



## Countering Piracy off the Coast of Somalia

**Featuring Jack Lang**

Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia

Moderator:

**Terje Rød-Larsen, President of IPI**

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**Terje Rød-Larsen:** Excellencies, ladies and gentlemen, dear friends and colleagues, good afternoon everybody. It is a great pleasure to welcome to the International Peace Institute Minister Jack Lang, Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia. Thank you very much, Mr. Minister for being with us today and for participating in IPI's speaker series.

By way of introduction, let me say that IPI started this speaker series last year. Our goal is to offer a platform to high level international policy makers to engage with the UN community on key peace and security challenges. Mr. Minister, your predecessors at this rostrum included last year Gareth Evans, former Australian Prime Minister, and Sheikh Hamad Al-Thani, Prime Minister of Qatar, amongst other illustrious personalities.

It is indeed a great honor and pleasure to start with you our speaker series for 2011. You have served several times in prestigious cabinet postings in France, including as Minister of Culture and of Education. You've had important responsibilities in the field of foreign affairs, both as a member of the European Parliament and as a member of the French Parliament, in which you chaired the Foreign Relations Committee. And you recently were special envoy for the French President to Cuba and to the Democratic People's Republic of Korea. But you're also a lawyer and a professor of public law. And if I may say so, in France, I know you are a legend.

Mr. Minister, you are with us today to discuss a burning international issue, namely piracy off the coast of Somalia, which has important implications for international security, for trade, and has grave human consequences. And we know that you bring to this issue both your experience as a policy maker and

your expertise as an eminent lawyer. We also know you've always been an innovator and if I may say so, a calculated risk taker. And that you are not afraid to propose challenging ideas.

In August last year, the Secretary-General requested you to take up a position in order to identify additional steps to assist the states in the region, as well as other states, to prosecute and imprison persons who engage in piracy, and to explore options for potential new judicial mechanisms. Since August, you've been traveling through the vast region which is affected by pirates from Somalia. You've also had numerous meetings with states and organizations involved in counter-piracy efforts. And this is why we are indeed extremely pleased that you've accepted our invitation to discuss with us your findings and your recommendations.

Before I give the floor to Minister Lang, let me remind all our participants here that this meeting is on the record. It is now my great pleasure to give the floor to Jack Lang for his remarks. Mr. Minister, the floor is yours.

**Jack Lang:** Thank you very much. Thank you very much, Mr. President. First, excuse me because my English is very rustic. Very elementary, and probably—

**Rød-Larsen:** I think it's more than adequate.

**Lang:** No. It's really—well, we try. If it's not possible I will ask my good assistant, brilliant young diplomat, to translate and to try to explain better than I can do now.

First I am very grateful for your invitation. This morning I had the chance to present to the Security Council the report which has been drawn up at the request of the Secretary-General following the Security Council's debate of last August.

We have visited many countries, not for touristic reasons. We have met many people, in the countries of the region, in Europe, in Washington, in London, in international organizations. Many experts. It was very important for me and for us to understand better what is exactly the situation. What are the different ideas. And I'm very grateful to the many people who have accepted to meet to discuss with me, and who gave me excellent ideas, excellent observations.

So the report is a little bit the fruit of a collective work, even it's signed by me. But it's really the fruit of a collective work, and we are also continuously in discussion with the United Nations Secretariat here, the Legal Counsel Madam O'Brien, also Mr. Pascoe and other people. And I met many times the ambassadors who are present here, the ambassador of Russia, the ambassador of the United States, the ambassador of the different countries, the ambassador of Somalia, and many others. And it was very useful.

But you know the situation, which is very serious. Every day it becomes more serious. Every day the situation brings us bad news coming from the Indian Ocean. The number of attacks is increasing. The violence of attacks is increasing. The length of the period of captivity is increasing. The ransoms are increasing. And the pirates are better and better equipped, and they use sophisticated methods.

So the situation is a very serious one, and as you know, the extension of the attacks towards the South and the East of Indian Ocean is a great problem for

our navies. I have to say that these navies are making a remarkable work and we have visited some of them. And I admire how they are serving in this situation. They capture many pirates. They give their support to different ships.

And so, there were many positive initiatives which have been taken by the international community, by the United Nation and by the European Union for instance. It's the first time in history that a European force is present in this way at sea. NATO and also countries like China, it's the first time they are in this part of the world since several centuries. It shows that many countries are conscious, that the problem is very, very, very serious. Despite all these efforts, despite the progress of the international law, the international convention on the law of sea, but also the universal competence which has been recognized today, is something in a sense which is revolutionary.

Despite all these efforts, all these innovations, the fight against piracy has many failings.

And what can we do? What can we do to struggle with a greater efficiency against piracy? I explained today that we have to follow two ways. First way is to improve current solutions. The second way is to imagine new solutions which could be complementary solutions.

First, improving current solutions. It concerns the first operational pillar. It's very simple. We should step up the use of self-protection measures by the maritime industry. To do so, one possibility is to create international certification for compliance with certain best-management practices. Another idea is to inform in the event of non-compliance with these rules. It's a recommendation to improve the effectiveness of the naval operation to more frequently conduct close surveillance of the coastline and to exchange information with the Somali and Puntland regional authorities.

These solutions--these traditional solutions, if I can say--concern secondly judgment and imprisonment. First of all, the legal obstacles need to be lifted. The proposal is to encourage all states to criminalize piracy such as it is defined by the United Nations convention on law of the sea. Develop universal jurisdiction to deal with acts of piracy. From a procedural point of view, states should adapt a legal framework on detention at sea that complies with international rules on human rights and is compatible with operational constraints.

Three, further proposals could facilitate collection of evidence: develop an international offense report model, facilitate the prosecution of intent to commit an act of piracy--it's very important. And thirdly, promote evidence from victims. It is also recommended to increase the number of transfer agreements. First for judgment and then--it's a very important question--for imprisonment. We should support the states of the region. The obstacles due to the lack of prisons capacities can only be lifted by consolidating international support to the state of the region. Surely the proposal to overcome the political obstacles to the prosecution of suspected pirates is to encourage all states to mobilize to judge the pirates. But this point, this last point. I must say that...

[begins speaking in French]

**Lang via interpreter:** It's a reality. Too few countries accept to prosecute and judge pirates. As we have said--sorry for making this comparison, Martin Luther King--let's have a dream: all countries from Europe and elsewhere accept to bear the burden and to prosecute pirates. Then the question is solved. But for various reasons, I do

not want to make personal comments. It is only a dream. And it has less probability to be implemented than Martin Luther King's dream. And sorry to have Martin Luther King's soul involved in this question.

**Lang:** So we have, if we want to act, if we want to change the situation, we have to see the reality, and not to imagine theoretical ways. So I summarize. [begins speaking in French]

**Lang via interpreter:** First we have to consolidate the current solutions. And we can make some progress. But the most important is to implement new solutions, complementary solutions.

**Lang:** The recommended solution is to deploy as a matter of extreme urgency a global multifaceted plan mainly targeting Puntland and Somaliland, and comprising three sections that should be implemented simultaneously: economic development, security, and judgment and imprisonment.

[begins speaking in French]

**Lang via interpreter:** If I want to summarize, I would say there are two tracks. Prevention, repression. But targeting Somaliland and Puntland, working with them. I have met several times Puntland and Somaliland authorities. We have had long discussions. And I have asked them several times: are you ready to be determined and to fight against piracy? And to give realistic, concrete proof of your determination? Of course I have already asked Mr. Ambassador, I have asked this question to the TFG, the Transitional Federal Government.

In Somaliland I think that the local authorities have given proof of their determination to fight against piracy. Many pirates from Somaliland have been arrested. All pirates coming from elsewhere but arrested in the waters close to Somaliland. And the prisons that I have visited in Somaliland have been rebuilt with the help of the UNODC and now they've reached international standards.

In Puntland, the situation is more delicate. But local authorities have arrested several pirates. And one of them is a sponsor, a mastermind, who is very famous. If the Security Council accepts it, with each one of those regions, a plan could be implemented with reciprocal arrangements, from their part, from our part.

This plan could be composed of two tracks. Prevention first. Firstly it is necessary to encourage, to support economic development of those two regions. To offer young Somali people other possibilities, other futures. There are concrete ideas to be implemented: for port activities in Bosaso, in Puntland or in Berbera in Somaliland, livestock and exports of cattle, telecommunications, fisheries, fishing. I have suggested a system of licenses, fishing licenses that would bring some money to both regions and that would make compulsory to build some fisheries on ground in those regions. This is the first point.

The second point, repression. The idea is to target the sponsors, the chiefs, the big chiefs. I have observed it all along in my consultations with Interpol, intelligence services, and experts who know very well the situation. Unfortunately all efforts have not been done yet to target the sponsors by trying to find the heads. A lot of evidence is not collected: bank note numbers, finger prints, DNA. We have to use forensics for this economy, Mafia economy. That's what is needed.

I also suggest that each time that we know a mastermind we have to apply sanctions, individual sanctions. I do not want to elaborate too much on this point, but this is very important because we have to attack piracy at the head. Then we have to target the pirates at the base, rank and file pirates. This is a repression pillar. We have to make an effort with the support of the international community, and in particular, UNODC, to have a rule of law in both regions, to train judges, create in each region a specialized tribunal, specialized on piracy, and we have also to reinforce, buildup the capacities in prisons. We have already begun in Somaliland. And with UNODC, we have imagined a plan that would enable to imprison several hundred pirates. Sorry; 500 in Somaliland, 500 in Puntland.

The main question is: who will pay? We have made some estimates for the prison capabilities and also the training of judges and the judicial system. UNODC has done it. It would be around 25 million dollars for three years. The total cost of piracy is above 5 billion dollars, if you add up the other cost of naval forces, the loss of revenue for the regional countries, their tourism sector, fisheries, and commercial activities are affected by piracy. The increase in the costs of goods that are being transported to these regions, the de-routing going South of Africa through the Cape of *Bonne Espérance*.

And of course we do not want to estimate the cost of the loss of human lives. And this cost might increase. If we do not change our strategy, there might be some attacks at sea that lead to some losses of human lives. What has happened a few days ago between a warship from Korea and some pirates might happen elsewhere. I do not say that it was not consistent with international law, but it led to the deaths of several pirates.

There is another proposal. There is an idea that I have discussed with the President from Tanzania to create a Somali court outside of Somalia, extraterritoriality. For instance it could be in Arusha because there is this end strategy with the international criminal tribunal for Rwanda. I do not propose an international tribunal as our Russian friends suggested it. But at the same time there is one international component, because this Somali court would be under international protection. And in the spirit of what our Russian friends suggested, the tribunals in Somaliland and in Puntland would also benefit from international protection.

Informally, I have submitted those proposals to a remarkable man who is actually at the moment a judge at the International Court of Justice in The Hague, Judge Yussuf. He thinks that a Somali solution is the only efficient possibility. One advantage would be for naval forces to have a solution, a judicial solution for the pirates that they capture so they can be judged, brought to justice. In nearly all cases, they could actually bring those pirates to justice. One advantage would be to mobilize the local authorities and the population. The majority of the population in northern Somalia is against piracy for moral reasons, because the money of piracy brings drugs, prostitution, and alcohol. If we succeed and if we win this battle, not only piracy could be eradicated, but the success could be used as leverage for the whole Somalia. It would show that positive concrete solutions could be implemented in Somalia. I'm sorry for this very poor English.

**Lang:** Thank you very much.

**Rød-Larsen:** Thank you very much, Mr. Minister, for a to-the-point and extensive presentation, an in-a-nutshell presentation of a report which I have in front of me and which is actually some 55 pages. Terrific. It is too tempting for me to add before I open the floor, but I think you have proven yourself as an incredibly humble and

modest man, talking about your English. Because I think your English was brilliantly fitted to give the presentation, and there was no reason for you to slip into your mother tongue at the latter half of it.

Before I open the floor, there were particularly a couple of remarks you made which makes me want to ask you two questions, maybe three before we give the participants here the opportunity to speak.

The first one is that at the core of your report which I have in front of me here, as far as I can see, is--on the operational side--the proposal to establish three specialized courts. One in Puntland, one in Somaliland, and an extraterritorial one in, you were indicating it might be in Arusha.

And then there were two questions that spring to my mind. One is how do you find competent and independent judges to man three specialized courts? And the second question related to the same issue is, how do you address the issue of security? Because, I mean, here there might be bullying, attempts of bribing, and maybe even assassinations. I mean this is an extremely volatile security environment. So these are two questions which spring to my mind.

And maybe also a third one, and that is that it's not only to establish a court. You also have to provide the evidence. I can see we have several prominent policemen sitting here in the audience. So how do you provide the evidence, and how do you solidify the evidence so that it can stand in the court? So, three questions.

**Lang via Interpreter:** There are already several tribunals and prisons in these regions, and several hundreds of pirates are already arrested and imprisoned in Puntland and Somaliland. It is not possible to separate the different parts of the suggested plan, economic development, the surveillance of the coasts, the judicial system and the prison capabilities. There is a dynamic that has to be created with this plan.

For the training of judges, there are in the diaspora a lot of very good lawyers. They are excellent. Maybe some of them, but I do not want to insist, also support the Mafia. But those very brilliant lawyers could come for a short period of time in Somaliland and in Puntland, like several months, for instance. And the diaspora is already in Somaliland, for instance. It is also possible to imagine that some judges from Puntland and Somaliland go abroad to get some specific training. I recognize that it is not easy, but if we succeed, the consequences would be very positive, not only for the North of Somalia, but for the whole country. And will help to build a true rule of law system.

**Rød-Larsen:** Thank you very much for, to my mind, convincing answers. I now open the floor. Please, when you take the floor, can you state your name and your affiliation? We have exactly 30 minutes because Mr. Lang has to leave at 2:30 sharp.

**Dr. Ahmed Duale:** I'm Dr. Ahmed Duale, the Ambassador of Somalia. Thank you very much to the President of the IPI for convening this meeting which is very important for Somalia and indeed for the whole region, and the international community. I had the privilege today at the Security Council meeting to listen to the Honorable Minister Lang. It was very comprehensive, analytical, and I have his report. He put forward options that could be viable and could be effective with less expenditure than is nowadays expended, as he himself said, on the war of piracy outside the country. The proposals he made, which he repeated here, are very

basic and I believe can be implemented, provided the Security Council, the UN, the international community take action.

My only question is: He also repeated again the need for timely, positive, concrete and effective action to implement at least some of the proposals which are very urgent and need to be implemented. However I have been here for five years and I have seen what action follows after any report is made to the Security Council, at least in the case of Somalia. Now I would like to ask then how long it will take, how long it will take before such action, as he himself hopes for, and we all hope for, will be taken by the Security Council, the International community, and all those concerned now with the anti-piracy fight of the coast of Somalia. Thank you.

**Rød-Larsen:** Thank you very much Mr. Ambassador. I think those were strong words of support, Mr. Lang, and actually the question, even if I were to ask you to answer it, is more a question to be answered by the Security Council. But you do indeed have the floor.

**Lang via Interpreter:** To an exceptional situation we have to provide exceptional solutions. Maybe I haven't said it in a sufficiently determined manner this morning, but I have written it in my report: To a situation of extreme emergency, solutions of extreme emergency. I know that it is not easy. We are in an organization of sovereign states. I hope that the Security Council will adopt a resolution, a strong and determined resolution to say that we have to fight against piracy. We have to provide the means to do so. We have to provide new ideas and complementary solutions.

It's an unrealistic situation. 1,500 people make the law in the Indian Ocean in front of naval forces from the most powerful countries. The United Nations, the European Union, the African Union, the whole international community and many states and in front of just 1,500 people! That's a real challenge!

I will not substitute myself to the Security Council. I've heard this morning that it is composed of very high-ranking people. They have welcomed these proposals. A clear resolution is needed. I hope that one idea would be for the Security Council and the Secretary-General to choose a very operational individual, a person, and give to this person a mandate so that this person could work day after day, night after day on this issue.

**Rød-Larsen:** Thank you very much. So far I can see several hands here. I also can see from the list of participants that we have several representatives here of the members of the Security Council, so maybe they feel compelled to answer the question from the Permanent Representative of Somalia as well. I saw a hand at the very back there. Please state your name.

**Hussein Elshaar:** Thank you. My name is Hussein Elshaar from the Mission of Egypt. Actually I would like to thank Minister Lang for his detailed report with all these proposals and also for your informative briefing today in the Council and here.

My question regarding the plan that you have mentioned, I believe that it's very focused on Somaliland and Puntland, but I'm sure that if it would give also emphasis to Central Somalia and to be a comprehensive land for the whole Somalia, I think that would be helpful also. Because we are sure that stabilizing the situation in Somalia as a whole would help also in the fight against piracy. One of your proposals also was to have a kind of donor conference for Somalia to finance this multifaceted comprehensive plan which involves, of course,

security and development and judicial aspects. But the experience of Somalia with the donor conferences is not that good. Before we had the Brussels conference and then we had also other conferences, and so many pledges were made towards Somalia, but I think it's very limited what was honored or delivered of these pledges. So I believe that in the future in any Security Council resolution we need to make emphasis on the need to honor those pledges that were made to Somalia in the past. Thank you.

**Rød-Larsen:** Thank you very much.

**Lang via interpreter:** On the first point, Puntland for historical reasons is the epicenter of piracy. We have to act where the things are taking place. Concerning central Somalia, the idea of an extraterritorial Somali court in Tanzania would be temporary. The aim would be to relocate this court in Mogadishu. This idea, very genius idea, was suggested by Commissioner Lamamra from the African Union Commission. Responding to your preoccupation concerning the territorial integrity of Somalia, I have discussed for a long time with the Director for Legal Affairs of the Ministry of Foreign Affairs of Egypt. He accepted this idea. The emergency is in the north of Somalia. But of course it is out of the question to support any division of Somalia. All the solutions, all the proposals were made in total collaboration and consultation with the TFG, and I have met several ministers from the TFG.

**Rød-Larsen:** Thank you. I can see a hand over there with the blue notebook.

**Park Chull-joo:** Thank you. Thank you Mr. President, and this is very useful occasion for—

**Rød-Larsen:** Could I ask you to present yourself?

**Park Chull-joo:** Okay. I'm working for the Korean Mission as a legal advisor. I'm in charge of piracy issues, especially from the legal prospect. And thank you so much for this occasion. This is very useful for me to understand what's going on there and what should be done in the future, very clear. My question is about the three courts in Puntland and Somalia and also Tanzania. I would like to understand more about the international component of these three courts. What types of people are working from the international component? For example, judges, prosecutors, or victim protection unit or public affairs? And then my next question is about how long it will take to have these three courts out and to address, for example, security situation? Thank you.

**Rød-Larsen:** I just add a small question. I saw there was a total budget. I think it was 25 million dollars in your report. And given that question, is security and everything which you need around a court, is that a realistic sum?

**Lang via Interpreter:** The estimate of the 25 million dollars would need further expertise, but I trust UNODC. Anyway, it is quite reasonable. In my spirit, these are Somali courts. The aim is to have Somalia be able to tackle this issue by itself. Somalia is the source of piracy. It is also the main victim of piracy. So it is necessary to involve Somalia in the solution. But I take good note of the observations of the President. We will have to act very cautiously to train the judges, either to have them trained abroad or to have people come from the diaspora in Puntland and Somaliland. It will cost a little, Mr. President. But piracy costs a lot of money.

**Rød-Larsen:** Thank you for those comforting remarks. May I give the floor to the gentleman in the first row here?



**Ombeni Yohana Sefue:** Thank you very much, and thank you Minister for a wonderful presentation. My name is Sefue. I'm the Permanent Representative of Tanzania. First let me add to what you said, just to make sure that everyone understood you correctly. The idea of Arusha for the court is an idea. It's not a decision. It's an idea.

And secondly I don't really have a question but I have a few comments. One. The countries in the region accept their responsibilities. But the question of piracy is more than a responsibility of the neighboring countries. It's an international issue that needs the participation, the involvement of everyone. So I believe it will help countries in the region if they get the sense that other countries are equally committed to play their part. If this is seen as a problem for these countries between Djibouti and Mauritius, then you have a problem. You will have a problem of political support for that in the long-term. Because we don't know exactly when this problem is going to end. So it's important that these countries have a sense that all countries are willing to do their part. But clearly from your statement, you face quite a challenge. And you even say Martin Luther's dream, in this case, it wouldn't apply. And that worries me a bit. That worries me a bit.

The second thing that concerns me is we shouldn't look at the issue of piracy or its solution in a legal way. Because a legal solution, prosecution alone, will not solve this problem. If you can prosecute the masterminds—the masterminds are afraid of going to jail. The pirates themselves are not afraid of going to jail. Because in terms of the quality of their lives, a life in a UN prison is much better than the life they live on the land. So they are not afraid of going to prison. The masterminds, yes. If we can succeed to prosecute the masterminds, I know those will be afraid of going to prison. But not the pirates themselves. Most of them, I think so.

The other thing is, we also have to look at both the push and pull factors. The push factors on the ground—what pushes these young people to go out. But the pull factors, you said the ransoms keep on increasing. So it's becoming a more and more lucrative business. So how do we break that cycle? The push factors keep on growing. The pull factors in terms of more money flowing in keeps on increasing. We have to find a way to break that vicious cycle. And how do we do that? And I don't think the legal approach alone will do that. Thank you very much.

**Terje Rød-Larsen:** That was a very sharp question. Answers?

**Lang:** *Merci.* Thank you very much, Mr. Ambassador. First, is a question of Somalian court in Tanzania. I have not invented it. It's an idea, and I've spoken on this idea with your president last month, in Dar es Salaam, and I've put the question, do you think it could be possible? Naturally we have not discussed about the organization, but he told me, why not? We could discuss, I am open to this idea. So it has to be clear, I don't impose. I have not the power to impose any idea. But it was the fruit of the discussion meeting with the President of Tanzania.

Secondly, I share your approach and I think that this morning or in my text or my report or today, I explained that this question is not only a question which has to be solved by the countries of the region. It's clear. And our common engagement is very important. But we have to be realistic at the same time if we want to solve this question. As you know, along the coast of Tanzania, during a long time there were no incidents, and I was not responsible, but when I was in Dar es Salaam, there were three incidents, and one was terrible. And it has been avoided. It was a *pétrolier*...

- Interpreter:** an oil tanker.
- Lang:** an oil tanker. It's a very interesting thing, this oil tanker, because... this was a French one? I don't know. Perhaps. Something which is very efficient, I have to say, is practical measures which are recommended by the IMO [International Maritime Organization]. It's very practical. Ships which are captured are generally ships which don't respect these concrete practical instructions. And in the case of this ship near Tanzania, perhaps this was a French one. I don't know exactly. This ship had not respected the instructions. And it's a miracle. Two hours before the pirates attacked this ship, they organized the ship in conformity with international practical instructions. And they could resist, yes.
- But again I say, I share your approach. But your approach has not to be used, not to engage itself in this struggle. It has to be a universal struggle. And we have to support, to give the concrete possibilities, to engage ourselves better. But it's our common interest, because you know, Mr. Ambassador, that piracy could ruin the economy of the region. I share your spirit, your approach, but what I have proposed is in conformity with your approach. A Somalian solution is an African one. With the help of the international community and personally I say we have not to... We don't have to be cheap. We have to do it.
- Rød-Larsen:** I'm afraid the time for having the privilege of being with Mr. Lang is running out, so I will suggest that we take three questions at the very end, and then we can gather them and then we can respond to the collective questions. May I first give the floor to the gentleman in the first row.
- Milan J.N. Meetarbhan:** Thank you. My name is Milan Meetarbhan. I'm the Permanent Representative of Mauritius. As you know, we are a coastal state and we are obviously very much concerned by this issue and we are committed to supporting international efforts to combat piracy in the Indian Ocean. My question is really a follow up to that raised by my colleague from Tanzania. You referred to the reluctance of states to assume jurisdiction and prosecute pirates. But what you didn't tell us is from your interactions with these states, your close interaction with these states over the last few years, why this reluctance and what can we do to overcome this reluctance. Do you want to translate the question?
- Rød-Larsen:** May I take two more questions before I give you the floor to respond? The lady on the right hand side over there please.
- Anne-Chris Visser:** Thank you very much. My name is Anne-Chris Visser. I'm from the Counter-Terrorism Executive Directorate and legal officer. First of all I want to thank Minister Lang for his excellent presentation and the President of the IPI for convening this excellent lunch meeting. In relation, my question is, did you find in your research on piracy to target the masterminds of pirates, did you find where the money actually goes to? Because the ransom would end up, you would expect, at the mastermind of the organization so to say. And as a follow up question to that, would you see merit in having measures in place similar to the, for example the anti-money-laundering measures or counter-terrorist financing measures to in a sense follow the money and then get to the heads of the organization? Thank you.
- Rød-Larsen:** Thank you very much. The man with the notebook.
- Farid Dahmane:** *[Translated from the French]*: My name is Farid Dahmane, I'm from the Permanent Mission of Algeria. I am in charge of legal matters. I begin by

thanking Minister Lang for his very detailed presentation, especially for proposals he made to address this issue.

As you said Mr. Lang, there are two components: prevention and repression. And there is one aspect on which I would like to hear more from you—that is, what makes this criminal industry so lucrative, so attractive, namely the issue of ransoms, the payment of ransoms? So the two questions I have: Do you see in the short- or medium-term, a possibility that, within the United Nations, a decision could be taken towards addressing this issue? And then, a second question that may be a little more fact-oriented. What about the market, if I can use this term, of ransoms. How much does it cost, how much do they ask for, what is the market of ransoms like in this region of the world linked to piracy? Thank you.

**Rød-Larsen:** Thank you very much. The floor is yours.

**Lang via interpreter:** I will answer very quickly to the lady who asked this question and who works for counter-terrorism. Well I think that we should benefit from the expertise developed in counter-terrorism and especially to track the financial flows. This is a good example to follow. At the moment I have the feeling that we haven't sufficiently worked on this issue.

You ask me about the level of ransoms. The latest one I have heard of was 9 million dollars. And it could go up in the future. Personally I do not believe in forbidding ransoms. Some states forbid ransoms. It is the case of the United States, with an efficiency which we can discuss. There might be negative consequences for navigation and the relations between some countries. The only option according to me is to target the masterminds at the head and the big fish and the small fish. We have to sanction the pirates but we also have to prevent acts of piracy. I think it's an illusion to imagine that we can forbid ransoms. But I may be wrong.

Congratulations to Mauritius who is nearly going to implement a judicial system, a transfer agreement with the European Union. Among the obstacles which make the states reluctant to prosecute, the first one is the lack of capabilities in prisons. In particular the countries who prosecute, like Kenya, or Seychelles, or Mauritius, do not want to imprison pirates for a long time. This is one more reason to build prison capabilities in Somaliland and Puntland. Naturally speaking, prisons compatible up to international standards. The construction of prisons in Puntland and Somaliland is an absolute necessity so that countries who prosecute do not get discouraged and so that the Somali judges that will in the future be able to prosecute the pirates will have the necessary detention capabilities and imprisonment capabilities.

There are other obstacles, political, psychological. States are selfish. Some states, for instance such as Kenya or Mauritius, are very generous. Like Seychelles as well. To accept pirates that can cause some little problems. And when I go to your countries I first of all want to tell you, thank you. Especially Kenya, who has made a remarkable work and Kenya has not been thanked sufficiently for the work undertaken. But recently there are a lot of—well, some countries who accept to judge, to prosecute the pirates. Korea, two days ago, Oman, a month ago, etc. etc. etc. But it will not be sufficient—we have to find a Somali solution with the strong support of the international community. If we do not take a strong and energetic action, do not cry like crocodiles if the solution is even worse next year. Let's not make crocodiles cry.

**Terje Rød-Larsen:** Thank you very much. I'm getting pressing messages from your staff that the BBC is waiting for you for a live interview in seven minutes. So thank you very much for courageous, candid, and lucid comments. Thank you so much and good luck to you.