



**TRUST FUND TO SUPPORT INITIATIVES OF STATES
COUNTERING PIRACY OFF THE COAST OF SOMALIA**

PROJECT DOCUMENT

A. PROJECT OVERVIEW	
1. Requesting Recipient UN Organization (s), indicate the Lead Agency if Joint Programme	UNODC
2. Project/Joint Programme Title	Support to Repatriation Flight from Maldives to Puntland
3. Duration	12 months
4. Estimated Starting Date	1 May 2013
5. Location	Maldives
6. Application to Window of Fund	Window B
7. Focus Area	Maritime Law Enforcement
8. Overall Budget (needed to implement the entire project) in USD	\$ 200,000
9. Budget requested from Trust Fund in USD	\$ 200,000
10. Project/Joint Programme indirect costs and percentage of total programme costs	7 %
11. Bilateral/Multilateral contributions in USD	

12. Brief Description

UNODC has, since 2009, been supporting Eastern African states willing to take up the prosecution of piracy suspects. Programming to date has been directed, in varying degrees, to Kenya, Mauritius, Seychelles, Tanzania, Maldives, Comoros and Somalia in the police, prosecutors, courts and prison services. Within this programming, UNODC has facilitated and funded a number of repatriation flights from the Seychelles and Kenya to Somalia for piracy suspects who are acquitted or released for other reasons, such as insufficient evidence and age of the suspects.

This specific proposal to the Trust Fund seeks support for the repatriation of 40 piracy suspects apprehended by the Maldives Coastguard in four different incidents. The circumstances surrounding the interceptions (including the presence of alleged hostages) and the evidence consequently gathered suggest involvement in pirate activity. However, as Maldives has no law

criminalizing piracy, none of the apprehended suspects was prosecuted for piracy. They were, instead, charged with immigration offences and some of them have been detained in Maldives for over three years awaiting repatriation to Somalia.

UNODC was approached by the Maldives and Puntland authorities to facilitate the repatriation of these 40 individuals for humanitarian purposes and to alleviate the burden being placed on the Maldives prison system. The present proposal would support the requested repatriation through the procurement of a charter flight from Maldives to Puntland.

B. SITUATION ANALYSIS AND JUSTIFICATION

13. Problem Analysis

A critical component of efforts to combat piracy off the coast of Somalia is to ensure that suspected pirates are brought to justice and the international community has turned to regional countries to assist in this process. Since May 2009, the UNODC Counter Piracy Programme (CPP) has provided targeted support and capacity building to those regional countries that have agreed to undertake piracy prosecutions to ensure that the trials and detention are fair, humane and efficient and take place within a sound rule of law framework.

As a programme that is grounded in human rights, the CPP has also taken on the role of repatriating Somalis who are apprehended by international navies or the domestic coast guards of regional states and subsequently acquitted from prosecution or never prosecuted due to a lack of evidence, age of the suspects or a lack of laws criminalizing piracy. Repatriations are provided for the humanitarian purpose of returning those stranded or detained in a foreign state back home to Somalia and are also a key element of ensuring maritime forces are not dissuaded from detaining suspected pirates or assisting those in need of rescue at sea.

Repatriations of individuals in these situations are contingent on the agreement of the detaining and receiving states and well as the consent of the persons to be repatriated.

14. Synergies/Partnerships

The Counter Piracy Programme works closely with other UN agencies, recognizing that each has specialist skills to bring to the fight against Somali-based piracy. As well as supporting DPA in its political role, the Programme has developed close liaison with the International Maritime Organisation, supporting the implementation of the Djibouti Code of Conduct through the delivery of complementary training. All UNODC activities being implemented in Somalia are closely coordinated with UN Political Office for Somalia (UNPOS).

UNODC has welcomed and supported the establishment of the CGPCS, a model of effective international cooperation in response to a complex regional security issue. As well as being a critical implementation partner for Working Group I (Operational Coordination and Capability Development) of the Contact Group, UNODC acts as secretariat to Working Group II (Legal

Issues), to which it has provided various forms of support. In particular, UNODC has prepared an analysis of the legal and practical challenges involved in prosecuting suspected pirates regionally. The Counter Piracy Programme is a major contributor both to the development of thinking in the Contact Group and to the delivery of priorities identified by them.

15. Partnership Arrangements/Modalities

All work will be carried out in close consultation with partners in Maldives and Somalia.

C. STRATEGY

16. Overview of Project Strategy

The Maldives Government and the administration of the Puntland State of Somalia have signed an agreement to repatriate the 40 piracy suspects currently detained in Maldives to Somalia. Both the Maldives and Puntland authorities have requested UNODC to facilitate the repatriation, including funding of the flight.

UNODC staff conducted a mission to Maldives in October 2012 together with the Puntland Director General for Counter Piracy to facilitate arrangements for the repatriation. All 40 Somalis have been briefed on the implications of the repatriation and have signed voluntary declarations requesting repatriation to Puntland. The Somali Embassy in New Dehli has issued temporary travel documents to all 40 Somalis to fly from Maldives to Somalia.

UNODC has investigated available options for flying the 40 Somalis from Maldives. Commercial airlines are reluctant to fly them or have them transit through airports, and insist on them being escorted by guards. The total cost of the tickets for the Somalis and the tickets and other costs of guards exceed the cost of chartering a flight with escorts specifically for the repatriation. A chartered flight also avoids the security and administrative concerns of repatriating the Somalis on commercial airlines and transiting through international airports.

UNODC has invited bids for the provision of the flight with guards and received two bids of \$176,000 and \$398,000. UNODC seeks \$ 200,000 under this Trust Fund proposal to procure the chartered flight and guards.

17. Major Project Outcomes and Outputs

Outcome 1: Repatriation of individuals detained on suspicion of piracy and imprisoned in Maldives to Puntland.

18. Key Risks and Mitigation Strategy

The principal risks associated with the proposed project are:

- **Risk:** Lack of cooperation of receiving state
- **Mitigation:** The Maldives Government and the administration of the Puntland State of Somalia have signed an agreement to repatriate the 40 piracy suspects
- **Risk:** Hijacking of aircraft
- **Mitigation:** Aircraft have security staff embarked; individuals are volunteers to return home.

19. Means of Verification

- Confirmation of repatriation of the 40 Somali individuals by Maldives authorities
- Invoice for repatriation flight from the flight operator hired

D. MANAGEMENT ARRANGEMENTS

20. Project Management Mechanisms and Structure

The project will be coordinated and supported from UNODC's Regional Office for East Africa (ROEA) in Nairobi, under the direction of Mr. Alan Cole, UNODC Regional Counter-Piracy Programme Coordinator.

21. Project Evaluation

Procedures for project management will be applied under the framework of UNODC results-based management, adopted by the Office to ensure effective deliver of technical assistance. A mid-term review was conducted of the entire UNODC Counter Piracy Programme by an independent evaluator in early 2013. The outcomes and recommendations from this mid-term evaluation will be reflected in the implementation of this project. A final review of this project within the context of the entire UNODC Counter Piracy Programme will be conducted by an independent evaluator and will be made available to the Fund Board.

22. Reporting

UNODC will present certified project reports to the Fund Board and the Fund Administrator and Secretariat on an annual basis and final reports at the project's close, as per the TOR for the Fund, and the MOU for Participating UN Agencies. Interim reporting will be provided to the Fund Administrator and Secretariat upon request.

23. Legal Context

The Government of Maldives agrees that the Standard Basic Assistance Agreement (SBAA) signed on 25 January 1978 with the United Nations Development Programme (UNDP), shall apply, *mutatis mutandis*, to the assistance provided by UNODC under the present project document. The Government confirms, in particular, that Article IX (Privileges and Immunities), Article X (Facilities for the execution of UNDP assistance), Article XI (Suspension or Termination of Assistance) and Article XII (Settlement of Disputes) of the SBAA shall apply to the activities of UNODC under this project.

E. Budget Overview (by Outcome)

OUTCOME	BUDGET
Project Outcome 1 Repatriation flight from the Maldives to Somalia	\$ 186,916

F. Budget Overview (by reporting categories)

1. Staff and other personnel costs	
2. Supplies, Commodities, Materials	
3. Equipment, Vehicles and Furniture including Depreciation	
4. Contractual Services	\$186,916
5. Travel	
6. Transfers and Grants Counterparts	
7. General Operating and Other Direct Costs	
Sub-Total:	
8. Indirect Support Costs (7%) of Sub-Total:	\$13,084
TOTAL	\$200,000

