>			
<b>1.1 Judicial/Penal sectors</b>			
1.2 TFG and regional authorities to agree modalities on EEZ and fisheries licensing. Support for technical assistance to a joint TFG/Puntland/Somaliland process to establish Somalia's Exclusive Economic Zone and legal rights over territorial waters and fishing rights.			
1.3 Transferring entities to provide information to UNODC on the assurances they require to enable them to consent to the transfer of convicted pirates to serve their sentences in Somali jails.	<a href="http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html">http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html</a>	UNODC	
1.4 Resources provided to UNODC's prison training programme to allow standards to be raised in the newly opened prisons to a standard that would permit prisoner transfers to take place from Kenya and/or Seychelles.	<a href="http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html">http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html</a>	UNODC	
1.5 Support for UNDP's Rule of Law and Security Project (contributions required to meet budget proposal of €13million, with activity in Puntland likely to have the most impact on piracy).	<a href="http://www.so.undp.org/index.php/Rule-of-Law-Security.html">http://www.so.undp.org/index.php/Rule-of-Law-Security.html</a>	UNDP	
<b>1.6 Coastguard and Naval/Military structures</b>			

1.7 Requirement for TFG and the Puntland authorities to agree on command and control and accountability mechanisms for any pilot coastguard project based in north Eastern Puntland, including possible engagement with the PriceWaterhouseCoopers management project.			
<b><u>1.8 Alternative Livelihoods</u></b>			
Support for economic development initiatives such as slaughterhouse co-operatives and fisheries/canneries building on existing community structure and adding value in-country.	<a href="http://www.so.undp.org/index.php/Recovery-and-Sustainable-Livelihoods.html">http://www.so.undp.org/index.php/Recovery-and-Sustainable-Livelihoods.html</a>	UNDP	
1.9 Ensure engagement of women and revitalise the Reconstruction and Development plan which resulted from the joint needs assessment between the Government, the World Bank and UNDP at the end of 2007.	<a href="http://www.so.undp.org/index.php/Recovery-and-Sustainable-Livelihoods.html">http://www.so.undp.org/index.php/Recovery-and-Sustainable-Livelihoods.html</a>	UNDP	
<b><u>1.10 Communications Strategies</u></b>			
1.11 Effective and properly resources communications strategies, owned and delivered by local authorities as well as UNPOS.	<a href="http://unpos.unmissions.org/">http://unpos.unmissions.org/</a>	UNPOS	
1.12 Support for publicising technical assistance for Somalia in submitting its EEZ claim and establishing a licensing regime from which the people of Somalia will benefit.			
<b><u>2.1 Puntland</u></b>			
<b><u>2.2 Judicial/penal structures</u></b>			

2.3 Support for UNODC proposals to provide prison training with a view to facilitating prisoner transfers from receiving regional states.	<a href="http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html">http://www.unodc.org/easternafrika/en/piracy/ongoing-activities.html</a>	UNODC	
2.4 Support for the Puntland-focussed UNDP Rule of Law and Security Programme.	<a href="http://www.so.undp.org/index.php/Rule-of-Law-Security.html">http://www.so.undp.org/index.php/Rule-of-Law-Security.html</a>	UNDP	
<b><u>2.5 Coastguard and Naval/Military structures</u></b>			
2.6 It is recommended the TFG and the Puntland authorities agree on the structure and command and control of any coastguard operation to be based in the area from which most pirate attacks emanate and the processes by which they would demonstrate accountability for its activity.			
2.7 A land-based coastal monitoring capability could be considered in Puntland in the near term as an interim solution, recording port movements and monitoring authorised and non-authorised traffic, passing on such information to the international naval presence. The resource implications of such a solution should be investigated, but are likely to be relatively small and could provide significant added value.			
2.8 It is recommended that the Puntland administration be challenged to demonstrate how it is using its existing resources to tackle the roots of piracy before any additional capability is provided to any structures under its control. International delivery is likely to have to be considered in the interim and mentoring/monitoring is likely to be required in any case to ensure accountability and donor confidence.			

<b><u>3: Somaliland</u></b>			
<b><u>3.1 Judicial/penal structures</u></b>			
3.2 Funding be provided for an analysis of the Somaliland judicial system and if appropriate development of a criminal justice system review that will allow the framework for piracy to be better understood.			
<b><u>3.3 Coastguard and Naval/Military structures</u></b>			
3.4 Provision to the maritime police / coastguard. The same vehicles and radios that are being provided to the Somaliland police ( 12 x pickup vehicles, 12 shore to ship marine radios for their lookout posts (only approx \$100 each) (24 if they can be fitted to the vehicles as well), 50 x hand held radios).			
3.5 Provision of (Yamaha) outboard engines and engineering tools and training to the Maritime Police/Coastguard.			
3.6 Provision of infrastructure renovation and construction support to the Maritime Police/Coastguard Headquarters in Hargeisa, operational headquarters and maritime co-ordination centre in Berbera and the various coastguard look-out stations along the coast.			
3.7 Provision of land-based surveillance equipment (radar and AIS) to cover Somaliland waters, linked to effective shore-ship communication			
<b><u>4: Djibouti</u></b>			



4.1 Support for the establishment of the Regional training centre, with IMO to provide urgent advice on course content and links to other international maritime security institutions.		IMO	
4.2 Report by IMO legal expert on maritime law to be provided to Djibouti to inform development of training.		IMO	
4.3 International partners to consider whether course materials used in their own Coastguard training can be made available to the regional centre – including lesson plans, modules on case file preparation, boarding procedures and techniques.			
4.4 Lesson sharing with the Yemen Coastguard and its experience of developing interdiction capabilities will be crucial. A formal interchange system should be established.			
4.5 International partners should provide places for instructors on existing courses to help establish new modules, especially where those existing courses provide train the trainer opportunities and use objective based learning techniques.			
4.6 Regional states to consider contributions for the construction of new facilities for a regional training centre on the site provided by Djibouti.			
4.7 Pilot courses to be run using the existing facilities and academic links provided by the University of Djibouti.			

4.8 TFG, in consultation with Puntland and Somaliland representatives, to nominate Somali candidates to attend training.			
4.9 International partners to provide funding for Somali Coastguard students to attend courses run at the Djiboutian Regional training Centre.			
<b>4.10 Coastguard and Naval/Military structures</b>			
4.11 Drawing on the facilities of the Regional Maritimes security and information centre, to provide input to the development of courses on a range of tactical Counter-Piracy approaches.			
4.12 Provision of radio equipment (must be compatible with existing communications systems) will reinforce the development of the new coastguard and help to ensure liaison with international forces and other regional coastguards.			
4.13 Opportunities from the International Naval Forces for ship-riders and other interchange to be co-ordinated through the Regional Training Centre to ensure most effective dissemination of information and train-the-trainer opportunities.			
4.14 A survey be conducted into the value and feasibility of an additional jetty to accommodate the ships of international naval forces, taking into account particular security considerations.			

4.15 Advice to be provided on the establishment of an anti-pollution unit in Djibouti to respond to environmental threats resulting from piracy activity against ships carrying hazardous cargoes in the region.			
<b>5: Kenya</b>			
<b>5.1 Judicial/Penal sectors</b>			
5.2 Commitment to be made now to take over funding of UNODC project from end of 2010 with an enduring funding line to allow for future project planning.	<a href="http://www.unodc.org/easternafrika/en/piracy/index.html">http://www.unodc.org/easternafrika/en/piracy/index.html</a>		
5.3 Recognition by contributing nations of the legal structures requiring attendance by witnesses in trials, and provision of the necessary resources to facilitate their attendance at court.			
5.4 Engagement with Kenyan authorities by those nations transferring pirate suspects to Kenya for trial to make arrangements for deportation of suspects after either acquittal or completion of sentence.			
5.5 Provision of lawyers or paralegals with relevant experience to reinforce the development of prosecutorial standards. These individuals should come from a Common Law jurisdiction and if from a Navy or coastguard legal service should have experience of prosecuting cases beyond purely Military Justice Cases.			
<b>5.6 Coastguard and Naval/Military structures</b>			

<p>5.7 Provision of Surveillance Equipment for installation in Kenyan Airforce’s transport aircraft. Equipment needs to have horizon scanning capability for detecting suspicious activity, and needs to be compatible with the communications equipment to be used in the patrol vessels. Equipment need to be effective from either platform used by the Kenyan Airforce (Buffalo and Y-12 aircraft) and be supported by surface-based communication equipment.</p>			
<p>5.8 Provision of appropriate spares and maintenance packs for existing Inshore Patrol Vessels. Technical visit required to ensure compatibility with existing equipment, and to ensure compatibility with required surveillance and communication equipment.</p>			
<p>5.9 Enhancement of onshore radar stations and closing of gaps in Automatic Identification System (AIS) to provide greater visibility of maritime traffic. Close liaison required with CJTF HOA to ensure avoidance of duplication.</p>			
<p><b>5.10 Training</b></p>			
<p>5.11 Funding of Kenyan Navy and Kenyan Maritime Police on courses at the Maritime Centre of Excellence for strategic issues, and at the Djibouti regional training and information centre for tactical issues. Courses at Djibouti still under development. Future courses at the Maritime Centre of Excellence require additional funding, though course content has already been developed and paid for.</p>			

5.12 Funding of attendance by Kenyan Navy and Kenyan Maritime Police on train-the-trainer courses at relevant facilities such as the maritime Law enforcement centre in Charleston South Carolina, and Camp Lejeune, with a focus on evidentiary standards, tying into the UNODC project on legal/penal development.			
5.13 Provision of legal training for Kenyan Navy lawyers on courses specifically focussed on international law of the sea. Particularly valuable from those nations that have Naval Justice and operational law courses.			
5.14 Funding of maintenance training for relevant staff to ensure ongoing serviceability of existing IPBs.			
5.15 Funding for the training and provision of personnel to the Kenyan Maritime Agency's Rescue and Co-ordination Centre.			
5.16 Provision of opportunities to place Kenyan Law Enforcement officers on the warships of international naval forces. This will require Memorandums of Understanding to be put in place between the host nation and the Kenyan government.			
<b>6: ETHIOPIA</b>			
6.1 Support to be provided to the Ethiopian Maritime Transit Authority in the drafting of its Comprehensive Maritime Strategy.			

6.2 Model maritime code to be provided to the Ethiopian authorities in their development of an Ethiopian maritime Code.			
6.3 IMO to provide updated guidance in circulars 1332, 1333 and 1334 in electronic format for dissemination by Ethiopian Maritime Agency.		IMO	
6.4 Support be provided for the development of training materials for Ethiopian Shipboard Security Officers, in parallel to the development of the Djibouti training facility. Links between the Djibouti and other regional facilities be established with the Ethiopian training facility for Seamen. Resources be provided for the attendance of Ethiopian Officers at regional and international training courses.			
<b>7: SEYCHELLES</b>			
7.1 Equipment for coastal protection – boats/UAVs and relevant surveillance equipment, to be verified by relevant technical experts once received.			
7.2 As per Kenya UNODC project, enduring funding to be provided once UNODC’s current funding runs out.	<a href="http://www.unodc.org/easternafrika/en/piracy/index.html?ref=menuaside">http://www.unodc.org/easternafrika/en/piracy/index.html?ref=menuaside</a>	UNODC	
<b>8: TANZANIA</b>			
<b>8.1 Judicial/Penal sector</b>			

8.2 Subject to recognition by the Tanzanian authorities of the value of accepting pirate suspects from international vessels, a penal/judicial/prison support programme along the lines rolled out by UNODC in Kenya might be funded to complement the existing law reform project.	<a href="http://www.unodc.org/easternafrika/en/piracy/index.html?ref=menuside">http://www.unodc.org/easternafrika/en/piracy/index.html?ref=menuside</a>	UNODC	
<b><u>8.3 Coastguard and Naval/Military sector</u></b>			
8.4 Technical assistance to identify items of surveillance equipment that would enhance the counter-piracy capability of the Tanzanian Navy's existing Vessels.			
8.5 Co-ordination by other regional training centres to include Tanzanian naval officers in regional training, with funding for attendance and support for curriculum development provided by international partners. Common law background considered most appropriate.			
<b><u>9: YEMEN</u></b>			
<b><u>9.1 Judicial/Penal sector</u></b>			
9.2 Sharing of experience on enforcement of international maritime law by Yemeni Coastguard/Yemeni navy			
<b><u>9.3 Coastguard and Naval/Military sector</u></b>			
9.4 Funding to be provided for extension of Yemen Coastguard capability to Socotra			

<p>9.5 Once port security permits/mitigation measures have been put in place, Memoranda of Understanding be put in place to facilitate exchanges between International naval forces and Yemeni Coastguard and Yemeni Navy to allow for local information exchange, sharing of best practice etc</p>			
<p>9.6 Exchange of information with Djibouti Training centre to share experience of Coastguard development, and encourage dissemination of best practice amongst regional partners.</p>			



ANNEX E:

**Jamhuuriyadda Soomaaliya  
Xukuumadda Federaaliga KMG  
ah**



جمهورية الصومال  
الحكومة الفيدرالية الانتقالية

مكتب رئيس الوزراء

**Xafiiska Ra'iisul Wasaaraha**

**The Transitional Federal Government of the Somali Republic  
Office of the Prime Minister**

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**XRW/00787/10/09**

**07/10/2009**

**The Rt. Gordon Brown MP  
Prime Minister  
10 Downing Street,  
London,**

**Excellency;**

The Transitional Federal Government of Somalia welcomes proposals by the United Kingdom as chair of the Contact Group on Piracy off the Coast of Somalia Working Group 1 on regional capability development for co-operation on projects in Somalia related to counter-piracy, fishery management/ protection and alternative livelihoods.

The Transitional Federal Government of Somalia welcomes the intention to pursue a comprehensive and holistic approach on these issues, and accepts the need to implement such an approach in phases as security and other considerations permit, starting with one or more pilot projects. The Transitional Federal Government of Somalia agrees on the need for delivery through transparent and accountable structures to attract and maintain donor confidence and support.

In order to enable the most effective delivery of such a strategy, the Transitional Federal Government of Somalia supports and encourages the extension of international assistance to the regional authorities of Somaliland and Puntland regarding projects in the areas outlined above, as part of a broader and Somalia-wide strategy.

**Sincerely;**

**H.E Omar Abdirashid Ali Sharmarke  
Prime Minister of Transitional Federal Government of Somalia**



**ANNEX F:**

**SPEECH BY HON. ABDALLAH BOSS AHMED, MP  
MINISTER FOR DEFENSE SOMALI TFG  
TO THE INTERNATIONAL FORUM ON  
MARITIME PROTECTION AND THE WAR  
AGAINST PIRACY OFF SOMALI WATERS  
7th – 8th September 2009, NAIROBI**

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Honorable Minister,  
Honorable Members of Parliament,  
Members of the diplomatic community and development partners,  
Distinguished scholars and speakers,  
Ladies and Gentlemen,

First let me express my gratitude to the organizers of this conference. It is taking place at an opportune time as the international community begins to make tangible progress in the fight against Piracy in the region. Indeed, the Somali Transitional Federal Government is most grateful to the international coalition against Piracy that brings together naval forces from many different countries in an unprecedented collective effort to confront the scourge of piracy.

Let me in particular thank the United Nations, the European Union, the African Union and other partners for undertaking to organize this conference in collaboration with the TFG. I appreciate the fact that in the audience today we have participants and speakers who are conversant with maritime affairs and I hope that the deliberations from this conference will generate firm commitments to support specific proposals that will build on the recent counter-piracy successes.

Before you start your deliberations I wish to make, and in certain cases reiterate, some key points on behalf of the TFG:

1. Since piracy is a global problem that affects international trade, all countries should unite and deal with the threat; as we are doing so here today.
2. The international community must be prepared to help Somalia tackle the *root causes* of piracy, which are mostly found ashore. A comprehensive strategy that encompasses efforts both at sea and on land is the only way to achieve sustainable security and the subsequent stabilization of Somalia.
3. On land we must gain intelligence about pirate dens and be prepared to take action against them – but only after offering amnesty to pirates willing to lay down their arms. At sea we must interdict all suspicious

vessels whether they are un-licensed fishing trawlers, pirate motherships or smugglers and deal with them according to international standards of law enforcement.

4. The support of the coastal communities will be critical to success and so our emphasis must be as much on the protection of Somali waters and its natural resources from illegal plunder and pollution, as on the efforts to curtail piracy. The effective policing of Somali waters will not only generate revenue and allow a restoration of our once thriving fishing industry, but it will also begin to rebuild a sense of national pride while undermining the declared motives of the pirates.

5. In parallel with any security capacity-building it is important to offer community development programs that improve living conditions and create new employment for the communities whose support we seek.

6. In order to reconstruct the Somali National Security Force and undertake effective community development projects we will need advice, training and mentorship from international security and civil affairs experts.

7. With that in mind, I would like to take this opportunity to appeal for your support in activating a pilot program that the TFG has designed with specialist advice to demonstrate the potential for reconstructing the Somali Marines and Coast Guard along the northeast Somali coast.

8. The concept for this pilot program would involve the contracting of specialist private companies to train, equip and mentor vetted Somali recruits to operate effectively and with respect for the Voluntary Principles on Security & Human Rights in retaking control of a designated area of Somali coast and associated territorial waters.

9. The pilot project would take 3 months to deliver the following capabilities:

- A Somali Coast Guard unit of 96 personnel equipped with 8 Fast Patrol Craft and Coastal Observation Teams
- A 130-strong battalion of Somali Marines capable of force protection, reconnaissance, surveillance and offensive action.
- A Regional Command with a staff of 12 responsible for developing strategy, allocating resources and directing operations in close cooperation with the international naval forces currently operating in the Gulf of Aden.

- The security training component of this pilot program would be supported by a bespoke Media & Public Relations strategy, including a pirate amnesty initiative and complemented by the initiation of community development programs in the impacted communities.

10. If successful we would look for further international support to expand this capability nationwide to cover all 4 major Somali ports and 10 minor ports.

So, as we commence this important conference the Somali Transitional Federal Government is calling upon both regional and international leaders to join hands and work together to curtail the mounting cases of piracy along the whole Somali coastline. **I want to urge you all to continue in the spirit of solidarity that we have created around this common problem. You have a vital role in ensuring that peace prevails in the Horn of Africa region and in particular the waters of the Gulf of Aden and Indian Ocean. The TFG relishes its role as a regional player in this immense challenge and will always be available to give our allies first hand information and advice.**

**Thank you and have fruitful deliberations.**

**Hon. Abdallah Boss Ahmed, Mp Minister for defense  
Somali TFG, Nairobi**