


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

This proposal has been agreed and supported by the relevant Somali counterparts.
 It has also been deconflicted with projects reflected in the CBCG Portal.

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 Maritime Law Enforcement in Somalia
3. Duration	24 Months
4. Estimated Starting Date	October 2013
5. Location	Somalia
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	\$ 7,000,000
9. Budget requested from Trust Fund in USD	\$ 940,200
10. Project/Joint Programme indirect costs and percentage of total programme costs	7%
11. Bilateral/Multilateral contributions in USD	Jan 13 \$ 398,200 Oct 13 \$2.4m (Pledge) Oct 13 \$1.5m (Pledge)

12. Brief Description

This is a submission from UNODC for support to the Maritime Law Enforcement (MLE) Authorities in Somalia.

This project proposal supports a package of assistance being delivered by UNODC to give the MLE authorities in Somalia increased capacity to exercise some control over their 12nm territorial sea, with specific focus on developing competency in maintenance and engineering, mariner and policing skills and communications.

The activities outlined in the proposal were identified as needs by Somali authorities in meetings conducted under the Kampala Process in Nairobi in June 2013 and fall within the framework of the Somali Maritime Resource and Security Strategy (MRSS). They will be implemented concurrently with bilaterally-funded activities which together will comprise the UNODC Maritime Crime Programme in the Horn of Africa (MCP HOA). This parallel and complementary programming will allow for high levels of delivery while minimizing programme management costs.

B. SITUATION ANALYSIS AND JUSTIFICATION

13. Problem Analysis

Somalia is at a pivotal point for its future stability and development. The potential to achieve lasting peace has never been more promising. In September 2012, following decades of protracted civil war, the first elected government in the last several decades took office. It has ratified a new Constitution which enshrines some basic human rights principles for the people of Somalia; the scourge of piracy appears to be receding and, with the support of international troops, the terrorist group *Al Shabaab* has been relieved of its primary bastion of power – the port of Kismayo in South Central Somalia. In the maritime context, Somalia has acted decisively to cure one ongoing irritant in its relations by acting to make it evident to all that its maritime zones are in conformity with the Law of the Sea.

There remains much work to be done, however, and recent progress can be easily reversed. Levels of development vary across Somalia. The fragmented country has long lingered at the bottom of the Human Development Index and the very bottom of Transparency International's corruption index among a number of other indexes. State institutions, where they exist, are a patchwork of colonial legacies that have never offered a good fit for the purpose of governing Somalia and delivering services to its people. As parts of the country have been torn apart by decades of conflict, populations have been without an effective central government since 1991. This has resulted in very poor development and governance indicators, and conditions of life are characterised by chronic poverty, inequality, food insecurity and public health challenges. The absence of legitimate government and protracted conflict over two decades has also led to an almost endemic state of corruption. Additionally, advances in the conflict with *Al Shabaab* have to some extent relocated this conflict to other areas of Somalia.

These years of conflict, mismanagement and corruption, and very poor infrastructure, have left their marks on various national justice institutions. While the challenges are enormous there is also great opportunity for growth and prosperity.

Somalia is a nation that looks to the sea for its future. With the second longest coastline in Africa, a position adjacent to some of the world's busiest shipping routes and a reputation as the launching point for extensive piracy, people trafficking and smuggling operations Somalia has prioritised its maritime security.

Just as it seeks a sound rule of law framework on land, so it has identified the need for one at sea. Past efforts have not been successful: in the first decade of the century, warlords set up their own 'coastguards', levying taxes and fines on ships they managed to board on the basis that they were suspected of being engaged in illegal fishing. With a total absence of rule of law, these activities evolved rapidly into piracy and in recent years have reached unprecedented levels, threatening the security of commercial shipping and the safety of crews and passengers.

Guided by the Somali led Somali Maritime Resource and Security Strategy, work proposed under the current submission will be aimed at developing basic MLE capabilities within the Somali Authorities to enable them to begin re-establishing some effective control over their territorial waters.

14. Synergies/Partnerships

This is a submission from UNODC for support to the MLE Authorities in Somalia. It forms part of the larger *Building the Capacity of Somalia to Address Maritime Crime* project, which is being implemented in close partnership with UNSOM (formerly UNPOS) and IMO (activities submitted to and approved by the Trust Fund in its 12th meeting).

The activities outlined in the proposal were identified as needs by Somali authorities in meetings conducted under the Kampala Process in Nairobi in June 2013. In those meetings, as well as through informal discussions and the Capacity Building Coordination Platform, the proposal has been deconflicted from the work of EU CAPNESTOR, FAO, UNDP, EU MASE, IGAD, the African Union, AMISOM, Turkey and UNMAS.

UNODC will continue to work in cooperation with UNSOM, IMO, EUCAP NESTOR, UNDP and UNMAS and other executing agencies throughout the implementation phase to identify possible project complementarities, synergies and partnerships.

[UNODC has secured a further \\$4.2m in bilateral funding or pledges towards this programme.](#)

15. Partnership Arrangements/Modalities

This proposal has been developed through the Maritime Security and Counter Piracy Technical Working Group which is set up to assist the Government of Somalia to

develop a Maritime Security Strategy. It has been shared with the following:

- a. The African Union, which is developing Africa's Integrated Maritime Strategy for 2050 to address Africa's maritime challenges and opportunities focussing on wealth creation and sustainable governance of Africa's seas and oceans. This programme will be complimentary to this approach.
- b. UNODC has been engaged in the development of the EU MASE Programme and meetings with implementing partners IGAD, IOC and EAC have ensured there is no conflict.
- c. The proposal has been shared with EUCAP NESTOR and EEAS and does not conflict with their planned activities; indeed EUCAP NESTOR sees their activities as being strongly complimentary and has expressed appreciation for the invitation from UNODC to be engaged in UNODC and IMO-led maritime law reform and legal capacity building work under the Kampala Process. Additionally, EUCAP NESTOR is currently engaged in work to improve the effectiveness of coastguards in Seychelles and Djibouti, and has not yet developed programme activities related to Somali coastguards. Having accompanied UNODC to Bosasso, EUCAP NESTOR personnel are aware of activities to be carried out in Somalia under this proposal.
- d. The Turkish government have confirmed that this programme will complement their contribution of two 20m vessels to the Government in Mogadishu.
- e. UNDP Somalia runs a police programme in Somalia. Their work does not include maritime forces.
- f. The Nairobi Cluster which includes all Nairobi based donors and agencies.
- g. FAO have formulated a programme to support the fisheries industry in Somaliland and Puntland which includes training of Somaliland Coastguard officers in fisheries work and the provision of a patrol vessel. The programme is set to commence in 2013. In the event of concurrent programming, activities, especially those related to training, will be carried out in close coordination.
- h. UNMAS are training maritime police (two groups of 15) in port security in Mogadishu. They have also established VHF capability in the port. These efforts will be supplemented by activities under this programme as UNODC will be providing HF equipment as well as training in communications.

C. STRATEGY

16. Overview of Project Strategy

UNPOS, IMO and UNODC will work together to ensure that Somali MLE authorities have the legal framework and basic logistical support to police the territorial sea of Somalia (ie: out to 12 nm). The programme restricts its focus to 12 nm for 2 reasons:

- a. Although Somalia currently claims a 200nm territorial sea, this claim is in excess of that allowed by the UN Convention on the Law of the Sea 1982, which Somalia ratified in 1989. Therefore, Somalia's legitimate territorial sea claim extends only to 12nm; the maximum allowed by the Convention. It is notable that Somaliland (via its Fisheries Law) has accepted that it has only a 12 nautical mile Territorial Sea, and that its authorities in its EEZ are consistent with UNCLOS 1982. Senior representatives from Somali administrations have noted the existence of a 1989 law which revoked the Somali 200 nm territorial sea claim to bring their claims into conformity with UNCLOS 1982. A copy of this law has been located, and Somali administrations are currently considering its status and implementation. The Somali administrations are thus generally aware that the 200 nm territorial sea claim is not sustainable and that further support would be conditional on clearly articulating or rearticulating this change of claim.
- b. Although there are no comprehensive laws in place to give Somali MLE personnel legal powers (including powers of arrest and seizure), there are sufficient laws in each area to allow MLE personnel to exercise legal powers out to 12nm. The current patchwork of incomplete authorities and powers is recognised by the Somali administrations as being in need of reform.

Support to Somali MLE is in line with the following:

- a. UNSCR 1976, 2067 and 2077, and the UN Policy Coherence Paper No 7¹, the present proposal will contribute to "ensuring a comprehensive approach to address instability, lack of governance and law enforcement, and unrelenting poverty in Somalia and its regions which generate motivation to engage in piracy".
- b. The 'Roadmap' was set up through the Kampala Accord. The Roadmap for ending the transitional period identified key tasks in both the political and security sectors. The maritime security elements were not achieved and have been updated in a revised Roadmap and a policy paper by UNPOS. The key objectives are:
 - I. Develop a National Maritime Economic and Security Strategy in

¹UN Comprehensive Approach to Piracy in Somalia"

- conjunction with Regional States based on the Constitutional provisions and the NSSP.
- II. Develop a Legal Framework to support the National Maritime Economic and Security Strategy.
 - III. Establish a Maritime Law Enforcement capability in line with the NSSP to protect Somali Ports, territorial waters and EEZ.
 - IV. Develop a Ministry of Fisheries Marine Resources and Environment.
 - V. Develop a Ministry of Maritime Transportation, Ports and Counter Piracy.
 - VI. Develop support to Coastal regeneration projects and Advocacy Program as a counter to Piracy and other Crimes in coastal regions.
- c. The on-going efforts of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in developing regional and Somali capacity on land and inshore waters.

This submission addresses the current Somali capacity to address maritime crime in line with objective III above and complements the two activities approved by the Trust Fund Board at its 12th Meeting under Proposal 50 – Support to Maritime Law Enforcement in Somalia, led by IMO and UNPOS. The specific activities in this submission have been endorsed by the Somali-led Kampala Process and properly reflect the realities on the ground.

Current Somali capacity to address maritime crime in the three targeted regions is as follows:

South Central Somalia

South Central Somalia has two separate maritime forces. The first is the remains of the Somali Navy, a force of some 600 personnel with no sea going capability. They are based in the old harbour north of Mogadishu and are beginning to receive some assistance from the Turkish Government to enable them to contribute effectively to the efforts of AMISOM and international naval forces in maintaining stability in South Central Somalia. There are substantial commercial commitments to supporting the Navy in Mogadishu.

UNODC will work with the *Maritime Police* within the existing police structure. The Maritime Police are receiving assistance from UNMAS to allow them to provide a basic port security function for the new port in Mogadishu. They have a small number of vessels that are not adequately seaworthy, no logistical support and are effectively land based. Their responsibilities include securing the port area and keeping ships safe whilst they are at anchor waiting to enter the port. They have virtually no capacity to achieve this second element of their mandate.

Puntland

The Puntland Maritime Police Force (PMPF) has been funded and trained to deliver a shore based law enforcement capability. It is considered to be competent and well equipped but currently outside the rule of law framework. PMPF has been heavily criticized by the Somalia and Eritrea Monitoring Group (SEMG) and its future is unclear. EUCAPNESTOR, UNODC and UNSOM will conduct a joint assessment of the PMPF in late 2013.

Puntland has a small Port Police contingent in Bosasso. They have three elderly vessels which are barely capable of leaving the port. Their task is to ensure the secure operation of the port but they are currently unable to effectively perform these duties due to lack of equipment and skills. This Programme will, in the long term, assist the Port Police develop into a coastguard and to have a greater influence off Bosasso port. The Government of Puntland has endorsed this approach and has committed to move some of the resources from the PMPF into the Port Police as well as providing the necessary manpower and real estate. A Port Police HQ will be established in Bosasso where there is ample jetty space, a competent local boat builder, a shipyard and widespread support for a maritime law enforcement capability. This activity is derived from Point a) of MRSS Goal 2: Ability to conduct operations, including joint operations.

Somaliland

The Somaliland Coastguard (also referred to as the Maritime Police) comprises approximately 700 officers. Their activities on land and at sea are constrained by many factors, in particular a lack of communications and engineering capacity. Vehicles, vessels and radio equipment donated by various bilateral partners have deteriorated due to lack of maintenance. A UNODC assessment mission conducted in March 2013 revealed that 90% of their vessels were unable to go to sea for want of basic mechanical repairs and spares. The vessels have a range of inboard and outboard engines many of which require a level of maintenance and repair expertise which simply isn't available in the region. There were few spare parts and a very limited engineering capability. On shore, although there is a designated operations room, it contains limited equipment, is not manned 24 hours, and there is limited understanding of the regional maritime law enforcement framework. The Coastguard is not able to communicate with their vessels or coastal stations other than intermittently. In the past, the Coastguard had been gifted a number of vehicles to allow them to access their coastal stations. Although these are of a suitable design for the task, any spares packages had been exhausted and many of the vehicles were no longer useable. It was determined that few would be useable within 12 months if the problem was not addressed.

While significant progress is being made through the placement of a UNODC Marine Engineering Trainer in Berbera to teach personnel how to repair and maintain their equipment, greater capacity is required. Specifically, the addition of small boats suitable for the operations and physical restrictions of the Coastguard and its geographical location is essential. Currently, the Coastguard is in possession of the following vessels:

- Two small skiffs of approximately 5 meters in length with 40hp two stroke outboard engines;
- One larger skiff of approximately 8 meters in length powered by a 75hp two stroke outboard;
- One 8 meter boat powered by an 115hp 2 stroke outboard;
- One Bosasso fishing boat powered by a Leyland inboard diesel engine;
- Three Gulf Craft of 12 meters in length, powered by 280hp inboard diesel engines (NB. only one of these is capable of running as the other two are non-operational due to seized engines).

Within these contexts, the activities under the current proposal will be focused on developing the engineering, maintenance and communications capabilities of the MLE authorities and providing operational learning in their areas of mariner and policing skills. These activities will be complemented by training, procurement and programme management funded bilaterally under the UNODC MCP HOA programme.

17. Major Project Outcomes and Outputs

Outcome 1: MLE capacity is developed in the Maritime Police in Mogadishu

1.1 Maritime Police has basic repair and maintenance capacity through the establishment and equipping of a logistics and engineering department and related mentoring

Outcome 2: MLE capacity is developed in the Bosasso Port Police

2.1 Bosasso Port Police has basic repair and maintenance capacity through the establishment and equipping of a logistics and engineering department (*mentoring is being provided bilaterally)

2.2 Bosasso Port Police is trained in mariner and policing skills through the placement of a full-time mentor

2.3 Bosasso Port Police has basic communications capabilities through the provision of equipment and related training

Outcome 3: MLE capacity is developed in Somaliland Coastguard

3.1 Somaliland Coastguard is trained in mariner and policing skills through the placement of a full-time mentor

3.2 Somaliland Coastguard has basic communications capabilities through the

provision of training (*equipment is being provided bilaterally)

18. Key Risks and Mitigation Strategy

The principal risks associated with the proposed project are:

- **Risk:** Volatile Somali political / governmental environment.
- **Mitigation:** Close monitoring of political situation and activity implementation.

- **Risk:** Unstable security situation and / or attacks on implementing partners.
- **Mitigation:** Appropriate levels of investment in security measures and close monitoring of security situation.

- **Risk:** Lack of support within Somali communities for the strengthening of Somali MLE.
- **Mitigation:** Monitoring of political sentiments in local communities towards strengthening law enforcement entities.

- **Risk:** The three regions are at different capacity levels and of different need in support.
- **Mitigation:** The project will adopt the kind of assistance and support according to current level of capacity.

19. Means of Verification

- Field Monitoring from UNODC Staff including site checks and field visits to MLE Facilities;
- Reporting from mentors and experts on the ground;
- International Media Reporting & protection monitoring reports from UN Agencies;
- Meetings with implementing partners and government authorities;
- File reviews of law enforcement / coastguard staff at the beginning and at conclusion of the training courses conducted in order to evaluate improvements in the quality of knowledge;
- Site reports regarding status of rehabilitation as well as final reports following completion of works.

D. MANAGEMENT ARRANGEMENTS	
20. Project Management Mechanisms and Structure	<p>The UNODC MCP HOA Programme falls within the UNODC Maritime Crime Programme for the Indian Ocean and Horn of Africa (MCP IO/HoA) which operates from the Regional Office for Eastern Africa. The Programme will be managed by a P4 based in Nairobi, with frequent travel to Somalia, under the supervision of the UNODC MCP IO/HoA Regional Coordinator.</p>
21. Project Evaluation	<p>UNODC will have the current Trust Fund proposal fall under project XEAX93, the successor to the Trust Fund project XEAX20, which was opened for easier administration and reporting purposes in May 2013. This project will, along with XEAX20, be part of the final independent evaluation of MCP IO/HoA (and activities under its predecessor, the Counter Piracy Programme) to take place in Q4 2015.</p> <p>UNODC focuses its evaluations on the criteria of: relevance, effectiveness, efficiency, impact and sustainability, partnerships and coordination, and gender and human rights. All UNODC evaluations are carried out under the oversight of the Independent Evaluation Unit (IEU) of UNODC Headquarters in Vienna, which provides technical support and quality assurance throughout the process. IEU clears the Terms of References, the selection of the evaluation consultant/s, the inception and final reports. The Counter Piracy Programme was subject to an in-depth evaluation in the first half of 2013 prior to the move to wider maritime crime programming under the new MCP IO/HoA.</p>
22. Reporting	<p>UNODC will present narrative and certified financial project reports to the Trust Fund Board and the Fund Manager on an annual basis as per the TOR for the Fund, and the MOU for Participating UN Agencies. Interim reporting will be provided to the Fund Manager upon request.</p>
23. Legal Context	<p>The Government of the Somali Democratic Republic agrees that the Standard Basic Assistance Agreement (SBAA) signed on 16 May 1977 with the United Nations Development Programme (UNDP), shall apply, <i>mutatis mutandis</i>, 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</p>

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 and Organization)

OUTCOME	BUDGET
Project Outcome 1	240,000
Project Outcome 2	340,000
Project Outcome 3	140,000
Total project activity costs	\$ 720,000

F. Budget Overview (by reporting categories)

1. Staff and other personnel costs	
2. Supplies, Commodities, Materials	150,000
3. Equipment, Vehicles and Furniture including Depreciation	170,000
4. Contractual Services	400,000
5. Travel	110,000
6. Transfers and Grants Counterparts	
7. General Operating and Other Direct Costs	48,700
Sub-Total:	878,700
8. Indirect Support Costs (7%) of Sub-Total:	61,500
TOTAL	\$ 940,200

G. WORK PLAN & BUDGET								
EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME YEAR 1				RESPONSIBLE PARTY	PLANNED BUDGET	
		Q1	Q2	Q3	Q4		Budget Description	Amount USD
OUTCOME 1: Mogadishu Maritime Police has improved MLE capacity								
Output 1.1 Mogadishu Maritime Police has basic repair and maintenance capacity	1.1.1 Procurement of supplies and materials for the establishment of a logistics and engineering department with basic repair and maintenance equipment	X	X	X		UNODC	Supplies, Commodities, Materials	60,000
	1.1.2 Procurement of equipment and furniture for the establishment of a logistics and engineering department with basic repair and maintenance equipment	X	X	X		UNODC	Equipment, Vehicles and Furniture	60,000
	1.1.3 Contracting of a mentor to train the Maritime Police in maintenance and repair of their equipment	X	X	X	X	UNODC	Contractual Services	120,000
OUTCOME 2: Puntland: Bosasso Port Police has improved MLE capacity								
Output 2.1 Bosasso Port Police has basic repair and maintenance capacity	2.1.1 Procurement of supplies and materials for the establishment of a logistics and engineering department with basic repair and maintenance equipment (*related mentoring funded bilaterally)	X	X	X		UNODC	Supplies, Commodities, Materials	90,000
	2.1.2 Procurement of equipment and furniture for the establishment of a logistics and engineering department with basic repair and maintenance equipment	X	X	X		UNODC	Equipment, Vehicles and Furniture	90,000
Output 2.2 Bosasso Port Police is trained in mariner and policing skills	2.2.1 Contracting of a mentor to train the Port Police in mariner and policing skills	X	X	X	X	UNODC	Contractual Services	120,000

