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## PROTECTION OF VITAL SHIPPING LANES

### **Revised Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in the Western Indian Ocean and the Gulf of Aden Area The Jeddah Amendment to the Djibouti Code of Conduct 2017**

**Submitted by Kenya**

#### **SUMMARY**

<i>Executive summary:</i>	This document provides a background to the amendment to the Djibouti Code of Conduct on the repression of Piracy in West Indian Ocean and the Gulf of Aden hereby referred to as the "Jeddah Amendment to the Djibouti Code of Conduct 2017". It is also in line with what the signatory States resolved at the Jeddah Meeting. It seeks to highlight the meeting's request that the IMO Secretary-General perform the functions of Depository of the Record of the Jeddah Meeting and hold the Record of the Jeddah Meeting at IMO Headquarters to facilitate its signature by Member States that were not able to sign during the meeting.
<i>Strategic directions</i>	3.3, 6.1, 6.2, 6.3, 8
<i>High-level actions:</i>	3.3.1, 6.1.1, 6.1.2, 6.2.1, 6.2.3, 6.2.4, 8.0.1, 8.0.2
<i>Output:</i>	6.2.2.1
<i>Action to be taken:</i>	Paragraph 16
<i>Related documents:</i>	Resolution A.1002(25); C 118/14; C 102/14 and C 102/D, paragraph 14.3

#### **Introduction**

1 The Djibouti Code of Conduct (DCoC) was established following IMO Assembly resolution A.1002(25) which called upon Governments in the region to conclude and implement a regional mechanism with assistance of IMO to prevent, deter and suppress piracy and armed robbery against ships in waters off the coast of Somalia. The regional States expressed their commitment to the above resolution through the development of the DCoC which was signed and came into effect in 2009. The Code was signed by representatives of the Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives,

Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, the Sudan, the United Arab Emirates, the United Republic of Tanzania and Yemen, comprising 20 of the 21 countries eligible to be members of the agreement.

2 The drafters of the DCoC had the aim of creating a regional framework for the repression of piracy and armed robbery against ships. It was also meant to promote information sharing through a network of national focal points and information sharing centres. In its preamble, the Code expresses the intentions of the signatory States as a desire "*to promote greater regional cooperation and thereby enhance their effectiveness in the prevention, interdiction, prosecution and punishment of those persons engaging in piracy and armed robbery against ships on the basis of mutual respect for the sovereignty, sovereign rights, sovereign equality, jurisdiction and territorial integrity of states*".

3 The DCoC thus provided a framework for regional cooperation and capacity-building in countering piracy in the Western Indian Ocean and the Gulf of Aden region under four broad thematic pillars, namely:

- regional training;
- review of national legislation;
- information sharing; and
- capacity building.

4 It is widely acknowledged that remarkable achievements have been made through the implementation of the DCoC, all of which have greatly contributed to the suppression of piracy in the region. Indeed, three years into its implementation, piracy incidents in the region had reduced appreciably from a high of an average of 250 incidents in 2010 to around 50 in 2012.

### **Strategic developments – Amendment to the DCoC**

5 During a review of the status of the implementation of the DCoC at the first ministerial meeting held in May 2012, a high level of political willingness by the regional countries towards the aspirations of the Code was noted, exemplified by the initiation of most signatory States' review of their national legislation to allow for the criminalization of piracy.

6 At the second ministerial meeting held on 30 May 2014, the signatory States noted further gains and the increased effectiveness of the Code, and in the light of reduced piracy incidents in the region, considered the need for amendments with a view to advancing the aspirations of the Code at the regional level.

7 It was in this spirit that in 2015, the majority of the 20 signatory States to the DCoC indicated their intention to build on the experience and success of the Code in countering piracy and armed robbery against ships by widening the scope of the Code to address other aspects of maritime security and maritime law enforcement. The extraordinary technical level meeting of DCoC National Focal Points held in Djibouti on 11 and 12 November 2015 noted that, while piracy had been suppressed in the region, concerns over increasing threats from other transnational organized crimes at sea remained high. Thus, the meeting recommended extending the remit of the DCoC agreement to prevent a resurgence of piracy and to address other transnational organized crimes at sea that threaten the safety and security of navigation. This was reaffirmed by the High-level meeting of DCoC signatory States held at IMO Headquarters in London on 2 December 2015.

8 In amending the DCoC, signatory States took cognizance of the experiences of the 25 countries in West and Central Africa that had adopted the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activities in West and Central Africa (the Yaoundé Code). The implementation of the Yaoundé Code was endorsed through operative paragraphs 6 and 7 of Assembly resolution A.1069(28) on "Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea". The Yaoundé Code was based on the DCoC with additional provisions relating to a range of maritime crimes and illicit activities in addition to piracy, consistent with those detailed in the African Integrated Maritime Strategy for 2050 (AIMS 2050).

9 Bearing this in mind and in taking this forward, a sub-regional meeting on piracy, armed robbery against ships and illicit maritime activity in the Western Indian Ocean and the Gulf of Aden Area was held in Jeddah, Saudi Arabia in January 2017 as reported to C 118 (document C 118/14 (Secretary-General)).

10 Signatory States to the Jeddah Amendment to the Djibouti Code of Conduct 2017 remain deeply concerned by a range of maritime threats, some of which come under the purview of the Organization and some of which come under the purview of other United Nations agencies and international organizations. It is not lost to signatory States that this matter has also been raised at the Contact Group on Piracy off the Coast of Somalia (CGCPS) and is now the key focus for the Regional Capacity Building Working Group (RCBWG), co-chaired by the Republic of Kenya.

11 It is noted and emphasized that the Jeddah Amendment to the Djibouti Code of Conduct 2017 remains a non-binding, multidisciplinary agreement. The meeting resolved that the Secretary-General should perform the functions of Depository of the Record of the Jeddah Meeting and hold it at IMO Headquarters so as to facilitate its signature taking cognizance that this would put no additional administrative or financial burden on the Organization. It is also noted that such a role does not commit the Organization or the Secretariat to take any specific action pursuant to the Jeddah Amendment to the Djibouti Code of Conduct 2017.

12 It is further noted that, since its inception, implementation of DCoC has always been undertaken through partnerships with international agencies including the United Nations Office on Drugs and Crime (UNODC), the Food and Agriculture Organization of the United Nations (FAO), INTERPOL, the European Union (EU), the North Atlantic Treaty Organization (NATO), the U.S. Coast Guard, U.S. Naval Criminal Investigative Service and many others. Kenya notes with appreciation the immense support of the Organization towards building these partnerships. Discussions on further possible areas of collaboration with several of the agencies are already ongoing. Following the signing of the Jeddah Amendment, Kenya has hosted a number of meetings to identify areas for cooperation under the Jeddah Amendment which will be determined based on each organization's mandate and competencies.

13 It is reiterated that this step by the DCoC signatory States is consistent with Member States' obligations under Agenda 2030 for Sustainable Development and its 17 Sustainable Development Goals (SDGs) which call for action by all countries to eradicate poverty and achieve sustainable development transforming the world for the better and leaving no one behind. It has been agreed that indeed the maritime sector, which includes shipping, ports and the people that operate them, can and should play a significant role in creating conditions for increased employment, prosperity and stability. This is the spirit in which the regional States wish to cooperate under the Jeddah Amendment.

14 In line with their founding values, and being responsive to the challenges that face us in the maritime sector today, DCoC signatory States reaffirm that these amendments will go a long way in providing a framework for the concerned States' contributions in making the world humane and prosperous for generations to come by improving security in the maritime sector not just for the signatory States, but for all other countries that depend on it in one way or another for their livelihood thus leaving a lasting legacy for the region.

15 The below requests are made on behalf of the DCoC signatory States in the firm belief that such actions will help prevent a resurgence of piracy in the region and also help to combat other illicit maritime activities that affect security of navigation in the Western Indian Ocean and Gulf of Aden Area.

#### **Action requested of the Council**

16 The Council is invited to:

- .1 authorize the Secretary-General to perform the functions of Depository of the Record of the Jeddah Meeting; and
  - .2 request IMO Member States, international organizations concerned, including UNODC, FAO, United Nations Development Programme, EU, INTERPOL and others, to consider providing both financial and in-kind support for technical assistance activities to implement the Jeddah Amendment to the Djibouti Code of Conduct 2017.
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