PRESS RELEASE Nr 02/2015

21 January 2015

EUCAP Nestor Policy and Legal Framework Workshop held in Mogadishu

Everyone’s heads and eyes in the room get down to concentrate on a piece of paper: “Pollution Case” reads the headline. The text Somali Officers from different Ministries and other institutions within the Federal Government of Somalia - FGS - as well as from different regions of Somalia are studying together with international partners, describes a real-case scenario: A spilling of oil from a vessel happened off the coast of a Country like Somalia. People on a fishing boat see what has happened. Alert is given and from this point phone calls are exchanged between several institutions, including the police, the Ministry of Ports and Maritime Transport, the Ministry of Interior. Animated discussions start about who should do what, when and how.

In the conference room where this afternoon ended a two-day Workshop on “Policy and Legal Framework” for Somalia organized jointly by EUCAP Nestor and the Office of the National Security Adviser of the Republic of Somalia in Mogadishu, HE Sheikh Issa, a lively debated between Somalis and international partners unfolded on the possible scenarios to adopt in a case of pollution at Sea. Among other real-case scenarios debated were “Piracy” and “Illegal fishing”.

The workshop marks the Mission’s support to the FGS commitments given at the Dubai meeting of the Contact Group for Counter Piracy in October 2014 to develop a maritime Coast Guard law by May 2015 (see paragraph 13 of the final communiqué of the Dubai conference).

To prevent and deal with piracy – core mandate of EUCAP Nestor – Somalia will need effective maritime law enforcement bodies with clear legal basis and powers and clarity about the different roles and responsibilities of the different bodies involved. This first EUCAP Nestor workshop of 2015 in Mogadishu discussed the establishing of a law drafting group which will produce a first draft of a law in accordance with an agreed timeline.

The workshop, aimed at “identifying the current legal framework for law enforcement bodies at sea and looking at the practical issues such bodies face and the legal powers they need in order to do their work” as EUCAP Nestor Head of Legal Advisory Programme, Nathalia Berkowitz,
explains, included sessions on the existing legal framework, how to pass a law trough Somali legislation, protection of marine resources, as well as practical aspects involving exchange of ideas based on case-studies.

The 23 participants were representatives of the President’s Office, the Somali Federal Navy/Coast Guard, the Galmudug Coast Guard, the Ministry of Ports and Maritime Transport, the Attorney General’s Office and the Judiciary. A representative of the Somali Marine Resource Centre was also present. For the international community working in Somalia, together with EUCAP Nestor Head of Mission and experts, representatives from the EU Delegation to Somalia, UNSOM, UNODC and EUTM Somalia joined the debate and exchanges of ideas with the Somali counterparts.

The Somalia National Security Adviser, HE Abdirahman Sheikh Issa, opened the workshop on Monday. He expressed the full support of the FGS to the initiative and confirmed the political commitment taken in Dubai. EUCAP Nestor Head of Mission Etienne de Poncins continued in the same vein, confirming the availability of EUCAP Nestor legal team to provide assistance in drafting a comprehensive law or updating existing ones upon request from Somali authorities. He underlined the urgent need for Somalia to clarify competences and rule of law at sea. He finally expressed full support to the nascent FGS Coast Guard/ Navy and readiness to further provide backing to this unit.

On Tuesday morning, the Head of the EU Delegation to Somalia, Michele Cervone, joined the gathering. During his intervention Cervone stressed that the creation of a legal framework is essential to generate a solid base for the Coast Guard, adding that it is important that the new legal framework takes into account the existing laws of Somalia.

“We want to rebuild our Coast Guard, and especially after seminars like this we are more convinced we need EUCAP Nestor’s support to go in the right direction. We need a Law for the Coast Guard.” says Admiral Said Aden Yusuf, Deputy Commander of the Navy/Coast Guard during a break. His Deputy, Colonel Abdi Warsame, Operation Commander, agrees with the Admiral. He prefers to speak Italian to foreigners rather than English, and adds: “It was good to refresh the Somali Law, also because the existing one was forgotten after many years of
instability. Today it is also important in Somalia to work together as a Federal entity. The discussions and debates are important”.

Admiral Madey Nurey Sheikh, Commander of Somali Coast Guard/ Navy joined the closing session of the workshop, expressing his appreciation for EUCAP Nestor’s engagement in Somalia.

**Background**

EUCAP Nestor is a civilian EU mission under the Common Security and Defence Policy which assists host countries in the Horn of Africa and Western Indian Ocean region (Somalia, Djibouti, Seychelles, Tanzania) in strengthening their capacity to ensure maritime security and in particular to fight piracy.