

**Security Council**

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**Letter dated 3 November 2009 from the Secretary-General  
addressed to the President of the Security Council**

I have the honour to transmit herewith a letter dated 15 October 2009 from Javier Solana, High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union, addressed to me (see annex), transmitting the report on the activities of the European Union naval operation Atalanta off the coast of Somalia covering the period from 12 December 2008 to 1 October 2009.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon



**Annex**

**Letter dated 15 October 2009 from the High Representative  
for the Common Foreign and Security Policy and Secretary-  
General of the Council of the European Union addressed to  
the Secretary-General**

In accordance with the provisions of Security Council resolution 1846 (2008), I enclose herewith the report on the activities of the European Union naval operation Atalanta off the coast of Somalia. The report covers the period from 12 December 2008 to 1 October 2009. I should be grateful if you would transmit the report to the President of the Security Council.

*(Signed)* Javier Solana

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**Enclosure****Report by the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union on the activities of the European Union Naval Operation off the Coast of Somalia (EU NAVFOR Atalanta)****I. Introduction**

1. This report covers the period 12 December 2008 to 1 October 2009.
2. Security Council resolution 1846 (2008) requests that States and regional organizations cooperating with the Transitional Federal Government of Somalia inform the Security Council of the progress of actions undertaken in the exercise of authority provided in paragraph 10 of that resolution.

**II. Conduct of the European Union Naval Operation**

3. During the 9 months of the reporting period, the European Union Naval Operation off the coast of Somalia (EU NAVFOR Atalanta) has demonstrated its ability to act effectively against piracy. Since April 2009, over 15 attacks have been successfully disrupted by EU NAVFOR assets. All World Food Programme and African Union Mission in Somalia (AMISOM) shipments protected by EU NAVFOR warships have arrived safely; this equates to over 50 ships since December 2008. Operation Atalanta has also contributed to the protection of other vulnerable vessels sailing in the Gulf of Aden and the Indian Ocean.
4. Coordination with the maritime community has been instrumental in promoting self-protection measures and best management practice to deter piracy. The development of Operation Atalanta's Maritime Security Centre (Horn of Africa) Internet portal inside the European Union operational headquarters has provided an innovative and powerful interface to liaise and communicate with the international merchant shipping community. In addition to the Maritime Security Centre, a separate facility has been created, called Mercury, which allows military naval forces to communicate in real time, which is invaluable when a merchant ship is being approached by a suspicious vessel. Besides, cooperative frameworks and arrangements have been adopted to enable Operation Atalanta to cooperate effectively with other naval forces and assets deployed off the coast of Somalia as well as regional countries engaged in counter-piracy.
5. This comprehensive and cooperative approach has contributed to a significant disruption of successful pirate attacks in the Gulf of Aden. A significant number (68) of suspected pirates have been captured by Operation Atalanta and transferred to Kenyan authorities for subsequent prosecution. An efficient judicial process leading to the subsequent enforcement of prison sentences is a cornerstone of the deterrent effect of the operation. We are in the process of extending such legal cooperation with the Republic of Seychelles.
6. The surge in acts of piracy occurring at distances increasingly remote from the coastlines of East Africa makes it even more important to cooperate closely with all actors engaged in fighting piracy. To this end, EU NAVFOR has sought to pre-emptively deploy forces in zones assessed as high-risk within the 1.4 million

nautical square miles of piracy-affected areas, in addition to coordinating efforts in the Gulf of Aden.

7. In this regard, the European Union and EU NAVFOR participate actively in the work of the Contact Group on Piracy off the Coast of Somalia which was set up in January 2009 pursuant to Security Council resolution 1851 (2008).

### **III. Legal framework**

8. One of the Working Groups of the Contact Group, notably dealing with the legal aspects of counter-piracy operations, has recently made a proposal relating to the establishment of an international trust fund to help defray the expenses associated with the prosecution of suspected pirates. The Contact Group approved the terms of reference of the trust fund at its plenary meeting on 10 September 2009, requesting the Secretary-General to engage in the process leading to their implementation at the earliest opportunity.

9. As concerns the judicial treatment of suspected pirates captured by EU NAVFOR warships, the transfer agreement concluded in the form of the exchange of letters between the European Union and Kenya on 6 March 2009 represents a powerful tool to ensure the necessary continuum between military action and subsequent prosecution. In order to share the burden with other States, the European Union is currently working on a similar agreement with Seychelles and has approached other nations in the region.

10. The European Commission financially supports judicial capacity-building relating to the trial and related treatment of piracy suspects in Kenya. Following the signature of a contract on 15 May 2009 between the European Community and the United Nations Office on Drugs and Crime, the latter immediately started to implement the jointly developed programme, which will continue over a period of up to 18 months. Likewise, financial support from the European Community and the United Nations Office on Drugs and Crime to trials and treatment of piracy suspects has been extended to Seychelles subject to the completion of the transfer agreement between the European Union and Seychelles.

11. Operation Atalanta's contribution to countering piracy has been evident in its achievements over the past 9 months and its mandate should be formally renewed in November 2009 on the understanding that Security Council resolution 1846 (2008) will be extended.

### **IV. Root causes of piracy**

12. Piracy is likely to remain a serious threat until restoration of law and order makes serious progress ashore. Like its partners, the European Union acknowledges it is only ashore that the root causes of piracy can be addressed. The pledges made at the Brussels Conference on Somali Security held on 23 April 2009 constitute a promising step towards the establishment of an efficient Somali national security force and a civilian Somali police force. Together with others involved in the Contact Group, the European Union continues to investigate ways in which it can help to combat the root causes of piracy.

## V. Outlook

13. I sent you a letter last June highlighting six areas of activities that serve to further help to stabilize the security situation in Somalia and support the Transitional Federal Government. In this respect, we feel heartened by your decision that the United Nations will take a proactive approach in assisting Member States to ensure the prosecution of persons detained in naval operations against piracy off the coast of Somalia. We continue also to actively consider what further action the European Union could undertake to address the root causes of piracy ashore. The development of regional maritime capabilities is certainly a key to achieving sustainable progress. This will need to be achieved with due reference to the Djibouti Code of Conduct agreed in January 2009 notably by countries from the Horn of Africa region.

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