

**Djibouti Code of Conduct
High Level Regional Meeting on Capacity Building Coordination for enhanced
Maritime Security in the West Indian Ocean and Gulf of Aden, and Donor Forum**

Mombasa, Kenya

13 - 14 November 2019

Record of the Meeting

1. The International Maritime Organization (IMO), 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 (Djibouti Code of Conduct), the Signatory States to the Jeddah Amendment to the Djibouti Code of Conduct, 2017 (Jeddah Amendment), and States eligible to sign these instruments (Participants), convened a Regional Meeting on Capacity Building Coordination for Enhanced Maritime Security in the Western Indian Ocean and Gulf of Aden, and a Donor Forum.

2. Participants recalled that the 22nd plenary of the Contact Group on Piracy off the Coast of Somalia (CGPCS), held in Mauritius on 20 June 2019, resolved that the work of the Regional Capacity Building Coordination Working Group (RCBWG) be absorbed within the DCoC mechanism, with a view to enhancing efficiency and avoiding duplication of effort.

3. Participants noted the draft recommendations of the Extraordinary Meeting of the Regional Capacity Building Coordination Working Group and Djibouti Regional Coordination Committee (the Extraordinary Meeting)¹, held at the Djibouti Regional Training Centre on 14-15 October, to establish a mechanism for steering the day-to-day work of the DCoC/DCoC Jeddah Amendment (JA) and improving timely and efficient follow-up of agreed actions, to be comprised of:

- A DCoC steering committee led by a chair and co-chair;
- A working group on capacity-building coordination to spearhead work on capacity building coordination, including training; and
- A working group on information sharing to spearhead work on an agreed plan to strengthen the DCoC information-sharing network to meet the objectives of the JA.

4. The meeting was attended by representatives from the following participating States:

COMOROS	DJIBOUTI	ETHIOPIA
FRANCE	JORDAN	KENYA
MADAGASCAR	MOZAMBIQUE	SAUDI ARABIA
SEYCHELLES	SOUTH AFRICA	SOMALILAND (Observer)
TANZANIA	YEMEN	

by observers from the following States:

CANADA	DENMARK	FRANCE
USA	UNITED KINGDOM	

and by observers from the following intergovernmental and nongovernmental organizations:

¹ See Appendix 2

AFRICAN UNION
COMBINED MARITIME FORCES (CTF 151)
CRIMARIO
EUROPEAN UNION NAVAL FORCE SOMALIA (OP ATALANTA) (EU NAVFOR)
INDIAN OCEAN COMMISSION (IOC)
INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)
UNODC (GLOBAL MARITIME CRIME PROGRAMME)
UNSOM
UKMTO

5. The objective of the meeting was to strengthen the DCOC and create a robust governance mechanism to enhance national and regional capabilities to improve maritime security and law enforcement. A further objective was to engage with donors and discuss the region's capacity-building priorities and to understand which of these priorities and thematic areas donors were willing to support, along with their implementing partners. In order to achieve these objectives and the recommendations from the Extraordinary Meeting, the meeting focused on a number of key themes:

- the regional maritime threat;
- DCOC governance issues;
- maritime domain awareness and information sharing; and
- coordination of effort (capacity building and training).

6. The meeting was opened by the Director General of the Kenya Maritime Authority (The Host) followed by the Cabinet Secretary for Defence of Kenya, Ambassador Raychelle Omamo, SC, EGH followed by the Permanent Secretary for Shipping and Maritime Affairs Nancy Karigithu and for the IMO Tracy Peverett, Deputy Director, Maritime Security and Facilitation, Maritime Safety Division. Opening comments are attached at Appendices 1a to 1c.

7. Proposed by The Kingdom of Saudi Arabia, the meeting elected Ambassador Raychelle Omamo as the meeting Chair. In response to a request for clarification from the South Africa representative as to whether the meeting was a high-level meeting or a workshop, it was confirmed that the meeting was a high-level meeting, following which adoption of the Agenda was proposed by South Africa and seconded by Seychelles and Madagascar and carried. The Agenda is attached at Appendix 3.

Session 1 – Regional Threat Update

8. To set the scene for subsequent discussions and to provide an information update to National Focal Points (NFP), a regional threat brief was given by ACOS CJ3 EUNAVFOR (Captain Tomas Fraiou) and Commander CTF 150 (Commodore Ahlgren).

9. ACOS CJ3 noted that many EU ships call on the port of Mombasa and thanked Kenya for the support received. OP ATALANTA is a seaborne operation for counter-piracy. The Mission is to gather information on piracy activities, intentions and capability. Operations are supported by Somalia, and there is cooperation with Somalia Law Enforcement agencies. He cautioned that piracy is contained but not eradicated. Piracy networks still exist but because of naval forces in the region, cooperation by DCoC countries and best management practice by the shipping industry, piracy operations are constrained.

10. ACOS CJ3 also advised that Somalia had considerable challenges in its battle against Al Shabaab and that its ability to control its maritime space was weak and under-resourced to face not just piracy challenges, but those posed by other maritime threats. He noted that EU Member States were supportive of continuing with OP ATALANTA and there was a possibility

that the mission might be expanded to address other threats, such as drugs trafficking, human trafficking and smuggling, and also commented that there is a connection between piracy and other organized crime.

11. Commander of Task Force 150 (Commodore Ahlgren) addressed regional threats faced by DCOC members. He explained that CTF 150 was part of Combined Maritime Forces (CMF), which is a coalition of 33 willing nations that covers the Indian Ocean, Red Sea, and key straits. His mission covered narcotics interdiction, arms and human trafficking, piracy and illegal fishing. He noted it is difficult to police IUU fishing, which impacts negatively on local fishermen and may drive them into illegal activities. He confirmed that the CMF view is that piracy has not been eradicated and there is therefore an ongoing need to continue to take responsive action, including to address the root cause of the problem. In his briefing related to terrorism, the Commander stated that all the regional terrorist groups (Al Qaeda, ISIS and ISIL, AL Shabaab) use or are supported by the sea and that attacks from the sea are therefore likely. He also discussed regional conflicts and disputes and the impact the conflict in Yemen is having in the region, particularly with respect to driving a requirement for humanitarian assistance by sea and air and the threat to vessels in the area. The smuggling and exploitation of people seeking a new life has brought new challenges to the region, as has smuggling of weapons (small arms to heavy weapons), narcotics and charcoal sanctions. It is estimated that only 10% of what is being trafficked is interdicted. Illegal charcoal exported from Somalia to Gulf States accounts for about \$10m in income to terrorists annually. In conclusion he noted that maritime security cannot be achieved by one entity, there is need for concerted efforts amongst nations and partners.

Session 2 – The success of the DCOC, and updates and outcomes from recent meetings

12. The representative from The Kingdom of Saudi Arabia identified that this was the 7th meeting since the revised Code of Conduct had been signed in Jeddah. He noted that with the implementation of the Code there had been an improvement in inter-agency work, supported by strong national political will. The Code has drawn attention to and precipitated the review of national maritime legislation in some countries. Whilst far from perfect, there have been improvements in and increased awareness of the need for information flows between agencies and between countries of the DCOC. He noted that adopting a holistic approach to address maritime challenges had improved trust and confidence as well as working relations with other international and national organs, so much so that capacity building had increased with partners such as IMO, UNODC, GMCP, EU CRIMARIO and INTERPOL, and there was greater donor interest in assisting DCOC countries in addressing the wider maritime security threats articulated within the DCOC (JA). Joint Maritime Exercises by countries bordering the Red Sea was a good example of the DCOC(JA) spirit. He concluded that the DCOC(J) moto should be: *If your neighbour is not safe, you are not safe. If your neighbour is not secure you are not secure.*

13. IMO reminded the participants that DCoC (JA) came about because of the threat of piracy emanating from the coast of Somalia, which had become a threat to safety and security of International shipping, seafarers and countries in the region. The DCoC objectives were to review national legislation, build capacity for national cooperation, and enhance information sharing. The aim of the DCOC capacity-building meetings is to explore the priorities identified by member states and align them with those of the DCOC. To date, DCOC's main strengths and success have been:

- creation of the National Focal point network, which has improved collaboration and reduced barriers;
- creation of information-sharing networks;
- improved civil/military cooperation; and
- the creation of the DCoC Trust Fund.

14. All efforts have greatly contributed to the reduction of piracy off the Western coast of the Indian Ocean, and since 2012 there has not been a successful piracy attack. In total, 83 courses have been conducted to support member states in building their capacity. However, threats and priorities continue to evolve. The interventions of the DCoC did not address the root cause of the problem, or the connection between piracy and other maritime security threats. The Jeddah amendments were therefore signed on 12 January 2017 as a positive action to avoid the resurgence of piracy and address other threats to security in the maritime domain.

15. The strong foundation of the Code is based on national capacity, envisaging uniform implementation at the national level, together with the strong linkage of security and development. Stating that there is no security without development and no development without security, the representative from The Kingdom of Saudi Arabia identified some key lessons learned to date:

- no one agency has the monopoly of the maritime domain;
- multi-agency maritime security (and facilitation) committees are key to having all agencies work together; and
- development of national maritime strategies is also a critical component to success, as are legal frameworks, improved information sharing and domain awareness, and recognizing the importance of security as fundamental to a strong blue economy.

16. Critical measures common to all DCOC members were identified as:

- information-sharing networks need to be improved, including developing frameworks with respect to how to share sensitive information; and
- every participating country must establish a national information sharing centre that would be in contact with other national and regional centres.

17. Identified common priorities at the national level were:

- maritime domain awareness;
- integrated maritime awareness;
- common standing operating procedures (national and regional);
- building political will;
- improved interagency cooperation; and
- reviewing national cooperation.

Session 3 – Recommendations from the Extraordinary Meeting

18. The Director General of the Kenya Coast Guard Service (KCGS) outlined the recommendations from the Extraordinary Meeting. The aim of the meeting was to develop and recommend a governance structure to enable the region to take the lead in spearheading the implementation of agreed priorities under the amended code and to give strategic direction and guidance to the Secretariat (currently IMO) in carrying out the day-to-day functions in support of the implementation of the DCoC(JA). The full recommendations are at Appendix 2.

Recommendations:

19. Establishment of a DCOC governing structure for the implementation of the DCOC(JA) to provide strategic leadership for the day-to-day implementation of the DCOC(JA), including:

- a governance structure-organogram;
- previously agreed priorities; and
- enhancing the DCOC information-sharing network.

20. Establishment of two working groups:
- information sharing working group; and
 - capacity building working group (inherited from CGPCS – RCBWG). This working group could possibly be divided into sub committees on training and capacity building.

Session 4 – Establishing a DCOC Steering Committee

21. After considerable debate about the mechanics and role of a DCOC Steering Committee it was agreed to follow the recommendations of the Extraordinary Meeting and establish a DCOC Steering Committee (proposed by Comoros).

22. It was agreed that the DCOC Steering Committee would comprise six members: two from each region. By unanimous agreement the following countries agreed to serve on the committee:

- Northern Region: Saudi Arabia and Djibouti.
- Central Region: Kenya and Seychelles.
- Southern Region: Madagascar and Mozambique.²

23. By election it was decided that The Kingdom of Saudi Arabia would become the first Chair and that Djibouti would be the Deputy-Chair.

24. It was agreed that the DCOC Steering Committee would meet four times a year. It was also agreed that the DCOC Steering Committee would take advantage of meetings on the “side” of IMO Meetings and other gatherings where the Member States of the DCOC have membership, as well as remote meetings through video conferencing.

25. It was agreed that the DCOC Steering Committee would generate its own terms of reference and methodology and present these to the next Plenary.

Session 5 – Establishing WGs on Information Sharing and Capacity Building

26. Following on from the recommendations of the Djibouti Extraordinary Meeting and a further round of discussions from working groups at this meeting, it was decided to create two working groups under the overall direction of the DCOC Steering Committee.

27. **Working Group 1 - Information Sharing:**

- Chair: Kenya; Co-Chair: Madagascar.
- Membership: All member states.
- Draft TORs approved and will be published by the Chair.
- the independent ISC assessment format was agreed.
- the working group acknowledged that there is need to build information-sharing capacity at the national level prior to focussing on regional centres.

² Following subsequent discussions related to the Working Groups, it was agreed that the Chairs of each Working Group would also be Members of the Steering Committee. Ethiopia as Chair of the Coordination of Effort Working Group therefore became the 7th Member of the Steering Committee.

28. Working Group 2 – Coordination of Effort:

- Chair: Ethiopia; Co-Chair: Mozambique³
- Membership: All member states and “Friends of the DCOC” (see para 30).
- TORs to be developed and approved by the DCOC Steering Committee.

Proposals to further subdivide this working group into three sub working groups on training, capacity building and legal issues was not agreed. IMO offered to provide secretariat support to the WG should it be required.

29. South Africa raised an objection to the creation of a governance structure by this high-level meeting as they said it would nullify the intention and decisions of the Ministerial meeting held on 20 May 2014 to create a DCOC Ministerial Executive Body. The full statement by the delegation of South Africa is attached at Appendix 4. The Chair noted the objections but stated that the organization had changed since 2014 with the signing of the Jeddah Amendment to the Code of Conduct. IMO advised that the proposal for a governance structure had not been agreed at the 2014 meeting and offered to provide the report of that meeting to the Steering Committee for information.

The Group of Friends of DCOC (JA)

30. Responding to a request for guidance, the facilitator explained the intended role of the Friends of the DCOC (JA) group, which will serve as an informal platform for Member States and organizations to exchange information and initiatives to support and advocate for DCOC (JA) objectives.

31. The group will provide a forum where members can discuss how to reiterate the value of the DCOC(JA) as an overarching framework to promote better maritime security. It will also provide an opportunity for interested Member States to hear from relevant experts, partners and advocates about the various components and implications of maritime security, including strengthening monitoring, accountability and the implementation measures necessary to achieve and sustain the aims and objectives of the DCOC (JA).

32. The group can consider, on an ad hoc basis, whether and how to lend support and/or organize special events at the IMO/UNON or elsewhere in support of DCOC projects and funding.

33. It is intended that the group be open to all IMO Member States (not just DCOC members), international organizations, NGOS and Academic institutions and that meetings would be convened by a “friend” who would provide logistical and administrative support for the meeting. Meetings will be held on an as-needed basis, with the aim to hold a meeting every three months.

34. The representative of Denmark agreed to seek his country’s agreement to convene the first meeting of the group.

³ Mozambique was nominated at the meeting but was only able to confirm acceptance during the London meeting of 27 Nov 2019.

DAY 2

Session 6 - Donor Forum

35. The donor forum highlighted the need for coordination amongst donors in order to avoid duplication, particularly with respect to capacity building. Participants noted that coordinated support is important, to provide what recipients need, rather than what the donor thinks is needed. It was agreed that it would be beneficial to develop a matrix that highlights the training and hardware requirements of member states, and that this should be undertaken by the Coordination of Effort WG and socialized with the Group of Friends. The new Group of Friends of DCOC (JA) will make it easier for donors and implementing agencies to informally discuss programmes and priorities and give the best service to DCOC member states based on their priorities.

Session 7 – Country Round Table

36. Countries reviewed their progress against the Code of Conduct and other activities in the maritime space. These will be included in the regular country update matrix.

DCOC Events and Training

37. The following DCOC Events and Training opportunities were announced:
- 3-7 February: Workshop on information sharing network (DRTC)
 - 9-27 February: Training in combating maritime crime (Jeddah, KSA)
 - 8-12 March: Best practices for dealing with maritime security threats (DRTC)
 - 29 March-4 April: DCOC High Level Meeting (including WG mtgs and donor forum) (Jeddah, KSA)
 - 14-25 June: Regional MDA training and development of common SOPs (Jeddah, KSA)

Conclusion and Recommendations

38. The participants discussed and approved the conclusions and recommendations of the meeting and a communique was subsequently issued by the participants after the meeting and is attached as Appendix 5.

39. The Chair thanked the Kenya Maritime Authority and the UK for sponsoring the meeting, the IMO and the Kenyan Coast Guard for the administrative support and the Facilitator for his efforts. The Chair concluded that the National Focal Points now have a clear mandate to take the Djibouti Code forward supported by a new governance structure, and shared the following words of Kenyan wisdom with participants: ***If you want to go fast, you go alone, but if you want to go far, you go together.***

APPENDIX 1a – OPENING REMARKS

KENYA'S STATEMENT BY AMB. RAYCHELLE OMAMO, SC, EGH AT THE DCOC REGIONAL NFP MEETING AND MARITIME DONOR FORUM, AT THE PRIDE INN PARADISE HOTEL, MOMBASSA, KENYA, 13-14 NOVEMBER 2019.

Salutations

IMO Representative (Tracy Peverett)

Other high-level participants

Distinguished National Focal Points and Delegates

Ladies and Gentlemen

1. A good morning to you all and on behalf of the Republic of Kenya, I welcome you to Mombasa taking cognizance of our international delegates. We are delighted to host this High Level DCOC Regional National Focal Point Meeting and Donor Forum, a key platform for Member States to exchange ideas and tackle emerging issues.
2. I also wish to recognize the International Maritime Organization for their consistent support to the DCoC Member States even as it has transitioned to the current expanded mandate under the Jeddah Amendments.
3. I note with satisfaction progress that has been achieved within member states in ensuring enhanced maritime domain awareness by ensuring a whole of government approach through multi-agency collaboration at national level that is the fundamental cornerstone for Regional Collaboration. It is my hope that these efforts will be sustained to prevent a loss of the gains made this far.
4. The Republic of Kenya is committed to meeting the DCoC framework expectation and we look forward to seeing the complete implementation of the Jeddah Amendments. I further take cognizance of key decisions that will be made in this meeting that appertain to a governance structure. Indeed, a well-established framework that allows for organized dialogue and decision making will enable the Region to progress its maritime security agenda. I assure you of our commitment in collaboration and service to the Region in this regard.

Ladies and Gentlemen,

5. Noting that more than 90% of world trade by volume is transported through the sea, you will agree with me that it is through safe and secure seas that it will grow and prosper. All our countries have obligations under the global UN sustainable developments goals and benefits from the blue economy cannot be actualized in an environment of insecurity, pollution, piracy, illegal, unreported and unregulated fishing and other illicit maritime activities. In addition, terrorism has become a perennial threat to peace and security and poses a great challenge to the prospects of the blue economy.
6. The expanded mandate of the DCoC through the Jeddah Amendments therefore provides an excellent opportunity for collaboration between member states in addressing these emerging threats through information sharing.
7. I have observed directly the benefits that have accrued from the DCoC framework especially appertaining to the near eradication of piracy. We therefore need to leverage on cross border and cross sector collaboration in support of an integrated maritime security approach to ensure success in information sharing within the expanded scope of maritime crime. This may require legal frameworks, common SOPs or MOUs for

collaboration to allow the enhanced cross border relations.

8. I therefore look forward to your active participation over the next two days in deliberations that will provide direction in how we can achieve this objective of information sharing within the amended scope of the Code.

Distinguished participants

Ladies and Gentlemen,

9. I observe that deliberations by partners on funding mechanisms for the DCOC activities will also be addressed within the two-day meetings. As a country, we attach a lot of importance to the continued existence and success of the DCoC and donor support for diverse initiatives will ensure the identified objectives are met.
10. The constant meetings have generated diverse ideas and we need to raise the bar and bring more to the table noting the expanded scope for the collaboration.

Ladies and Gentlemen,

11. In closing I wish to underscore that multilateralism remains the only way to address maritime crimes as it sends a strong and unified message to pirates and other organized criminals to cease their illegal activities.
12. Finally, Kenya looks forward to supporting the activities of the DCoC and service to members. We shall be placing our bid for some positions and we look forward for your support and give you our assurances and commitments in ensuring that the objectives of the DCoC (JA) are met.

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APPENDIX 1b – OPENING REMARKS

WELCOME REMARKS BY NANCY KARIGITHU, PS SHIPPING AND MARITIME AFFAIRS AT THE DCOC REGIONAL NFP MEETING AND MARITIME DONOR FORUM, AT THE PRIDE INN PARADISE HOTEL, MOMBASSA, KENYA, 13-14 NOVEMBER 2019.

**Madam Rachel Omamo, Cabinet Secretary, Ministry of Defence Kenya
Madam Tracy Preveret, Deputy Director
International Partners and Donor Agencies
Distinguished National Focal Points and Delegates
Ladies and Gentlemen**

It is a great honour to welcome you here today at this high level DCOC Meeting and take this opportunity to appreciate the IMO for the relentless effort in bringing together Member States to identify modalities for implementation of the Code. Never before has it been more important to cooperate on maritime issues than it is now noting the existing and emerging maritime crimes that impact on the well-being of our economies dependent on global maritime trade.

The Republic of Kenya is happy to host this meeting which exemplifies our commitment to collaboration with Regional States and partners in combating maritime crime. In Kenya, our openness and connectivity are our lifeline and maritime security is crucial for our survival and the health of our blue economy and this cannot be overstated.

Ladies and Gentlemen

Countries of the region have acknowledged the need to enhance collaboration and to coordinate actions at sea at regional level. The scope of the Jeddah Amendments to the DCOC therefore provides a coherent and comprehensive platform for states at national level to securitize their maritime domain for better ocean governance and improved coordination between national organizations and regional parties responsible for preserving and protecting the seas and oceans.

I take this opportunity to commend Member States that have signed the Jeddah Amendments in this regard. Implementation is a key concern to everyone in this room and the problem is in ensuring that member states to the Code and its amendments implement the terms as agreed. I observe that a key output in this meeting will be the identification of a governance structure that will provide avenues for dialogue and decision making. We need to see progress, and with the signing of the Jeddah Amendments in 2017 there is need for tangible outputs.

We need a roadmap for the Region that will help develop an integrated response for maritime security challenges. A key component is maritime domain awareness. A main input for this is timely information sharing and the Jeddah Amendments do provide the requirements for establishment of national centres that coordinate at Regional Level. National Centres that embrace a whole of government approach to information sharing build trust and confidence which fundamental to maritime security and stability.

We also will have a donor forum tomorrow which will enable us to identify and meet our priorities in the Region.

I look forward to hearing further insights from all presentations and I wish you fruitful deliberations during the two-day engagement.

-END-

APPENDIX 1c – OPENING REMARKS

**Regional Meeting on Capacity Building Coordination for enhanced Maritime Security
in the West Indian Ocean and Gulf of Aden, and Donor Forum, Mombasa, Kenya,
13 - 14 November 2019**

Ms. Tracy Peverett,
Deputy Director, Subdivision for Maritime Security and Facilitation,
Maritime Safety Division

Good morning everyone.

Firstly, I'd like to thank the Republic of Kenya, and in particular, Her Excellency Rachel Omamo, the Cabinet Secretary for Defence and current Chairperson of the CGPCS; Her Excellency Nancy Karigithu, Principle Secretary, Kenya Shipping and Maritime Affairs, Brigadier Loonena Naisho, the D-G of Kenya Coast Guard Services and DCoC National Focal Point for Kenya; and Major George Okongo, the DG Kenya Maritime Authority, for their unswerving personal dedication to the implementation of the Jeddah Amendment to the Djibouti Code of Conduct.

I'd also like to thank them for so generously hosting this important meeting. The warm hospitality and excellent organization already experienced are testament to the generosity of spirit of the Kenyan People and bodes well for the success of this meeting.

Many thanks also to the Government of the United Kingdom for the financial contribution towards hosting this conference, which is greatly appreciated. And of course, thanks to our other key donors, particularly, Japan, Kingdom of Saudi Arabia, Denmark, and the Republic of Korea, for their generous contributions over the years to the DCoC Trust Fund.

Thank you all.

Excellencies, Ladies and Gentlemen,

As you know, it is more than 10 years now since the signing of the Djibouti Code of Conduct on 29 January 2009, and 15 years since 10 countries from the Red Sea and Gulf of Aden region, supported by IMO and others, met in Sana'a in April 2005 to discuss cooperation on maritime safety, security and protection of the marine environment. At that time, Somalia-based piracy was an emerging issue. Ten years ago, when the Djibouti Code of Conduct was signed, piracy and armed robbery at sea, emanating off the coast of Somalia, had become a serious threat to global shipping, with far-reaching consequences for regional economies.

With the support of international partners, the region rallied their efforts through the Djibouti Code of Conduct to contain the threat. The international effort included the development of IMO Guidance on PCSP, Best Management Practices, the Internationally Recognized Transit Corridor, improved civil/military cooperation, development of legal frameworks to prosecute pirates, and capacity building. This enabled the region to make great strides in tackling the threat, and today, the landscape is completely different.

The Djibouti Code of Conduct established a firm foundation for national and regional action with respect to countering piracy and armed robbery against ships at sea. This was achieved through establishment of a national focal points mechanism, facilitation of capacity building, and cooperation between the signatory States, other IMO member States, United Nations entities and international partners. It is very much a success story.

Despite the success in combating piracy and armed robbery at sea, threats and priorities have continued to evolve. It was therefore necessary to take additional measures to repress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea. If left unopposed, they could further hamper shipping and the growth of ocean economies.

By signing the Jeddah Amendment in December 2017, the region demonstrated its intention to work together to find long-term, sustainable solutions to these issues. This is crucially necessary for the development of the maritime sector and a sustainable “blue economy” that generates revenue, employment and stability.

Since the signing of the Jeddah amendment in 2017, there have been six key meetings focussing on the way forward with respect to implementation of the provisions of the Code of Conduct, particularly measures at the national level as stipulated under article 11.

It’s now time to turn our attention to how we can work together to effect real measures to help strengthen implementation at the *national* level and in so doing further progress this important regional partnership.

The inherent need for smooth and effective communication between the designated NFP, the respective National Maritime Security and Facilitation Committee and competent national authorities for maritime safety, security and protection of the marine environment; is key to safeguarding your waters.

Long-term stability and sustainability depend on having firmly rooted mechanisms in place. Building response capability in terms of information sharing nationally and regionally is a vital and necessary step to achieving a safer and more secure maritime environment.

Excellencies, Ladies and Gentlemen,

This meeting will build on the outcomes of the *Extraordinary Meeting of the Regional Capacity Building Working Group and Djibouti Regional Coordination Committee*, held in Djibouti from 14 to 15 October 2019.

Taking that into account, and with your agreement, over the next two days we would like the group to focus on the following key areas: Where we are today and where we want to be; Assistance available to signatory States; and How to ensure that international support is aligned with regional priorities, which is why we thought it important to include a donor forum for the first time.

You have a busy agenda before you. I would therefore close by wishing you all a fruitful meeting, with sustainable outcomes. I am confident that the exchange of ideas will make a positive contribution towards the objective we all share – to contribute to sustainable development and a thriving blue economy, enabled by good maritime security.

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APPENDIX 2 – RECOMMENDATIONS FROM THE HIGH-LEVEL WORKING GROUP
HELD ON STRENGTHENING THE DCOC MECHANISM

**RECOMMENDATIONS FROM THE DJIBOUTI HIGH LEVEL WORKING GROUP HELD
ON STRENGTHENING THE DCOC MECHANISM**

Overview on DCoC and graduation to DCoC (JA)

It is now more than a decade since the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, also referred to as the Djibouti Code of Conduct, was adopted on 29 January 2009. Under the Code, which became effective from the date it was signed, signatories declare their intention to co-operate to the fullest possible extent in the repression of piracy and armed robbery against ships. The Code was instrumental in rallying regional countries in addressing piracy. In that respect, the code was a great success.

The Jeddah January 2017 meeting agreed that although important, piracy and armed robbery against ships is just one of a range of significant maritime threats. Other strategic maritime threats include illegal, unregulated and unreported fishing; smuggling of drugs, weapons and people; the illegal wildlife trade; terrorism against oil and gas installations and transport systems; and above all, the failure to develop the maritime sector. All these issues have similar solutions namely, political will at the highest levels, adequate legal frameworks, maritime situational awareness, law enforcement capability ashore, interdiction capability at sea, adequate training and logistic support, and inter agency cooperation.

By signing the Jeddah Amendment in December 2017, the Region sought a long-term comprehensive solution that would also address other strategic threats and take into consideration the value of a well-developed maritime sector and blue economy within the context of sustainable development goals and the prevention of violent extremism.

The expectation was that measures at the national level would be taken to promote better coordination amongst departments, agencies, port operators, and other organizations of the State concerned with, or responsible for the implementation of, compliance with, and enforcement of, measures to combat piracy and other maritime crimes, including maritime terrorism, IUU fishing and other illegal activities at sea.

Role of National Focal Points

One of the great successes of the Code of Conduct has been the network of national focal points, the strong bond that we all share and the common interest to address common regional challenges.

The purpose of the meeting was to bring together National focal points from participating States, donors and implementing partners to discuss how best we can all work together in addressing maritime security challenges leading to the development of our maritime economies.

Recommendations of the NFP October 2019 meeting

The extraordinary meeting on Regional Capacity Building Coordination Working Group held at the Djibouti Regional Training Centre on the 14 and 15 October 2019 recommended to establish a DCOC Governance Structure to enable the Region to take the lead in spearheading the implementation of agreed priorities under the code of conduct, as amended.

The arrangement will provide strategic direction and guidance to the DCoC Secretariat (currently IMO on an *ad hoc* basis) in carrying out day-to-day functions in support of the implementation of the DCoC (JA). There have been six meetings on the implementation of the Jeddah Amendments since 2017. However, apart from the initiative and efforts of the IMO Led Secretariat, there is no mechanism for ensuring continuation of day to day agreed priorities. Furthermore, the IMO led Secretariat can only provide support with guidance from member states on the way forward as pertains the implementation of Code.

Previously agreed priorities:

1. Enhancing the DCoC information-sharing network to meet the objectives of the Jeddah amendment; and
2. Better coordination of capacity building efforts, recalling that the 22nd plenary of the Contact Group on Piracy off the Coast of Somalia (CGPCS) held in Mauritius on 20 June 2019 resolved that the work of the Regional Capacity Building Coordination Working Group be left to the DCoC mechanism, to avoid duplication of effort.

Resolutions

Noting the above priorities, the Djibouti meeting therefore recommended:

1. Establishment of a DCoC (JA) Steering Committee.
2. The establishment of two working groups i.e. a working group on information sharing (WG1) and a working group on capacity building coordination (WG2).
3. Enhancing regional capacity-building coordination and strengthening the DCoC Information Sharing Network through a plan of action to support the establishment of National Maritime Information Sharing Centres in each of the participating States.

Conclusion

The implementation of provisions of the Jeddah Amendment must therefore be based on solid foundation at national level. We all appreciate that the code envisages uniform implementation at national level which is the basis for effective regional cooperation.

We appreciate the goodwill of partners and implementing agencies. As a Region we need to develop a plan of action on how best we can leverage the input of partners. I anticipate a forum of the Friends of the DCoC in this regard.

No country should be left behind and an expected outcome from this meeting is, therefore, to assist the development of a strategy for DCoC (JA) signatory State capabilities to implement agreed measures at both the national and regional levels.

APPENDIX 3 – AGENDA

DCoC Regional NFP Meeting and Maritime Donor Forum

Pride Inn Paradise Hotel, Mombasa, Kenya,
13-14 November 2019

Time	Activity	Responsible Party
Day One		
0730 - 0800	Registration	IMO
0800 - 0845	Opening Remarks/Election of the Chair – <ul style="list-style-type: none"> • Welcome Remarks • IMO • Host Government • UK • Election of the Chair 	Mr. Kiruja Micheni IMO (Tracy Peverett) Kenya (CS/PS) UK FCO Facilitator
0845 - 0900	Overview of workshop objectives, methodology, participant, introductions.	Facilitator
09:00 - 09:30	Session 1: Regional Threat Update	ACOS CJ3 EUNAVFOR - Capt Tomas Fraiou Comd CTF 150 – Commodore Ahlgren
09:30 - 10:30	Session 2: DCoC (JA) – A success Story DCOC Update - Key outcomes from recent meetings and priorities	Rear Adm Jebreel Al Hazmi Kiruja Micheni
10:30 - 11:00	Break	Hotel
11:00 - 12:00	Session 3: Recommendations from the extraordinary meeting of DRCC held at the DRTC, Djibouti from 14 to 15 October 2019 – Measures to strengthen the DCoC mechanism	Brig. Loonena Naisho, NFP Kenya
12:00 – 12:30	Introduction of the ISC Assessment matrix and update on assessment	Joachim Andrea VALMONT & Terry Gibson
12:30 - 13:30	Lunch	Hotel
13:30 - 14:30	Session 4 – Open Forum – Establishing a DCOC Steering Committee <ul style="list-style-type: none"> • Scope/Tools • Election of Members • Election of Chair/Co Chair • Frequency of meetings • Funding 	Meeting Chair

14:30 – 16:30	<p>Session 5 – Working Groups:</p> <ul style="list-style-type: none"> • WG 1 on Information Sharing <ul style="list-style-type: none"> ○ Discussion ○ Chair ○ Volunteers for membership, including partners ○ Funding considerations • WG 2 on Coordination of effort <ul style="list-style-type: none"> ○ Discussion ○ Chair ○ Volunteers (set criteria for membership i.e. NFPs, donors, implementing agencies) ○ Consider sub WGs <ul style="list-style-type: none"> ▪ Training ▪ Capacity Building 	<p>WG Facilitators:</p> <p>Rear Admiral Andasy Vahoavy Andriambelonarivo & Terry Gibson</p> <p>Cdr Kjeld Gaard-Frederiksen</p>
16:30 -17:30	WG Report back and Recommendations	WG Facilitators

Time	Activity	Responsible Party
Day Two	Donor Forum	
08:00 - 08:30	Review of day one and Introduction to day two	Facilitator
08:30 - 10:30	<p>Session 6: The Capacity Building Process – Panel</p> <ul style="list-style-type: none"> • The Donor Process and Priorities • Regional/National Priorities and processes • Discussion 	<p>Facilitator</p> <p>Joe Legg (UK)/Den/Ben Lawellin (UNODC)/TPeverett NFP TBC</p>
10:30 - 11:00	Break	Hotel
11:00 – 12:30	<p>Session 7: Country Round Table</p> <ul style="list-style-type: none"> • NFP feedback Matrix • Country Updates 	<p>Facilitator</p> <p>Nyambura Kimani</p> <p>All NFPs to produce a short 5-min update</p>
12:30 - 13:30	Lunch	Hotel
14:00 -1330	AOB	Kiruja Micheni
13:30 – 14:30	Summary of Outcomes	Tracy Peverett
14:30 – 15-30	Read the Communique	Gisela Vieira
15:30 – 16:30	Closing Comments	Tracy Peverett UK Kenya

APPENDIX 4 – STATEMENTS BY DELEGATIONS AND OBSERVERS

STATEMENT BY THE DELEGATION OF THE REPUBLIC OF SOUTH AFRICA, 13 NOVEMBER 2019

1. PURPOSE

The purpose on this Statement by the Delegation of the Republic of South Africa is to officially register the following objections:-

- 1.1 Resolution on the establishment of the Djibouti Code of Conduct (DCoC) Regional Steering Committee as the ONLY Governing Structure of the DCoC Governance Framework;
- 1.2 The handling of the DCoC High Level Meeting Resolution on the Terms of Reference (ToR) for the Assessment of the Three (03) DCoC Information Sharing Centres (ISCs); and
- 1.3 The handling of the business of the IMO DCoC High Level Meetings by the current Secretariat of the IMO DCoC.

2. BACKGROUND

- 2.1 South Africa formally registers its objections as detailed below.

3. OBJECTIONS BY SOUTH AFRICA

3.1 Resolution on the establishment of the Djibouti Code of Conduct (Jeddah Amendment) Regional Steering Committee (RSC) and the ONLY Governing Structure of the DCoC Governance Framework

- 3.1.1 South Africa formally objects to the resolution on the establishment of the Djibouti Code of Conduct (Jeddah Amendment) Regional Steering Committee (RSC) as the ONLY Governing Structure of the DCoC Governance Framework.

3.1.2 South Africa's Position and Request

South Africa requests that its objection on the establishment of the DCoC Regional Steering Committee being the *only Governing Structure of the DCoC Governance Framework* be recorded in the Final Report of this meeting (Record of the Meeting), with South Africa's reasons, as agreed in the Meeting.

3.1.3 Motivation and Reasons by South Africa

This resolution undermines and nullifies the resolution of the DCoC Ministerial meeting held in London on 30 MAY 2014 to discuss progress and implementation of the Code (Annex), which stipulated as follows:

“This document sets out the proposed framework for the establishment of the regional mechanism 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, as described by the following paragraphs. This mechanism aims to define linkages between processes and structures and establish a framework and coordination arrangements and provide support to states in realising the objectives of the Code.

(a) The DCoC Executive Body (Strategic and Political Level)

The Executive Body for the DCoC is the Executive Committee consisting of Ministers representing the participating states.

(b) The DCoC Operational Body (Operational and Technical Level)

The Executive Committee will be supported by a Steering Committee. The Executive Committee will make policies concerning all matters of the Steering Committee and any subsidiary bodies and “will adopt rules of procedures of both itself (Executive Committee) and the Steering Committee”.

3.1.4 Comments by South Africa

- (a) South Africa does not believe that an important regional maritime security programme (Structure) like the DCoC can ONLY have a Steering Committee that reports to itself. The Steering Committee should report to the Higher Structure - Executive Committee - as a matter of governance principle to ensure:-
- Separation of responsibilities; and
 - Accountability for responsibilities allocated.

(b) In view of the above, South Africa is convinced that Governance Principles and due processes in the current DCoC High Level Meetings, no longer apply.

3.2 Terms of Reference for the Assessment of the three (03) Djibouti Code of Conduct (DCoC) Information Sharing Centres

3.2.1 During the Djibouti Code of Conduct (Jeddah Amendment) - High Level Meeting held in Jeddah Saudi Arabia (2017), it was resolved that the Terms of Reference for the Assessment of the Three (03) Djibouti Code of Conduct be developed;

3.2.2 During the High Level Meeting of the Djibouti Code of Conduct (Jeddah Amendment) In Jeddah Saudi Arabia 2018, this item (Resolution) was not on the agenda of the meeting and South Africa requested discussion on this matter;

3.2.3 DCoC High Level Meeting held in Jeddah Saudi Arabia (2018) resolved for the second time, that assessment of the capabilities of the three (03) Djibouti Code of Conduct (DCoC) Information Sharing Centres (ISCs) be conducted;

3.2.4 Record of the meeting of the DCoC High Level Meeting held in Jeddah Saudi Arabia (2018), which contains the resolution on the Terms of Reference for the assessment of the three

Djibouti Code of Conduct (DCoC) information sharing centres, was shared with all DCoC member states for this meeting (13-14 November 2019), as requested by South Africa;

3.2.5 South Africa proposes that the following item be included in the agenda, as it was omitted for the second successive DCoC High Level Meetings;: “ Terms of Reference for the Assessment of the Three (03) DCoC ISCs”.

3.2.6 The Facilitator, when requested by the Chairperson of the meeting, confirmed that the proposed agenda item (in paragraph 3.2.5 above) by South Africa on the Terms of Reference for the Three Djibouti Code of Conduct (Jeddah Amendment) information sharing centres will be accommodated during the meeting and South Africa accepted this commitment; and

3.2.7 The decision (resolution) on the Terms of Reference for the Assessment of the (three) Djibouti Code of Conduct (DCoC) information sharing centres, as resolved by DCoC High Level Meeting held in Jeddah Saudi (2017 and 2018) is not being implemented as originally resolved.

3.3 SECRETARIAT OF THE DCOG (JEDDAH AMENDMENT)

3.3.1 Comparative analysis of the Project Implementation Unit (PIU), which served as the Secretariat of the DCoC, and the current Secretariat of the DCoC as provided by the Regional IMO Office in Nairobi Kenya, has yielded the following important findings:-

(a) During the PIU, South Africa has never raised issues with the PIU as the PIU served the interests of all the member states of the DCoC; and

(b) The same cannot be said about the current Secretariat of the DCoC, as provided by the Regional IMO Office in Nairobi Kenya.

3.3.2 South Africa would like to record its concerns regarding the handling of the DCoC matters by the current DCoC Secretariat, which include among others, failure to implement resolutions of the DCoC High Level Meetings and selective implementation of the resolutions of the DCoC High Level Meetings (as summarised below):-

◇ 2017 - DCoC High Level Meeting Held in Jeddah Saudi Arabia

The following statement was included by the current DCoC Secretariat in the Final Report of the meeting:-

“...Friends of the DCoC shall be the strategic decision-making body of the DCoC (Jeddah Amendment)...”

◇ The above statement was never discussed in the Plenary Meeting and no one, except the Secretariat, knew its origin; and

◇ The current Secretariat of the DCoC has never explained the reason (s) for the inclusion of the above statement

3.3.3 South Africa is concerned about the inclusion of such a statement in the final report without discussion and resolution by the DCoC High Level Meeting;

The above statement meant that DCoC member states cede their sovereignty to the Friends of the DCoC

It appears that some decisions of the DCoC are taken outside of the formal structures of the DCoC and inserted in the Final Report of the Meeting (Record of the Meeting) by the current DCoC Secretariat.

4. CONCLUSION

- 4.1 Finally, South Africa reiterates and requests that its objection to the establishment of the Regional Steering Committee being the ONLY Governing Structure of the DCoC Governance Framework be recorded in the Final Report of this meeting (Record of the Meeting) with South Africa's reasons, as stipulated above;
- 4.2 Under the circumstances, South Africa is left with no other options within the current DCoC (Jeddah Amendment) mechanisms and as a result, other options outside the DCoC will be pursued, and
- 4.3 Finally, in this regard, South Africa will write directly to the Secretary General of the IMO to raise all of the legitimate concerns, as highlighted above.

APPENDIX 5 – COMMUNIQUE

**REGIONAL MEETING ON CAPACITY BUILDING COORDINATION FOR ENHANCED
MARITIME SECURITY IN THE WEST INDIAN OCEAN AND GULF OF ADEN, AND DONOR
FORUM
MOMBASA, KENYA,**

13 - 14 NOVEMBER 2019

COMMUNIQUE

Signatory States of the Djibouti Code of Conduct and the Jeddah Amendment of 2017, hereafter “Participants” held a regional high-level meeting and donor forum in Mombasa, Kenya from 13 - 14 November 2019 at the request of signatory States. The meeting was opened by Ambassador Rachel Omamo, Cabinet Secretary, Ministry of Defence, Kenya, and chaired by Mrs. Nancy Karigithu, Principal Secretary, Shipping and Maritime Affairs, Kenya’s Ministry of Transport, Infrastructure and Housing.

Participants received the current threat assessment briefing from EUNAVFOR (OP ATALANTA) on the status of piracy in the region as well as a briefing on wider maritime security threats from the Commander of Combined Task Force 150 of Combined Maritime Forces, highlighting the significant threat that piracy and other illicit activities continue to pose to the Signatory States, thus compromising the development of the maritime sector and a sustainable blue economy.

Participants expressed concern that poverty and lack of opportunities for some local populations was a key contributor to maritime insecurity in the maritime domain and called for concerted efforts to address the root causes alongside development of local capabilities for maritime law enforcement.

Participants reaffirmed their commitment to establishing national maritime security and facilitation committees, as envisaged in Article 3 of the Jeddah Amendment, as well as to develop national maritime information-sharing centres and to promote a multi-agency, whole-of-government approach to addressing maritime security challenges. Participants strongly agreed that ultimately this will form the foundation for stronger regional cooperation.

Participants assessed progress made under the code and the benefits of a strong governance framework to spearhead the implementation of the Djibouti Code of Conduct and the Jeddah Amendment objectives over the coming years and agreed to form a **DCoC (JA) Steering Committee** constituted as below:

- **DCoC (JA) Steering Committee**
 - Chair – Kingdom of Saudi Arabia
 - Deputy Chair – Djibouti
 - Members – Djibouti, Ethiopia, Kenya, Madagascar, Mozambique, Seychelles and Kingdom of Saudi Arabia.

Participants reaffirmed the importance of developing enhanced maritime domain awareness, building capacity both at national and regional levels and aligning regional and donor priorities and agreed to create two DCoC (JA) Working Groups reporting to the steering committee and membership. The structure of the two agreed Working Groups is as below:

- **Working Group on Information Sharing:**
 - Chair – Kenya
 - Deputy Chair - Madagascar
 - Members – open to all Participating States

- **Working Group on Coordination of Effort**
 - Chair – Ethiopia
 - Deputy Chair – Mozambique
 - Members – open to all Participating States

Participants agreed that both the Steering Committee and the respective Working Groups will draft their respective terms of reference, which will be circulated to Signatory States of the Djibouti Code of Conduct (JA) for approval. Participants agreed to explore opportunities to ensure regular meetings of the Steering Committee and Working Groups and agreed that they could be conducted on the margins of IMO and other meetings, and to utilize technology and virtual forums to make the work of implementation of the Code more efficient and timely. Participants reiterated the need to have interpretation in English, Arabic and French during high-level meetings whenever possible.

Observers from partner organizations commended the Participants for these decisions in improving the implementation of the terms of the Jeddah Amendment (2017) and agreed to establish a **Group of Friends of DCOC (JA)** which will serve as an informal platform for Member States and Organizations to exchange information and initiatives to support and advocate for DCOC (JA) objectives. Arrangements for the Group of Friends of DCOC (JA) will be discussed and agreed by partners and circulated.

Participants discussed the practical aspects of enhanced Maritime Domain Awareness and agreed that their priority was to build national capacity to respond to threats, which in turn would enable building capacity for regional and then international capability. Signatory States of the code were encouraged by partners to share information nationally between States for their consumption and use, thereby creating a culture of information sharing by and between their National Sharing Centres. In this regard the EU CRIMARIO offered all DCOC (JA) Signatory States a licence to the IORIS sharing software.

Participants welcomed the offer made by the Indian Ocean Commission (IOC) through the MASE programme to improve coordination between the DCoC(JA) and IOC programmes related to maritime security, including facilitating cooperation between the two regional Centres – the Regional Maritime Information and Fusion Centre (RMIFC) and Regional Coordination of Operations Centre (RCOC) based in Madagascar and Seychelles respectively.

Participants and observers from partner organizations, thanked the Government of the Republic of Kenya, the United Kingdom and the Secretary-General of the International Maritime Organization (IMO), for organizing and hosting the high-level meeting.

- END -