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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

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the IMO Sub-regional meeting on piracy, armed robbery against ships and illicit maritime activity in the western Indian Ocean and the Gulf of Aden Area, held in Jeddah in January 2017
<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 18
<i>Related documents:</i>	Resolution A.1002(25); C 102/14 and C 102/D, paragraph 14.3;

Introduction

1 The Council, at its 102nd regular session, noted (C 102/14) that, pursuant to resolution A.1002(25) on *Piracy and armed robbery against ships in waters off the coast of Somalia*, a sub-regional meeting on maritime security, piracy and armed robbery against ships for Western Indian Ocean, Gulf of Aden and Red Sea States, held in Djibouti in January 2009 (the Djibouti Meeting), had adopted the Code of conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct).

2 Having noted, with appreciation, the outcome of the Djibouti Meeting and, in particular, the adoption of the Djibouti Code of Conduct and four associated resolutions, the Council authorized the Secretary-General to perform the functions of Depositary of the Record of the Djibouti Meeting and expressed appreciation to the Government of Djibouti which had hosted the Meeting, and to the States and international organizations which had supported and assisted the Meeting.

The Jeddah Meeting

3 The Council, at its 107th regular session, was advised by the Secretary-General that signatory States to the Djibouti Code of Conduct were considering options for upgrading the provisions of the Code to address a wider range of maritime security-related challenges, with a meeting to be kindly hosted by the Kingdom of Saudi Arabia scheduled for January 2017.

4 The IMO Sub-regional meeting on piracy, armed robbery against ships and illicit maritime activity in the western Indian Ocean and the Gulf of Aden Area, held in Jeddah, from 10 to 12 January 2017 (the Jeddah Meeting), was a response to recommendations made by signatory States to the Djibouti Code of Conduct to develop the Code of Conduct so that it could also address other illicit maritime activities that threaten maritime safety and security in the region, such as the trafficking of arms, drugs and wildlife, maritime terrorism, illegal, unregulated and unreported (IUU) fishing, illegal oil bunkering, crude oil theft, human trafficking and illegal dumping of toxic waste.

5 The intention was to build on the success of the Djibouti Code of Conduct and the lessons learned from countering piracy, to align the Djibouti Code with the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa (the Yaoundé Code), and to complement other regional initiatives including the Lomé Charter and the African Integrated Maritime Strategy for 2050.

6 The IMO Sub-regional meeting on piracy, armed robbery against ships and illicit maritime activity in the western Indian Ocean and the Gulf of Aden area, held in Jeddah, from 10 to 12 January 2017 (the Jeddah Meeting), was attended by 18 (out of the 21) States in the region. In addition, four States from outside the region; one United Nations body and three intergovernmental organizations attended the Meeting.

7 The Meeting was opened by Vice Admiral Awwad Eid Al-Aradi Al-Balawi, the Head of the Border Guard of the Kingdom of Saudi Arabia, who also chaired the Meeting.

8 The Meeting adopted the following resolutions, the texts of which are attached in the annex:

- .1 Resolution 1, on Adoption of the 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;
- .2 Resolution 2, on Technical cooperation and assistance;
- .3 Resolution 3, on Enhancing training in the region; and
- .4 Resolution 4, on Expressions of appreciation.

The Jeddah Amendment to the Djibouti Code of Conduct (Resolution 1)

9 The Meeting adopted a 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, which was signed on 12 January 2017 by the representatives of the Comoros, Djibouti, Ethiopia, Jordan, Madagascar, Maldives, Mozambique, Saudi Arabia, Seychelles, the United Arab Emirates, the United Republic of Tanzania and Yemen. It remains open for signature at the IMO Headquarters by other countries in the region.

10 The Revised Code, which became effective from the date it was signed (12 January 2017), includes all of the existing provisions of the Djibouti Code of Conduct and takes into account and promotes the implementation of those aspects of United Nations Security Council resolutions, United Nations General Assembly resolutions, Conventions, IMO resolutions and guidance and regional agreements that apply in the maritime domain beyond those addressing piracy and armed robbery against ships.

11 In particular, and in addition to committing to address a wider range of illicit activities defined in Article 1, the signatories to the Revised Code have agreed to implement new measures including:

- .1 Article 3 on Measures at the National Level;
- .2 Article 7 on Measures to repress Illegal, Unreported and Unregulated Fishing and associated crimes;
- .3 Article 10 on Asset Seizure and Forfeiture;
- .4 Article 14 on Training and Education; and
- .5 Article 20 on Relationship between this Code of Conduct and the Djibouti Code of Conduct.

Technical cooperation and assistance (Resolution 2)

12 Through Resolution 2, the Meeting requested States, IMO, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), the European Union (EU), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia – Information Sharing Centre (ReCAAP-ISC) and the maritime industry to provide assistance, either directly or through IMO, to those States, which require support in the effective implementation of the Revised Code of Conduct. It further requested the Secretary-General to revise the terms of reference of the Djibouti Code of Conduct Trust Fund to reflect the expanded scope of the revised Code of conduct and to seek further financial contributions thereto.

Enhancing training in the region (Resolution 3)

13 Through Resolution 3, the Meeting thanked the NATO Maritime Interdiction Operations Training Centre (NMIOTC), the European Union Naval Force (EU NAVFOR), East African Standby Force (EASF), the United Kingdom's International Peace Support Training Centre, the Humanitarian Peace Support Training Centre, Nairobi, Kenya, Saudi Arabia's Mohammed Bin Nayef Academy of Marine Science and Security Studies, the United States Naval Forces Africa, Turkey's International Maritime Security Centre of Excellence, the European Union's CRIMARIO programme and EUCAP Somalia and other United Nations agencies, plans and programmes including the United Nations Office on Drugs and Crime (UNODC), the Food and Agriculture Organization (FAO), and the United Nations Development Programme (UNDP) for their generous and ongoing support to maritime capacity building; and urged the Government of Djibouti to make the training centre in Doraleh, Djibouti, operational and available for national and regional training.

Expressions of appreciation (Resolution 4)

14 The Meeting expressed appreciation to the Government and People of the Kingdom of Saudi Arabia for their valuable contribution to the success of the Meeting; and to the Secretary-General and the Secretariat, for their tireless efforts and outstanding support for the preparation and conduct of the Meeting.

Action requested of the Secretary-General

15 The Meeting requested the Secretary-General to take a number of actions within the scope of its outcome, in particular that, as the Secretary-General is already the Depository of the Records of the Djibouti Code of Conduct, he should also serve as the Depository of the Records of the Jeddah Amendments to the Djibouti Code of Conduct. Furthermore, as with the Record of the Djibouti Meeting, the Record of the Jeddah Meeting be established in a single original text in the Arabic, English and French languages, to be deposited with him; and also that he transmits copies of the Record, together with its attachments and certified copies of the authentic text of the Jeddah Amendment to the Djibouti Code of Conduct 2017, to the Governments of the 21 States, which had been invited to attend the Meeting.

16 To give effect to the decisions of the Meeting, the Secretariat has finalized the authentic text of the Record of the Jeddah Meeting and of its attachments in the Arabic, English and French languages and action is being taken to send certified copies thereof to the States, which were invited to attend the Meeting.

17 In accordance with established practice, the Council should authorize the Secretary-General to act as Depository for the Record of the Jeddah Meeting. Subject to the decision of the Council, the Secretary-General intends to inform the States, which were invited to participate in the Jeddah Meeting (irrespective of whether they have signed the Jeddah Amendment to the Djibouti Code of Conduct 2017) and all other Member States, when a State signs the aforesaid Revised Code, although the Revised Code does not explicitly require him to do so.

Action requested of the Council

18 The Council is invited to:

- .1 note the outcome of the Jeddah Meeting and, in particular, the adoption of the Jeddah Amendment to the Djibouti Code of Conduct 2017 (which will remain open for signing at the Organization's Headquarters) and the resolutions adopted thereby (paragraphs 8 to 14);
- .2 authorize the Secretary-General to perform the functions of Depository of the Record of the Jeddah Meeting (paragraphs 15 to 17); and
- .3 express appreciation to the Government of the Kingdom of Saudi Arabia for hosting and funding the Jeddah Meeting; and to the States and international organizations, which supported and assisted the Meeting.

ANNEX

RECORD OF THE MEETING

1 The International Maritime Organization (hereinafter referred to as "Organization") convened, pursuant to the request of Signatory States to the Code of conduct concerning the repression of piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden (the Djibouti Code of conduct), a meeting to update and upgrade the aforementioned Code of conduct, which was hosted by the Government of the Kingdom of Saudi Arabia and took place in Jeddah from 10 to 12 January 2017 (hereinafter referred to as "the Jeddah Meeting").

2 The Jeddah Meeting was attended by delegations from the following States:

COMOROS	OMAN
DJIBOUTI	SAUDI ARABIA
ETHIOPIA	SEYCHELLES
FRANCE	SOMALIA
JORDAN	SOUTH AFRICA
KENYA	UNITED ARAB EMIRATES
MADAGASCAR	UNITED REPUBLIC OF
MALDIVES	TANZANIA
MAURITIUS	YEMEN
MOZAMBIQUE	

by observers from the following States:

JAPAN	UNITED KINGDOM
NORWAY	UNITED STATES

by representatives from the United Nations and the following United Nations bodies and programmes:

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

and by observers from the following intergovernmental organizations:

EUROPEAN UNION (EU)
INTERNATIONAL CRIMINAL POLICE ORGANIZATION – INTERPOL
EAST AFRICAN STANDBY FORCE

3 The purpose of the Jeddah Meeting was to consider and adopt the draft text of a revised instrument concerning the repression of piracy, armed robbery against ships and illicit maritime activity in the Western Indian Ocean and the Gulf of Aden which had been developed pursuant to the request of Signatory States to the Djibouti Code of conduct.

4 The Jeddah Meeting was opened by Vice Admiral Awwad Eid Al-Aradi Al-Balawi, the Head of the Border Guard of the Kingdom of Saudi Arabia, and Mr. Chris Trelawny, the Special Advisor to the Secretary-General of the Organization.

5 The Jeddah Meeting was chaired by Vice Admiral Awwad Eid Al-Aradi Al-Balawi, the Head of the Border Guard of the Kingdom of Saudi Arabia.

6 The Jeddah Meeting considered the draft text of the instrument referred to in paragraph 3 above and adopted a 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 meeting recognized the significant developments made since the adoption on 29 January 2009, of the Djibouti Code of conduct, which provided a firm basis for the work of the meeting.

7 During the Jeddah Meeting, a range of views were expressed and discussed regarding activities to fight against transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in the Western Indian Ocean and the Gulf of Aden Area.

8 The Jeddah Meeting, as a result of its deliberations, adopted:

Resolution 1 on ADOPTION OF THE 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

which is contained in attachment 1.

9 The Jeddah Meeting also adopted the following resolutions which are contained in attachment 2:

Resolution 2 on TECHNICAL COOPERATION AND ASSISTANCE

Resolution 3 on ENHANCING TRAINING IN THE REGION

Resolution 4 on EXPRESSIONS OF APPRECIATION

10 This record is established in a single original text in the Arabic, English and French languages, which is to be deposited with the Secretary-General of the Organization.

11 The Secretary-General of the Organization shall send copies of this record with its attachments, and certified copies of the authentic text of the Code of conduct referred to in paragraph 8 above, to the Governments of the States invited to be represented at the Jeddah Meeting.

DONE in Jeddah this twelfth day of January two thousand and seventeen.

IN WITNESS WHEREOF the undersigned, representatives of the delegations participating at the Jeddah Meeting, have signed this record.

Signed (signatures omitted) by Comoros, Djibouti, Ethiopia, France, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, United Arab Emirates, United Republic of Tanzania and Yemen.

ATTACHMENT 1

RESOLUTION 1

Adopted on 12 January 2017

ADOPTION OF THE 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 Meeting,

RECALLING that the Assembly of the International Maritime Organization (hereinafter referred to as "IMO"), at its twenty-fifth regular session, adopted, on 27 November 2007, resolution A.1002(25) on *Piracy and armed robbery against ships in waters off the coast of Somalia* which, among other things, called upon Governments in the region to conclude, in cooperation with IMO, and implement, as soon as possible, a regional agreement to prevent, deter and suppress piracy and armed robbery against ships;

RECALLING FURTHER that this led to the development of the Code of conduct concerning the repression of piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct), adopted on 29 January 2009;

RECOGNIZING that the Djibouti Code of Conduct established a firm basis for national and regional action with respect to countering piracy and armed robbery against ships, including through establishment of national focal points, the facilitation of capacity building, and transnational coordination between the signatory States, other IMO Member States, United Nations entities and international partners;

RECOGNIZING FURTHER that the implementation of the Djibouti Code of Conduct made a commendable contribution towards the international effort to repress piracy in the Western Indian Ocean and the Gulf of Aden;

RECOGNIZING ALSO the need to develop and revise the existing Djibouti Code of Conduct in view of increasing threats to maritime activities,

NOTING that the majority of the 20 signatory States to the Djibouti Code of Conduct had indicated their intention to build on the experience and success of the Djibouti Code of Conduct 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;

CONSIDERING the experience of the 25 countries in west and central Africa that adopted the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa; and

DESIRING to promote greater regional cooperation and thereby enhance their effectiveness in the prevention, interdiction, prosecution, and punishment of those persons engaging in piracy, armed robbery against ships and other illicit maritime activity on the basis of mutual respect for the sovereignty, sovereign rights, sovereign equality, jurisdiction, and territorial integrity of States;

1 ADOPTS the Revised Code of conduct concerning the repression of piracy, armed robbery against ships and other illicit maritime activity in the Western Indian Ocean and the Gulf of Aden Area (hereinafter referred to as "the Code of conduct"), as contained in the annex;

2 URGES Participating Governments to:

- .1 implement the provisions of the Code of conduct; and
- .2 within five years of the effective date of this Code of conduct, and having established national maritime security and facilitation committees and designated the national focal points referred to in Article 11, the Participants intend to consult, with the assistance of IMO, on the merit of developing a binding agreement;
- .3 engage in regular consultations with each other and with IMO to review the implementation of this Code of conduct;

3 AGREES to refer to the Code of conduct as the "Jeddah Amendment to the Djibouti Code of Conduct 2017".

ANNEX

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 Governments of Comoros, Djibouti, Egypt, Eritrea, Ethiopia, France, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, the United Arab Emirates, the United Republic of Tanzania and Yemen (hereinafter referred to as "the Participants"),

RECOGNIZING the need to develop and revise the existing Djibouti Code of Conduct in view of increasing threats to maritime activities,

CONSIDERING the relevant provisions of United Nations General Assembly resolution 70/1 on Transforming our world: the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals detailed therein and, in particular, Goal 14 "Conserve and sustainably use the oceans, seas and marine resources for sustainable development" and Goal 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels";

CONVINCED THAT international seaborne trade between Participants and other States, developing efficient ports and infrastructure, nurturing national shipping lines and promoting seafaring as a career, and developing the "blue economy", that is managing and protecting fisheries, securing offshore energy production, and creating the stable conditions that encourage investment and tourism, will help to ensure sustainable economic growth, food security, employment, prosperity and stability;

DEEPLY CONCERNED about the crimes of piracy, armed robbery against ships and other illicit maritime activity, including fisheries crime, in the Western Indian Ocean and the Gulf of Aden and the grave dangers to the safety and security of persons and ships at sea and to the protection of the marine environment arising from such acts;

REAFFIRMING that international law, as reflected in UNCLOS, sets out the legal framework applicable to maritime economic development, maritime governance and maritime law enforcement, including combating piracy, armed robbery at sea and other illicit maritime activity;

RECALLING that the Assembly of the International Maritime Organization (hereinafter referred to as "IMO"), at its twenty-fifth regular session, adopted, on 27 November 2007, resolution A.1002(25) on *Piracy and armed robbery against ships in waters off the coast of Somalia* which, among other things, called upon Governments in the region to conclude, in cooperation with IMO, and implement, as soon as possible, a regional agreement to prevent, deter and suppress piracy and armed robbery against ships;

RECALLING FURTHER that this led to the development of the Code of conduct concerning the repression of piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct), adopted on 29 January 2009;

NOTING that the General Assembly of the United Nations, at its seventy-first session, adopted, on 23 December 2016, resolution 71/257 on Oceans and the law of the sea which amongst others:

- recognizes the crucial role of international cooperation at the global, regional, sub-regional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, the prosecution of offenders with due regard to national legislation and the need for sustained capacity-building to support such objectives;
- emphasizes the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships at sea and, in the case of armed robbery against ships at sea, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships at sea, and notes with appreciation the important role of the International Maritime Organization;
- calls upon States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy;
- recognizes that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea, as well as the livelihoods and security of coastal communities;
- notes with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants, trafficking in persons and illicit trafficking in firearms, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities;
- recognizes the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants, trafficking in persons and illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;
- recognizes that illicit trafficking in wildlife is, in some cases, committed by transnational organized criminal groups using maritime routes, contributes to damage to ecosystems and livelihoods and requires enhanced regional and global cooperation and coordination in response, in accordance with international law;

- urges all States, in cooperation with the IMO, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, by bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration; and
- welcomes the recent achievements against piracy and armed robbery at sea off the coast of Somalia resulting from efforts at the global and regional levels and the significant decrease in reported incidents of piracy off the coast of Somalia, which are at the lowest level since 2006, in this regard continues to be gravely concerned by the ongoing threat that piracy and armed robbery at sea continue to pose in the region off the coast of Somalia;

NOTING that the General Assembly of the United Nations, at its seventy-first session, adopted, on 7 December 2016, resolution 71/123 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments;

NOTING ALSO that through resolution 71/123, the General Assembly of the United Nations, inter alia, emphasized once again its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renewed its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all steps necessary to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU); and noted with satisfaction the recent ratifications, acceptances and approval of and accessions to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) of the Food and Agriculture Organization of the United Nations (FAO), which have resulted in the entry into force of that Agreement;

NOTING FURTHER that the Security Council of the United Nations has adopted a number of resolutions in relation to piracy and armed robbery in waters off the coast of Somalia, transnational organized crime in the maritime domain, and other illicit maritime activity;

RECALLING the Assembly of IMO, at its twenty-second regular session, adopted, on 29 November 2001, resolution A.922(22) on the *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships* which amongst others invited Governments to develop, as appropriate, agreements and procedures to facilitate cooperation in applying efficient and effective measures to prevent acts of piracy and armed robbery against ships;

TAKING INTO ACCOUNT the Special measures to enhance maritime security adopted on 12 December 2002 by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS), including the International Ship and Port Facility Security (ISPS) Code;

INSPIRED by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia adopted in Tokyo, Japan on 11 November 2004, the original text of the Djibouti Code of Conduct adopted in Djibouti on 29 January 2009, and the Code of conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa adopted in Yaoundé, Cameroon on 25 June 2013;

RECOGNIZING the urgent need to devise and adopt effective and practical measures for the suppression of piracy, armed robbery against ships, illegal, unreported and unregulated fishing and other illicit maritime activity;

RECALLING that the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and 2005 and the associated Protocols for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (hereinafter referred to as "SUA Treaties") provide for parties to make the offences set forth in it punishable by appropriate penalties, establish jurisdiction, and accept the delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation;

DESIRING to promote greater regional cooperation between the Participants, both coastal States and landlocked States, 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;

WELCOMING the initiatives of IMO, the United Nations Office on Drugs and Crime, the United Nations Development Programme, the African Union, the European Union, the European Commission, the Indian Ocean Commission, the League of Arab States, the North Atlantic Treaty Organization, donor States and other relevant international entities to provide training, technical assistance and other forms of capacity building to assist Governments, upon request, to adopt and implement practical measures to apprehend and prosecute those persons engaging in transnational organized crime in the maritime domain, maritime terrorism, and illegal, unreported, and unregulated (IUU) fishing;

NOTING FURTHER the need for a comprehensive approach to address the poverty and instability that create conditions conducive to piracy, which includes strategies for effective environmental conservation and fisheries management, and the need to address the possible environmental consequences of piracy;

CONVINCED that the following Code of conduct will promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the western Indian Ocean and the Gulf of Aden area;

Have agreed as follows:

Article 1

Definitions

For the purposes of this Code of conduct, unless the context otherwise requires:

- 1 "Piracy" consists of any of the following acts:
 - (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
 - (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).
- 2 "Armed robbery against ships" consists of any of the following acts:
 - (a) unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
 - (b) any act of inciting or of intentionally facilitating an act described in subparagraph (a).
- 3 As defined in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing:
 - 3.1 Illegal fishing refers to activities:
 - 3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
 - 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
 - 3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

- 3.2 Unreported fishing refers to fishing activities:
- 3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - 3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.
- 3.3 Unregulated fishing refers to fishing activities:
- 3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
 - 3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

4 For the purposes of this Code of conduct, "Transnational organized crime in the maritime domain" consists of any of the following acts when committed at sea:

- (a) trafficking in arms,
- (b) trafficking in narcotics and psychotropic substances,
- (c) illegal trade in wildlife and other items in contravention of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,
- (d) piracy and armed robbery against ships,
- (e) illegal oil bunkering,
- (f) crude oil theft,
- (g) human trafficking,
- (h) human smuggling,
- (i) illegal dumping of toxic waste.

5 "Secretary-General" means the Secretary-General of the International Maritime Organization.

Article 2

Purpose and Scope

1 Consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, the Participants intend to cooperate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea with a view towards:

- (a) sharing and reporting relevant information;
- (b) interdicting ships and/or aircraft suspected of engaging in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea;
- (c) ensuring that persons committing or attempting to commit transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea are apprehended and prosecuted; and
- (d) facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea, particularly those who have been subjected to violence.

2 The Participants intend this Code of conduct to be applicable in relation to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in the Western Indian Ocean and the Gulf of Aden area.

3 The Participants shall carry out their obligations and responsibilities under this Code of conduct in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

4 Operations to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in and over the territorial sea of a Participant are the responsibility of, and subject to the sovereign authority of that Participant.

Article 3

Measures at the National Level

1 The Participants intend to develop and implement, as necessary:

- (a) A national strategy for the development of the maritime sector and a sustainable "blue economy" that generates revenue, employment and stability;
- (b) Appropriate national maritime security policies to safeguard maritime trade from all forms of unlawful acts;

- (c) National legislation, practices and procedures, informed by national maritime threat assessments, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels; and
- (d) National legislation which ensures effective protection of the marine environment and sustainable management of marine living resources,

2 The Participants intend to establish, as necessary, a multi-agency, multi-disciplinary national maritime security and facilitation committee or other system for coordinating the related activities between the departments, agencies, control authorities, and other organizations of the State, port operators, Companies and other entities concerned with, or responsible for the implementation of, compliance with, and enforcement of, measures to fight transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea.

3 The Participants intend to establish designated authorities for maritime security ashore, including, establishing in all national ports, port security and facilitation committees charged with implementing national policies on security, border controls, health and safety and trade facilitation, pursuant to relevant international conventions and agreements¹.

4 The Participants intend to establish, as necessary, a national maritime security plan with related contingency plans (or other system) for harmonizing and coordinating the implementation of security measures designed to enhance the security in the international maritime transport sector with those of other modes of transport.

5 The Participants intend to prosecute, in their domestic courts and in accordance with relevant domestic laws, perpetrators of all forms of piracy and unlawful acts, including IUU fishing, against seafarers, ships, port facility personnel and port facilities,

6 The organization and functioning of this national system is exclusively the responsibility of each State, in conformity with applicable laws and regulations.

Article 4

Protection Measures for Ships

The Participants intend to encourage States, ship owners, and ship operators, where appropriate, to take protective measures against transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea, taking into account the relevant international Conventions, Codes, Standards and Recommended Practices, and guidance adopted by IMO and the maritime industry. The Participants intend to cooperate in the implementation of measures to protect ships.

¹ Such conventions and agreements could include, but are not limited to, the Special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code; the Convention on the Facilitation of International Maritime Transport, 1965, as amended; and the ILO/IMO Code of Practice on Security in Ports.

Article 5

Measures to Repress Piracy

- 1 The provisions of this Article are intended to apply only to piracy.
- 2 For purposes of this Article and of Article 12, *pirate ship* means a ship intended by the persons in dominant control to be used for the purpose of committing piracy, or if the ship has been used to commit any such act, so long as it remains under the control of those persons.
- 3 Consistent with Article 2, each Participant to the fullest possible extent intends to cooperate in:
 - (a) arresting, investigating, and prosecuting persons who have committed piracy or are reasonably suspected of committing piracy;
 - (b) seizing pirate ships and/or aircraft and the property on board such ships and/or aircraft; and
 - (c) rescuing ships, persons, and property subject to piracy.
- 4 Any Participant may seize a pirate ship beyond the outer limit of any State's territorial sea, and arrest the persons and seize the property on board.
- 5 Any pursuit of a ship, where there are reasonable grounds to suspect that the ship is engaged in piracy, extending in and over the territorial sea of a Participant is subject to the authority of that Participant. No Participant should pursue such a ship in or over the territory or territorial sea of any coastal State without the permission of that State.
- 6 Consistent with international law, the courts of the Participant which carries out a seizure pursuant to paragraph 4 may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship or property, subject to the rights of third parties acting in good faith.
- 7 The Participant which carried out the seizure pursuant to paragraph 4 may, subject to its national laws, and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Participant to enforce its laws against the ship and/or persons on board.
- 8 Unless otherwise arranged by the affected Participants, any seizure made in the territorial sea of a Participant pursuant to paragraph 5 should be subject to the jurisdiction of that Participant.

Article 6

Measures to Repress Armed Robbery against Ships

- 1 The provisions of this Article are intended to apply only to armed robbery against ships.
- 2 The Participants intend for operations to suppress armed robbery against ships in the territorial sea and airspace of a Participant to be subject to the authority of that Participant, including in the case of hot pursuit from that Participant's territorial sea or archipelagic waters in accordance with Article 111 of UNCLOS.

3 The Participants intend for their respective focal points and Centres (as designated pursuant to Article 11) to communicate expeditiously alerts, reports, and information related to armed robbery against ships to other Participants and interested parties.

Article 7

Measures to repress Illegal, Unreported and Unregulated Fishing and associated crimes

1 The Participants intend to consult at the bilateral and sub-regional levels in the formulation and harmonization of policies to ensure the sustainable use of marine living resources that straddle national maritime zones, or which are highly migratory, or occur on the high seas. Participants shall develop and harmonize measures particularly on:

- (a) Port state measures, including ratification, approval and accession to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA);
- (b) Mandatory vessel tracking, such as vessel monitoring systems (VMS) and automatic identification systems (AIS) for all vessels fishing outside of their national jurisdiction;
- (c) Mechanisms for sharing VMS information from these systems through secure channels with appropriate authorities;
- (d) Mandatory identification of all vessels fishing outside of their national jurisdiction and keeping of accurate and updated national vessel registers;
- (e) Ensure a due diligence process for their vessels intending to fish in waters outside their national jurisdiction i.e. inside national waters of a third country and/or in the High Seas;
- (f) Strict regulation of transshipment activities, particularly at sea;
- (g) Control over the activities of nationals involved in fishing activities independently of the nationality of the vessel, or the waters they fish in;
- (h) Ensuring compliance with flag State obligations as described in FAO Voluntary Guidelines on Flag State performance.

2 The Participants intend to cooperate and collaborate among themselves and with the sub-regional fisheries bodies, the FAO and other relevant international organizations on preventing and combating illegal, unreported and unregulated fishing, and associated crimes to protect fisheries resources for sustainable long term utilization to sustain livelihoods in the Western Indian Ocean and the Gulf of Aden area. In particular, the Participants intend to:

- (a) Integrate activities related to combating IUU fishing in other international, regional and sub-regional initiatives related to repressing transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea;

- (b) Participate fully in relevant international projects and initiatives, such as INTERPOL Environmental Crime Project Scale, an international initiative to detect, suppress and combat fisheries crimes;
- (c) Form Task Forces or other mechanisms to facilitate the sharing and analysis of information and intelligence, and collaborative action against illegal operators within the fisheries sector to include cooperation with other agencies, bodies and States relevant to crimes in the fisheries domain.

Article 8

Measures in All Cases

1 The Participants intend that any measures taken pursuant to this Code of conduct should be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being in government service and authorized to that effect.

2 The Participants recognize that multiple States, including the flag State, State of suspected origin of the perpetrators, the State of nationality of persons on board the ship, and the State of ownership of cargo may have legitimate interests in cases arising pursuant to Articles 5 and 6. Therefore, the Participants intend to liaise and cooperate with such States and other stakeholders, and to coordinate such activities with each other to facilitate the rescue, interdiction, investigation, and prosecution.

3 The Participants intend, to the fullest possible extent, to conduct and support the conduct of investigations in cases of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea taking into account the relevant international standards and practices, and, in particular, recommendations² adopted by IMO.

4 The Participants intend to cooperate to the fullest possible extent in medical and decedent affairs arising from operations in furtherance of the repression of piracy and armed robbery against ships.

Article 9

Embarked Officers

1 In furtherance of operations contemplated by this Code of conduct, a Participant (hereafter referred to as "the designating Participant") may nominate law enforcement or other authorized officials (hereafter referred to as "the embarked officers") to embark in the patrol ships or aircraft of another Participant (hereafter referred to as "the host Participant") as may be authorized by the host Participant.

2 The embarked officers may be armed in accordance with their national law and policy and the approval of the host Participant.

3 When embarked, the host Participant should facilitate communications between the embarked officers and their headquarters, and should provide messing and quarters for the embarked officers aboard the patrol ships or aircraft in a manner consistent with host Participant personnel of the same rank.

² Resolution A.922(22) on the *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships* as it may be revised.

4 Embarked officers may assist the host Participant and conduct operations from the host Participant ship or aircraft if expressly requested to do so by the host Participant, and only in the manner requested. Such request may only be made, agreed to, and acted upon in a manner that is not prohibited by the laws and policies of both Participants.

5 When duly authorized by the host participant, embarked officers may:

- (a) embark on law enforcement vessels of any of the Participants;
- (b) enforce the laws of the designating Participant to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea in the waters of the designating Participant, or seaward of its waters in the exercise of the right of hot pursuit or otherwise in accordance with international law;
- (c) authorize the entry of the law enforcement vessels on which they are embarked into and navigation within the waters of the designating Participant;
- (d) authorize the law enforcement vessels on which they are embarked to conduct patrols in the waters of the designating Participant;
- (e) authorize law enforcement officials of the vessel on which the embarked officer is embarked to assist in the enforcement of the laws of the designating Participant to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea; and
- (f) advise and assist law enforcement officials of the other Participant in the conduct of boarding of vessels to enforce the laws of the other Participant to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea.

Article 10

Asset Seizure and Forfeiture

1 Assets seized, confiscated or forfeited in consequence of any law enforcement operation pursuant to this Code of conduct, undertaken in the waters of a Participant, should be disposed of in accordance with the laws of that Participant.

2 Should a flag State Participant have consented to the exercise of jurisdiction by another Participant pursuant to Article 13, assets seized, confiscated or forfeited in consequence of any law enforcement operation of any Participant pursuant to this Code of conduct should be disposed of in accordance with the laws of the boarding Participant.

3 To the extent permitted by its laws and upon such terms as it deems appropriate, a Participant may, in any case, transfer forfeited property or proceeds of their sale to another Participant or an intergovernmental body specialising in the fight against transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea.

Article 11

Coordination and Information Sharing

1 Each Participant should designate a national focal point to represent the national maritime security and facilitation committee and to facilitate coordinated, timely, and effective information flow among the Participants consistent with the purpose and scope of this Code of conduct. In order to ensure coordinated, smooth, and effective communications between their designated focal points, the Participants intend to use the piracy information exchange centres Kenya, the United Republic of Tanzania and Yemen (hereinafter referred to as "the Centres"). The Centres in Kenya and the United Republic of Tanzania are situated in the maritime rescue coordination centre in Mombasa and the sub-regional coordination centre in Dar es Salaam, respectively. The Centre in Yemen is situated in the Regional Maritime Information Sharing Centre (ReMISC) in Sana'a. Each Centre and designated focal point should be capable of receiving and responding to alerts and requests for information or assistance at all times. Participants are also encouraged to make full use of other national and regional initiatives that promote communication, coordination and cooperation, both civilian and military.

2 Each Participant intends to:

- (a) declare and communicate to the other Participants its designated focal point(s) at the time of signing this Code of conduct or as soon as possible after signing, and thereafter update the information as and when changes occur;
- (b) provide and communicate to the other Participants the telephone numbers, telefax numbers, and email addresses of its focal point, and, as appropriate, of its Centre and thereafter update the information as and when changes occur; and
- (c) communicate to the Secretary-General the information referred to in subparagraphs (a) and (b) and thereafter update the information as and when changes occur.

3 Each Centre and focal point should be responsible for its communication with the other focal points and the Centres. Any focal point which has received or obtained information about an imminent threat of, or an incident of, transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea, or any other action that requires an urgent response including shipping accidents, should promptly disseminate an alert with all relevant information to the Centres. The Centres should disseminate appropriate alerts within their respective areas of responsibility regarding imminent threats or incidents to ships.

4 Each Participant should ensure the smooth and effective communication between its designated focal point, the national maritime security and facilitation committee and competent national authorities for maritime safety, security, and protection of the marine environment as well as relevant non-governmental organizations.

5 Each Participant should make every effort to require ships entitled to fly its flag and the owners and operators of such ships to promptly notify relevant national authorities, including the designated focal points and Centres, the appropriate search and rescue

coordination centres and other relevant the contact points³, of incidents of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea.

6 Each Participant intends, upon the request of any other Participant, to respect the confidentiality of information transmitted from a Participant.

7 To facilitate implementation of this Code of conduct, the Participants intend to keep each other fully informed concerning their respective applicable laws and guidance, particularly those pertaining to the interdiction, apprehension, investigation, prosecution, and disposition of persons involved in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea. The Participants may also undertake and seek assistance to undertake publication of handbooks and convening of seminars and conferences in furtherance of this Code of conduct.

Article 12

Incident Reporting

1 The Participants intend to undertake development of uniform reporting criteria in order to ensure that an accurate assessment of the threat of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea in the Western Indian Ocean and the Gulf of Aden is developed. Such reporting criteria should take into account the recommendations^{4,5} adopted by IMO. The Participants intend for the Centres to manage the collection and dissemination of this information in their respective geographic areas of responsibility.

2 Consistent with its laws and policies, a Participant conducting a boarding, investigation, prosecution, or judicial proceeding pursuant to this Code of conduct should promptly notify any affected flag and coastal States and the Secretary-General of the results.

3 The Participants intend for the Centres to:

- (a) collect, collate and analyse the information transmitted by the Participants concerning transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea, including other relevant information relating to individuals and transnational organized criminal groups committing such acts in their respective geographical areas of responsibility; and
- (b) prepare statistics and reports on the basis of the information gathered and analysed under subparagraph (a), and to disseminate them to the Participants, the shipping community, and the Secretary-General.

³ For example the Maritime Liaison Office Bahrain (MARLO), the United Kingdom Maritime Trade Office Dubai (UKMTO), the Maritime Security Centre-Horn of Africa (MSCHOA), the NATO Shipping Centre, the Seychelles Coast Guard and centre in Madagascar.

⁴ MSC/Circ.1333/Rev.1 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships as it may be revised.

⁵ MSC/Circ.1334 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships as it may be revised.

Article 13

Assistance among Participants

1 A Participant may request any other Participant, through the Centres or directly, to cooperate in detecting any of the following persons, ships, or aircraft:

- (a) persons who have committed, or are reasonably suspected of committing, transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea;
- (b) pirate ships, where there are reasonable grounds to suspect that those ships are engaged in piracy;
- (c) other ships or aircraft, where there are reasonable grounds to suspect that those ships or aircraft are engaged in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, or other illegal activities at sea; and
- (d) ships or persons who have been subjected to piracy or armed robbery against ships.

2 A Participant may also request any other Participant, through the Centres or directly, to take effective measures in response to reported acts of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea.

3 Cooperative arrangements such as joint exercises or other forms of cooperation, as appropriate, may be undertaken as determined by the Participants concerned.

4 Capacity building cooperation may include technical assistance such as educational and training programmes to share experiences and best practice.

Article 14

Training and Education

1 The Participants intend to cooperate on the development and promotion of training and educational programs on security-related matters in respect of the management of the marine domain, particularly for the maintenance of safety and law and order at sea, and the preservation and protection of the marine environment and sustainable use of marine living resources. Such cooperation might include:

- (a) Coordination of training activities through a system of national focal points and under the Djibouti Regional Maritime Training Centre Coordination Mechanism;
- (b) the offer of places on national training courses to other States, subject to payment of relevant costs;
- (c) sharing curriculum and course information;

- (d) the exchange of naval and law enforcement personnel, scientists and other experts;
- (e) the exchange of views on maritime issues;
- (f) holding conferences, seminars, workshops and symposia on maritime subjects of common interest; and
- (g) fostering cooperation among maritime training institutions and research centres

2 Participants are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

Article 15

Review of National Legislation

Participants are encouraged to incorporate in national legislation, transnational organized crime in the maritime domain, and other illegal activities as defined in Article 1 of this Code of conduct, in order to ensure, as appropriate, effective indictment, prosecution and conviction in the territory of the Participants; and to facilitate extradition or handing over when prosecution is not possible. Each Participant intends to develop adequate guidelines for the exercise of jurisdiction, conduct of investigations, and prosecution of alleged offenders.

Article 16

Dispute Settlement

The Participants intend to settle by consultation and peaceful means amongst each other any disputes that arise from the implementation of this Code of conduct.

Article 17

Consultations

1 Within five years of the effective date of this Code of conduct, and having established national maritime security and facilitation committees and designated the national focal points referred to in Article 11, the Participants intend to consult, with the assistance of IMO, on the merit of developing a binding agreement.

2 The Participants shall engage in regular consultations with each other and with IMO to review the implementation of this Code of conduct.

Article 18

Claims

Any claim for damages, injury or loss resulting from an operation carried out under this Code of conduct should be examined by the Participant whose authorities conducted the operation. If responsibility is established, the claim should be resolved in accordance with the national law of that Participant, and in a manner consistent with international law, including Article 106 and paragraph 3 of Article 110 of UNCLOS.

Article 19

Miscellaneous Provisions

Nothing in this Code of conduct is intended to:

- (a) create or establish a binding agreement, except as noted in Article 17;
- (b) affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag;
- (c) affect the immunities of warships and other government ships operated for non-commercial purposes;
- (d) apply to or limit boarding of ships conducted by any Participant in accordance with international law, beyond the outer limit of any State's territorial sea, including boardings based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action;
- (e) preclude the Participants from otherwise agreeing on operations or other forms of cooperation to repress piracy and armed robbery against ships;
- (f) prevent the Participants from taking additional measures to repress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, or other illegal activities at sea through appropriate actions in their land territory;
- (g) supersede any bilateral or multilateral agreement or other cooperative mechanism concluded by the Participants to repress piracy and armed robbery against ships;
- (h) alter the rights and privileges due to any individual in any legal proceeding;
- (i) create or establish any waiver of any rights that any Participant may have under international law to raise a claim with any other Participant through diplomatic channels;
- (j) entitle a Participant to undertake in the territory of another Participant the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other Participant by its national law;

- (k) prejudice in any manner the positions and navigational rights and freedoms of any Participant regarding the international law of the sea;
- (l) be deemed a waiver, express or implied, of any of the privileges and immunities of the Participants to this Code of conduct as provided under international or national law; or
- (m) preclude or limit any Participant from requesting or granting assistance in accordance with the provisions of any applicable Mutual Legal Assistance Agreement or similar instrument.

Article 20

Relationship between this Code of conduct and the Djibouti Code of Conduct

This revised Code of conduct will supersede the Djibouti Code of Conduct as between the Participants to this Code of conduct which are also Participants to the Djibouti Code of Conduct.

Article 21

Signature and Effective Date

1 The Code of conduct is open for signature by Participants on 12 January 2017 and at the Headquarters of IMO from 16 January 2017.

2 The Code of conduct will become effective upon the date of signature by two or more Participants and effective for subsequent Participants upon their respective date of deposit of a signature instrument with the Secretary-General.

Article 22

Languages

This Code of conduct is established in the Arabic, English and French languages, each text being equally authentic.

DONE in Jeddah this twelfth day of January two thousand and seventeen.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Code of conduct.

Signed (signatures omitted) in Jeddah on 12 January 2017 by Comoros, Djibouti, Ethiopia, Jordan, Madagascar, Maldives, Mozambique, Saudi Arabia, Seychelles, the United Arab Emirates, the United Republic of Tanzania and Yemen.

ATTACHMENT 2

RESOLUTION 2

Adopted on 12 January 2017

TECHNICAL COOPERATION AND ASSISTANCE

The Jeddah Meeting,

HAVING ADOPTED the Revised Code of conduct concerning the repression of piracy, armed robbery against ships and other illicit maritime activity in the Western Indian Ocean and the Gulf of Aden Area (hereinafter referred to as "the Code of conduct"),

DESIRING to promote the wide acceptance and efficient and effective implementation of the Code of conduct,

RECOGNIZING the need for the development of appropriate national legislation and the putting in place of appropriate organizational, administrative and operational procedures and arrangements,

RECOGNIZING FURTHER that there may be limited facilities and training programmes for obtaining the experience required, particularly in developing countries and small island developing States,

BELIEVING that the promotion of technical cooperation at the international level will assist those States not yet having adequate expertise or facilities for providing training and experience to put in place or enhance appropriate infrastructure and, in general, implement the Code of conduct,

EMPHASIZING, in this regard, the grave threat piracy, armed robbery against ships and other illicit maritime activity, including fisheries crime, can pose to the safety of navigation, seafarers and to the marine environment, if not repressed promptly and effectively,

1 URGES Member States of the International Maritime Organization (hereinafter referred to as "IMO"), other appropriate organizations and the maritime industry to provide assistance, either directly or through IMO, to those States which require support in the effective implementation of the Code of conduct;

2 INVITES the Secretary-General of IMO to make adequate provision in the Organization's Integrated Technical Co-operation Programme for advisory services related to the effective implementation of the Code of conduct and, in particular, to address requests for assistance in developing appropriate national legislation;

3 REQUESTS the Secretary-General of IMO to revise the terms of reference of the Djibouti Code of Conduct Trust Fund to reflect the expanded scope of the revised Code of conduct and to seek further financial contributions thereto;

4 INVITES Participants to develop clear proposals for projects to implement efficiently the Code of conduct;

5 ALSO INVITES Member States of IMO, and other international organizations concerned including the **United Nations Office on Drugs and Crime**, United Nations Development Programme, European Union and Regional Co-operation Agreement on Combating Piracy and Robbery Against Ships in Asia – Information Sharing Centre and the maritime industry to provide financial and in-kind support for technical assistance activities related to the effective implementation of the Code of conduct; and

6 FURTHER INVITES Member States of IMO to take appropriate action within all available frameworks and mechanisms to prevent and repress illegal activities offshore that impact peace and stability throughout the western Indian Ocean and the Gulf of Aden area

RESOLUTION 3

Adopted on 12 January 2017

ENHANCING TRAINING IN THE REGION

The Jeddah Meeting,

ACKNOWLEDGING that best results towards implementation of the provisions of the Revised Code of conduct concerning the repression of piracy, armed robbery against ships and other illicit maritime activity in the Western Indian Ocean and the Gulf of Aden (hereinafter referred to as "the Code of conduct") in a uniform manner may be achieved through the provision of proper training to officials designated by the Governments;

1 THANKS the NATO Maritime Interdiction Operations Training Centre (NMIOTC), the European Union Naval Force (EU NAVFOR), East African Standby Force (EASF), the United Kingdom's International Peace Support Training Centre, the Humanitarian Peace Support Training Centre, Nairobi, Kenya, Saudi Arabia's Mohammed Bin Nayef Academy of Marine Science and Security Studies, United States Naval Forces Africa, Turkey's International Maritime Security Centre of Excellence, the European Union's CRIMARIO programme and EUCAP Somalia and other United Nations agencies, plans and programmes including the United Nations Office on Drugs and Crime (UNODC), the Food and Agriculture Organization (FAO), and the United Nations Development Programme (UNDP) for their generous and ongoing support to maritime capacity building;

2 THANKS the Djibouti Regional Maritime Training Centre organization for its efforts to coordinate training in the Western Indian Ocean and the Gulf of Aden area;

3 URGES the Government of Djibouti to make the training centre in Doraleh, Djibouti, operational and available for national and regional training;

4 RECOMMENDS that the Secretary-General of the International Maritime Organization (hereinafter referred to as "IMO") continue to develop and promote training courses appropriate to the wide, effective and uniform implementation of the provisions of the Code of conduct;

5 ENCOURAGES signatory States to cooperate on the development and promotion of training and educational programs for the management of the marine environment, particularly for the maintenance of safety, security and law and order at sea, and to exchange information on their training programmes and best practices with each other; and

6 ENCOURAGES Member States of IMO, international organizations and regional organizations to cooperate with the Secretary-General of IMO for the purpose of implementing this resolution in due course.

RESOLUTION 4

Adopted on 12 January 2017

EXPRESSIONS OF APPRECIATION

The Jeddah Meeting,

ACKNOWLEDGING the kind invitation of the Government of the Kingdom of Saudi Arabia to the Secretary-General of the International Maritime Organization (hereinafter referred to as "IMO") to hold the Meeting in Jeddah,

ACKNOWLEDGING ALSO the generous in-kind contribution and excellent arrangements made by the Government of the Kingdom of Saudi Arabia for the Meeting, as well as the hospitality and other amenities provided by the Government and People of the Kingdom of Saudi Arabia,

EXPRESS APPRECIATION to:

- .1 the Government and People of the Kingdom of Saudi Arabia for their valuable contribution to the success of the Meeting; and
- .2 the Secretary-General of IMO, and especially the staff of the IMO Secretariat, for their tireless efforts and outstanding support for the preparation and conduct of the Meeting.
