



## **International Community's Response: The Activity of the Contact Group on Piracy off the Coast of Somalia**

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*In 2009, a number of countries established the Contact Group on Piracy off the Coast of Somalia, as a way to deal with the persistent international problem of piracy through an informal but networked cooperation between national governments, international organizations, and private-sector stakeholders.*

Pirates have been active for thousands of years, and almost as long as humans have been constructing sea-going vessels to enable travel, trade, and to conquer or migrate. Only in the last 100 years have we started to consider piracy a thing of the past, with occasional flare-ups in specific regions. However, in 2007 and 2008 piracy returned to the front pages of newspapers and to desks of ship-owners, navy-officers and government officials.

After several decades of civil war and lawlessness, pirates from Somalia had developed a very profitable new 'brand' of piracy: Hijacking ships and kidnapping crews for ransom. Piracy Somali-style spread like wildfire, and in 2008 more than 40 ships were taken by Somali pirates as well as many hundreds of seamen kidnapped. That same year UN-officials made clear that the organization at that moment did not have the capacity to deal effectively with the rapid growth of this new form of piracy. Consequently, several nations took up the gauntlet and deployed warships into the region as escorts for humanitarian aid transports to Somalia, and to protect their and other countries' merchant fleets when passing through the vital shipping lanes in the Gulf of Aden.

In January 2009 the "Contact Group on Piracy off the Coast of Somalia" (CGPCS) was established, pursuant to the unanimously adopted UN Security Council resolution 1851. Paragraph 4 of this resolution "*encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation



mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast; [...]"

The CGPCS was deliberately established *outside* the UN-system (although it usually holds its plenary meetings at the UNHQ in New York). Participation in the work of the CGPCS is open to any country or organization that contributes to counter-piracy efforts or is directly affected by it. In practice, the "membership" of the CGPCS has stabilized at around 60 countries: Regional states, states that participate in the naval operations, and states with large shipping interests. The Transitional Federal Government of Somalia (TFG) and the regional authorities of Somaliland, Puntland and Galmudug also participate in the work of the CGPCS. Countries without specific interests at stake tend not to participate. Although the 'membership' of the CGPCS is restricted to states and international organizations (e.g. EU, NATO, IMO, UNDP, UNODC), other organizations, both public and private, actively contribute to the work of the CGPCS, for example, different trade organizations from the shipping industry, and organizations representing seamen and seafarers, also participate in CGPCS.

The mission of the CGPCS is "to foster closer international cooperation to address the scourge of piracy off the coast of Somalia"; this means that the CGPCS itself does not deliver outcomes, but intends to encourage, support and facilitate action by other actors, such as national and regional governments, UN, IMO, EU, NATO, and private sector organizations. To this end, the CGPCS has organized itself along the following lines of action:

- Support to the military carrying out counter-piracy operations;
- Support to the shipping industry deploying self-defence measures;
- Support to law enforcement and to the judiciary to investigate piracy networks and prosecute pirates, especially in the region;
- Support to capacity building programmes in the region.

The CGPCS has thus positioned itself as the lynchpin in a loosely structured counter-piracy coalition of governments, international organizations, military alliances, and the private sector.



Plenary meetings of the CGPCS take place three times per year for just one day. The chairmanship rotates among member states on a voluntary basis – the 10<sup>th</sup> and 11<sup>th</sup> plenary meetings were chaired by the Netherlands and the United Arab Emirates respectively. The CGPCS meetings serve to pull together the threads of all activities related to the fight against Somali piracy and to provide a general sense of direction for the work in the immediate future. The meetings take place in a business-like fashion; there are no lengthy statements, resolutions or negotiations about agreed texts. Decision-making is by consensus, or arguably rather by the absence of objection. In the absence of rules of procedure, the CGPCS works by the virtue of a shared conviction held by all participants to “get the job done”. Furthermore, the CGPCS delivers results with no administrative burden: The CGPCS has no secretariat and no budget.

The actual work of the CGPCS takes place in five working groups, which each have a permanent chairman and meet as often as deemed necessary. Participation in the work of the working groups is voluntary; not all members participate in the work of all working groups. Working Group 1 (WG1), chaired by the UK, has a double mandate: Ensuring effective naval operational co-ordination and supporting the building of the judicial, penal, and maritime capacity in the region. One of its key outcomes is supporting the so-called SHADE-mechanism (Shared Awareness and Deconfliction), which is an initiative to coordinate military operations to combat piracy and meets regularly in Bahrain. Additionally, SHADE serves as a forum for information sharing and the exchange of views between stakeholders from force-providing nations, regional countries, international organizations and industry groups. SHADE regularly reports to Working Group 1.

The efforts of the Working Group regarding capacity-building focus on the coordination of and support to initiatives aimed at the development of rule of law, maritime security and alternative livelihoods in Somalia and in the wider region. Working Group 1 supports the implementation of regional initiatives such as the Djibouti Code of Conduct (IMO) and the Regional Plan of Action of the Eastern and Southern Africa – Indian Ocean group of countries (ESA-IO).



Working Group 2 (WG2) deals with legal issues and is chaired by Denmark. It aims to provide specific, practical and legally sound guidance to the CGPCS, states and organizations on all legal aspects of counter-piracy. One of its products is a virtual “legal toolbox,” which contains a number of specific legal tools to be used by states on issues such as applicable international law, transfer of piracy suspects and ship-riders. WG2 also supports the prosecution of piracy suspects in the region through judicial capacity building, including detention capacity in Somalia, and has discussed legal questions with regard to guidelines for private maritime security companies providing armed guards on board merchant vessels.

Working Group 3 (WG3), now chaired by the Republic of Korea, works with the shipping industry. In close cooperation with the military and shipping trade organizations, WG3 has been instrumental in developing the “Best Management Practices for Protection against Somalia Based Piracy” (BMP), now in its 4th version, which provides practical guidelines to crews, masters, and owners on how to protect themselves against hijacking by pirates. Full implementation of the BMP has proved to be the single most effective way to prevent ships from being hijacked. WG3 has also addressed the use of privately-contracted armed security personnel on board of merchant vessels.

Working Group 4 (WG4), currently chaired by Egypt, focuses mainly on public diplomacy. It aims at raising awareness of the dangers of piracy, reaching out to Somali communities and diaspora, and encouraging partner organizations to use various means of communication and education to inform the public in Somalia and the wider region about the dangers posed by piracy and the efforts of the international community.

These four working groups were established at the inception of the CGPCS in 2009. In 2011 a fifth Working Group (WG5) was added, chaired by Italy, to coordinate international efforts to identify and disrupt the financial networks of pirate leaders and their financiers.

Finally, the CGPCS has established the Trust Fund to Support the Initiatives of States to Counter Piracy off the Coast of Somalia. The objective of the Fund is to “help defray the expenses associated with prosecution of suspected pirates, as well as other activities related to



implementing the Contact Group's objectives regarding combating piracy in all its aspects.” The Trust Fund has disbursed more than USD 12 million to counter-piracy projects and has supported piracy trials in several countries in the region.

One of the CGPCS’s greatest assets is its flexibility. Without formal rules of procedure or a secretariat, the CGPCS is able to quickly adapt its working methods to changing circumstances. For example, as the work of the CGPCS is maturing, participating countries may reflect on its meeting schedule and decide to meet twice rather than thrice a year. Furthermore, a year-long chairmanship (rather than a new chair for each plenary meeting) may provide more strategic depth to the work of the CGPCS, since chairs would have a longer time to carry out an agenda, which could be set in consultation with working group chairs and interested countries.

Over the past three years the CGPCS has proven to be an effective and efficient mode of international cooperation to combat a specific problem, which challenges the international order and threatens a significant number of international stakeholders. CGPCS is able to achieve tangible results and excellent coordination and cooperation at very limited costs, no budget, no secretariat and no bureaucracy, yet able to focus on getting the job done – this is ‘multilateralism light’. The CGPCS-model may serve as an example to deal with other, future international problems.

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