

Statement by Ambassador Hardeep Singh Puri, Permanent Representative at the UN Security Council briefing on Piracy off the Coast of Somalia on 21 June 2011

Thank you, Mr President.

Let me begin by thanking USG Patricia O'Brien for briefing the Council on the report of the Secretary General submitted pursuant to Resolution 1976 on the modalities for the establishment of specialized Somali courts to try suspected pirates in Somalia and outside, including an extraterritorial Somali specialized anti-piracy court, and the possible participation of international personnel and other international support and assistance.

2. The international community is facing an unprecedented and growing threat from piracy. The SG's report presents a very alarming picture. Despite increased naval presence in the Internationally Recommended Transit Corridor (IRTC), piracy attacks off the coast of Somalia have continued to increase, as have the geographical range of the attacks and the level of violence employed by the pirates. As of 14<sup>th</sup> June, 23 ships are held by pirates, with a total of 477 hostages. The geographical area of the attacks now stretches to 2.8 million square miles, which is not easy for naval forces to patrol. The use of overwhelming force by pirates to overcome security personnel on board merchant ships and the use of hijacked crews as "human shields" is also a matter of serious concern. Piracy is not only a threat to the freedom of maritime navigation, it is causing destabilizing effects on global and regional trade and security, and jeopardizing the life of seafarers who are the lifeblood of international economy.

Mr. President,

3. To combat this menace this Council has adopted a multilateral and multidimensional approach that, as a first step, led to the establishment of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in January 2009 of which India is a founder member. Though naval ships deployed in the Gulf of Aden have successfully thwarted several piracy attempts and provided security escorts to merchant marine in these waters, the growing scope and expanding coverage of the problem indicates that the naval operations alone may not be sufficient and there is an urgent need to adopt a comprehensive counter-piracy strategy.

4. In this connection, I would like to mention the issue of seafarers who are the lifeline of merchant shipping. India contributes around 7% of the world's merchant mariners and thus has an abiding interest in their safety and security. So far the main focus of our concerted efforts has been to protect the ships from pirate attacks and on issues related to prosecution and punishment of pirates. Keeping in view the increasing incidents of seafarers being taken as hostages and the intensity of violence used against them, there is a need to pay special attention on the safety, security and wellbeing of seafarers taken as hostage and their quick release by whatever means appropriate.

Mr. President,

5. In addition to naval solution, this Council is also focusing its attention on ways and means to effectively apprehend, prosecute and punish those who are engaged in committing piracy. Capacity building not only of Somalia but also of other States in the region is an essential component of these mechanisms.

6. India has welcomed efforts for countering piracy by enhancement of regional cooperation and capacity building of states in the region. The international community needs to recognize that any effort for prosecution and imprisonment of pirates cannot succeed without the effective involvement of the States in the region. The issue of imprisonment of convicted persons can be best addressed by building prison infrastructure in the region, ideally in Somalia. It is also important to ensure that sustained and predictable financing is available to the host States to handle the financial burden of prosecuting and imprisoning convicts over long durations.

7. Ensuring sound and prompt prosecution of piracy suspects and their imprisonment subsequent to trial is critical to prevent impunity and to deter further attacks. We fully support strengthening the ongoing assistance programmes of the United Nations extended to regional states to build capacities for prosecution and imprisonment of pirates. UN assistance could focus on the three main components of legal reform, capacity building for prosecution and trial of piracy cases, effective law enforcement, and improvement of prison infrastructure in Somalia and regional States.

8. We commend the efforts of UNODC which has significantly contributed in strengthening, in Puntland and Somaliland, the law enforcement, prosecutorial and judicial capacity. We are very encouraged by the number of piracy cases successfully prosecuted in Somalia and urge UNODC to continue their good efforts.

9. We also appreciate the efforts of UNDP in increasing prison capacity and improving its safety and security in Somalia so that those held responsible for committing acts of piracy can undergo imprisonment in their own country. This would also help in the smooth rehabilitation of convicts once they are released after completing their sentences. Establishment of more such prisons will also enable of transfer of convicted persons from other countries for undergoing rest of their sentence in Somalia.

10. We welcome the States in the region who have volunteered to cooperate in the prosecution and punishment of suspected pirates. We support the establishment of any extra-territorial Somali Court outside Somalia in which Somalis have an ownership – the courts which are manned by the Somali Judges and prosecutors in accordance with Somali Law. We are happy to note from the SG's Report that the requisite expertise may be available in Somali diaspora and they are willing to contribute to the Somali cause.

Mr. President,

11. Participation of international component as judges and prosecutors in anti-piracy courts may not be a pragmatic and long term solution to the problem. Anti-piracy court cannot be equated with specialized international tribunals set up for dealing with cases of war crimes or crimes against humanity. Pirates belong to an ordinary class of criminals and they should be tried like any other criminal committing such offences on land.

12. Besides being cost effective, the approach with Somali ownership will be relatively easier to implement as it would utilize an existing jurisdiction with established crimes and procedures. The regional proximity would be useful for the purpose of the transfer of suspects by patrolling naval States, and the transfer of those convicted to third States for imprisonment.

Mr. President,

13. We fully support the finding in Annex IV of the Report that steps to disrupt land-based pirate activities and the associated financial flows are necessary in a multi-dimensional counter-piracy approach. Therefore, it is essential to investigate and prosecute individuals who provide the leadership and financial flows for the sustenance of piracy. This would require broader criminal legislation, including crimes of extortion, kidnapping, conspiracy, money laundering and financing of pirate activities. Given the limited capacity of Transitional Federal Government and other countries in the region, there is a strong need for capacity building in this area too with active collaboration of UNODC.

14. In conclusion, Mr President, we would like to emphasize that with the increased presence of international naval forces off the coast of Somalia and in the Gulf of Aden, pirates have moved to other areas and increased pirate activity has been witnessed in the larger Indian Ocean area outside IRTC). India has a strong and abiding interest in ensuring the security of maritime traffic off the Somali coast and the Gulf of Aden. We stand ready to contribute to any international efforts aimed at increasing effective cooperation among States to tackle the threat of piracy and armed robbery at sea and in safety and release of hostages taken by pirates.

Thank you.

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