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In-depth evaluation of the

**Counter Piracy Programme**

**Combating maritime piracy in the Horn of  
Africa and the Indian Ocean**

**Increasing regional capacities to deter, detain  
and prosecute pirates**

XAMT72, XEAX20, XSSX11, SOMX54, MUSX55, XEAX67

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# GLOSSARY OF TERMS AND ABBREVIATIONS

AMISOM	African Union Mission in Somalia
BMP	Best Management Practices
CGPCS	Contact Group on Piracy off the Coast of Somalia
CPP	Counter Piracy Programme
EARP	East Africa Regional Programme
EPN	European Patrols Network
IMO	International Maritime Organization
MCP	Maritime Crime Programme
JIATF	Joint Interagency Taskforce
MSC	Most Significant Change
OECD	Organisation for Economic Co-operation and Development
PCASP	Privately Contracted Armed Security Personnel
PSC	Programme Support Costs
RAPPICC	Regional Anti-Piracy Prosecution and Intelligence Coordination Centre
RP	Regional Programme
SLA	Service Level Agreement
SUA	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
TFG	Transitional Federal Government
ToR	Terms of Reference
UNCLOS	United Nations Convention on the Law Of the Seas
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNPOS	United Nations Political Office for Somalia
UNTOC	United Nations convention against Transnational Organized Crime
WCO	World Customs Organization

# EXECUTIVE SUMMARY

The Security Council Resolution **1851 (2008)** provided the basis for the establishment of the Contact Group on Piracy off the Coast of Somalia (CGPCS), with the purpose of coordinating activities among states and organizations to suppress piracy off the coast of Somalia. This international forum has brought together more than 60 countries and international organizations all working towards the prevention of piracy off the Somali coast.

UNODC counter piracy activities were given official endorsement through the **1851 (2008) SC** Resolution and encouraged further UNODC involvement in the region.

The programme documentation refers to the Secretary General's report on piracy (**S/2010/738** of 22 October 2012). UNODC programming and activities in the region have been built on the tenet of combining the efforts to bring piracy suspects to justice with wider support for the region.

UNODC commenced its Counter Piracy Programme in April 2009 and it soon gained the strong support of the donor community, reflected in the growing project's budget. The original project document set out the ambition to base an international programme expert in UNODC's Regional Office to prepare and set up the necessary preconditions for the launching of the larger programme with the objective of "combating maritime piracy in the Horn of Africa through increasing regional capacities to deter, arrest, prosecute and detain pirates". This objective was developed as the programme began and at the end of 2009 the three objectives were defined as:

- (a) 1. Objective: Fair and efficient trials and imprisonment of piracy suspects in regional countries;
- (b) 2. Objective: Humane and secure imprisonment in Somalia; and
- (c) 3. Objective: In the longer term fair and efficient trials in Somalia itself (mainly taken forward by UNDP, but with UNODC support).

Objective 1 has been achieved. For example, in Kenya (as of January 2013) there were 64 piracy suspects on remand, 74 convicted pirates, 17 acquitted and returned to Somalia and 10 completed their sentence and repatriated to Somalia. In Seychelles there were 21 piracy suspects on remand, 102 convicted pirates, 34 transferred back to Somalia to complete their sentences and 1 has completed their sentence and was repatriated to Somalia. Significant steps have been taken to achieving objectives 2 and 3 with the capacity building work currently being done in Somali including the refurbishment and building of prisons and the training of prison staff among other initiatives to improve criminal justice capacity.

This is an in-depth evaluation, the purpose of which is to provide guidance to the CPP team and UNODC on key issues that may impact upon its future development and to inform the CPP's various stakeholders on the quality of the programme.

The evaluation was conducted using desk review of appropriate documentation and the interviewing of relevant stakeholders. These interviews were semi-structured and consisted of some standard questions and additional questions targeted at the relevant stakeholder group(s) in

order to answer the specific requirements of the Terms of Reference (ToR). The ToR can be found at Annex I, the standard questionnaire at Annex II, the data collection matrix at Annex III, the list of individuals interviewed throughout the course of this evaluation at Annex IV and the desk review material at Annex V. Objectivity was built into the overall methodology by triangulating the analysis from different sets of stakeholders to ensure the effect that inherent biases have on the analysis and evaluation process was reduced.

Limitations included an inability to visit Somalia, the ToR being altered during the evaluation process, over 47 questions asked within the ToR many requiring in-depth research and limited time during the Inception phase.

## Major Findings

The most important finding of this evaluation is that the Counter Piracy Programme is successful and that it is successful on many levels. With specific regard to the ToR criteria the CPP was deemed exceptionally relevant, effective, had a very positive impact and managed its external partnerships and cooperation to a similar high level. It was not quite as well received with regard to efficiency although the majority still ‘agreed’ that it was efficient. There was seen to be room for improvement when it came to internal communication (although this is now moving in a positive direction), sustainability and programme design. The main objective of ‘fair and efficient trials and imprisonment of piracy suspects in regional countries’ has been achieved. The programme continues to support this objective. It is also making substantial progress toward reaching its other objectives of humane and secure imprisonment in Somalia and in the longer term fair and efficient trials in Somalia itself.

The feedback from all data sources is exceptionally positive and the programme has been consistently called the ‘flagship’ programme of UNODC. The expansion of the programme from around half a million USD \$ in 2009 to USD \$ 25 million in 2011 and beyond USD \$ 40 million in 2012 is a clear indicator of the success of the programme, particularly from the donor community perspective. This has brought ‘knock-on’ effects for the wider UNODC family and many of the partner agencies and donors now appreciate the potential which lies within UNODC.

The ability to deliver results ‘on the ground’ is constantly highlighted by CPP beneficiaries, donors and partners alike. The list of deliverables of which the programme can claim is extensive and a fuller list can be found at Annex VI. The following is a selection of those results.

### ***Police***

- (a) Supported 20 piracy investigations in Seychelles and Kenya, including providing secure exhibit stores for over 100 weapons and other exhibits;
- (b) Facilitated forensic examination of over 50 weapons;
- (c) Delivered 3 weeks CID training package for 30 officers in Kenya;
- (d) Provided criminal analyst training for 25 police intelligence analysts from Kenya, Seychelles, Tanzania, Mauritius and Maldives;
- (e) Provided full time mentoring to Seychelles Police over 18 months;
- (f) Equipped Seychelles police with VHF radios for personal and vehicle use;
- (g) Arranged the training of Seychelles police dog handlers in UK and funded the provision and delivery of 8 search, narcotics and general purpose dogs;

(h) Provided 5 days of training in the organization of naval operations and piracy investigations to 25 investigators from Kenya, Seychelles, Tanzania, Mauritius and Maldives;

(i) Provided learning exchanges to investigators from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;

(j) Enhanced Police methodology such as improved investigative techniques in Kenya, so that regional forces can be brought up to international standards;

### ***Prosecutors***

The CPP has established regional prosecuting centers in Kenya, the Seychelles and Mauritius after MoUs to transfer pirates were signed between the respective Governments.

(a) Provided 5 days of initial training on law of the sea, the organization of naval operations and piracy investigations to 17 prosecutors from Kenya, Seychelles, Tanzania, Mauritius and Maldives;

(b) Provided learning exchanges for prosecutors from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;

(c) Arranged transportation of 11 prosecutors to over 150 court days in Mombasa;

(d) Equipped prosecution offices in Mombasa and Nairobi to allow 11 prosecutors access to IT and on-line legal resources as well as securing filing and copying;

(e) Funded and trained a prosecutor for Seychelles piracy trials. He has prosecuted five trials and secured a conviction in every one;

(f) Conducted joint training over 5 days with IMO for 20 senior law enforcement officials in the use of force in the maritime law enforcement;

(g) Introduced handover guidance for international navies on how to present piracy cases for prosecution in Kenya, Seychelles and Mauritius;

### ***Courts***

(a) Arranged for foreign witnesses to attend trials to give testimony in Seychelles and Kenya;

(b) Arranged interpretation as required from 5 languages into English (both for Somali accused and foreign witnesses);

(c) Provided learning exchanges for judges from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;

(d) Constructed or refurbished, equipped and commissioned a new courtroom with witness protection facilities in Kenya (Shimo la Tewa Courtroom) and in Seychelles;

(e) Assisted with professional advice on the drafting of piracy laws in Kenya, Seychelles, Tanzania, Mauritius, Maldives, Somaliland, Puntland and South Central Somalia;

(f) Funded defence lawyers in 8 trials in Seychelles and 7 in Kenya;

(g) Arranged and funded repatriation flights for acquitted suspects from Kenya and Seychelles to Somalia;



(h) Provided equipments such as computers, filing cabinets, printers to both the Court and prosecutors as per requirement in Kenya

### ***Prison***

(a) Completed the construction of a 400 bed prison in Hargeisa Somaliland, the first new prison in East Africa for many years. Trained 200 staff in the operation of the prison under new standing orders and routines, introduced agriculture within the prison, introduced prisoner classification across all 11 prisons in Somaliland, introduced full time mentoring at the prison and provided HF and VHF radio systems across the prison sector. Provided staff uniforms and the machines and material for prisoners to make their own uniforms. For the first time in 30 years, Somaliland prisoners have uniforms to wear;

(b) Provided 3 prison vehicles to Somaliland prisons;

(c) Provided training in prisoner categorization to the 60 members of the Puntland Correctional Service over 3 weeks;

(d) Provided training in the care of Somali prisoners, including modern correctional techniques, incident management and Somali cultural awareness over 5 days to 25 senior prison staff from Kenya, Seychelles, Tanzania, Mauritius and Maldives;

(e) Designed, constructed and delivered a 60 bed prison block in Seychelles. The block includes educational, welfare and visiting facilities, as well as higher security precautions than the existing prison. Trained local staff in its operation;

(f) Refurbished extensively the Shimo La Tewa prison, Kenya (as model prison both in Kenya and in other prisons in the Region, as well as in four other prisons in Kenya (Manyani, Kamiti, Malindi, Nakuru).

(g) Provided learning exchanges for prison staff from Kenya to make the staff more responsive to the human rights needs of the prisoners;

The CPP has also exercised good judgement in its decision making regarding capacity building projects. It recognised, for example, that in improving prison conditions for pirates it would be necessary to ensure other prisoners received the same improvements. The CPP has attempted to introduce education and training opportunities for the pirates and other inmates. This is a commendable approach and a valiant attempt to reduce the likelihood of all prisoners returning to a life of crime after release. It is also striking how grateful the prisoners are to be given these opportunities and the vast majority grasp it whole heartedly.

The CPP handles the issue of communication and cooperation with external partners, actors and the donor community very well. The fortnightly updates on the work of the CPP is greatly appreciated by all who receive it and the regular bulletins and donor meetings all contribute to this effective communication strategy. Given the global interest in countering piracy over the past 5 years there are a myriad of different governments, agencies and organisations involved. The CPP has done well to identify the key actors with whom they should interact and have done as much as could be reasonably expected to foster the appropriate working relationships. This has not always been successful but it is not for a lack of effort on behalf of the CPP.

The ability to identify critical needs and then deliver what is required within an acceptable timeframe is one of the key elements of the success of the CPP. At the beginning of the CPP the need to deliver as quickly as possible in the field and the perceived delay in that delivery caused

by UN processes and procedures regarding procurement caused some frustrations and friction at times between the CPP Team, the ROEA, HQ and donors. These frustrations and frictions have since been addressed, most notably through the risk assessment, and the situation has improved greatly. The introduction of the inter-divisional task force, the appointment of a P5 counter piracy expert within the Justice Section at HQ, the secondment of an FRMS staff member to the CPP Team and an improved relationship between the CPP and ROEA have all had a positive effect on the overall efficiency of the CPP.

One area of concern however is the apparent missed opportunities for ROEA to exploit potential openings in other UNODC mandated areas. These include potential linkages with the Container Control Programme, Global Programme on Anti-Money Laundering and Counter Terrorism. The integrated regional approach has particular relevance in the context of CPP, as tackling the root causes of piracy will also require work in areas such as investigating financial flows, developing alternative livelihoods opportunities and implementing an advocacy strategy. This should form part of the ToR for the forthcoming evaluation of the EARP.

As with any programme of this size there are areas for improvement. The financial management of the project encompasses many different facets including value for money, managing accounts etc. This evaluation notes that in many areas the financial management arrangements for the CPP work well however attempting to use a financial management tool that is project based to manage a programme approach can lead to inefficiencies. This needs to be addressed where practical by the CPP but more critically as UNODC organizational change to financial management systems that are project rather than programme focused. The issue of human rights, and ensuring they are visibly enshrined in CPP work, could also be improved.

Sustainability is always a difficult area for any development and capacity building programme to achieve. The CPP has attempted to build in sustainability but it appears to have been more on a case-by-case basis rather than mapping out and following a strategic sustainability plan. There is already some suggestion that this lack of sustainability planning is having a negative impact with some CPP beneficiaries. Greater effort should be made to enshrine sustainability into future CPP work.

The proposed expansion of the CPP into the Maritime crime programme (MCP) offers vast potential but also vast risk for the programme. UNODC has, at the least, some comparative advantage over other organisations engaged with aspects of maritime crime. As the guardian within the UN system of the Transnational Organised Crime Convention and its Protocols it has a mandate to take a more comprehensive approach. However great care should be taken when migrating from the CPP to the MCP and ensure all opinions are given due credence. This evaluation contends that the migration of the CPP into the MCP should not be rushed. There is still much to be done in the area of counter piracy and capacity building in Somalia on which the CPP can continue to focus while the MCP is being fully considered and developed.

## Main Conclusions

Overall the CPP has been impressive. It has delivered effective outputs, seen those spawn positive outcomes and real progression has been made toward achieving all three objectives.

## Key Recommendations

The following key recommendations are suggested to simply ‘fine tune’ what is an exceptionally successful UNODC programme.

- (a) **Resolve the UNOPS SLA as a matter of urgency.** UNODC/DM/FRMS, UNODC/ROEA CPP, in collaboration with UNOPS Kenya and Copenhagen
- (b) **Develop the role of the inter-divisional task force.** UNODC/DO
- (c) **Any expansion of the CPP into the MCP should not lead to a dilution of effort on tackling Somali inspired piracy.** UNODC/ROEA/CPP and UNODC/DO
- (d) **The expansion of the CPP into the MCP must identify the key elements that made the CPP a success and emulate them in the new programme.** UNODC/ROEA/CPP and UNODC/DO
- (e) **A discrete sustainability plan should be written into project documentation and subsequent project reviews.** UNODC/ROEA/CPP
- (f) **Encourage donors to provide more ‘soft ear-marked’ funds where appropriate.** UNODC/DPA/CPS
- (g) **Ensure that human rights are enshrined in the existing CPP and expanded MCP.** UNODC/ROEA/CPP and UNODC/DPA/SPU

## Major Lessons Learned

### *Multi-year comprehensive sustainability planning*

Development assistance projects need multi-year, comprehensive strategy planning to deliver sustainability. Delivering assistance on a piece meal basis, could do more harm than good. Wider efforts at strengthening the receiving institutions must be made and a maintenance plan must accompany each investment.

### *No formal structure to accommodate programmes*

Under the term “project” UNODC conducts operations with very diverse breadth. Along with the projects comprising the CPP other comprehensive “programmes” built within project architecture can be found in the UNODC portfolio. There is also abundance of projects *sensu stricto*, with much narrower focus. The term “programme” in the UNODC managerial toolkit seems to be reserved for country, regional, global and thematic programmes<sup>1</sup>. Putting terminology aside, the lack of structural distinction between undertakings with relatively wide and narrow focus might have an impact on effectiveness of larger ‘projects’ for which there does not seem to be a proper organisational frame. The impact could extend from the lack of clarity in the logical framework to problems with tracking “programme’s” funds.

## Best Practices

### *Donor community communication strategy*

The overwhelming opinion of the donor community to the communication strategy of the CPP was very positive. In particular the concept of the regular fortnightly update was greatly appreciated as were the regular bulletins and donor meetings. This is an excellent method of both keeping donors informed of the CPP and of raising and maintaining the profile of the CPP with

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<sup>1</sup> NB UNODC is currently reviewing the use and procedures for its global programmes in response to evaluation and audit recommendations.

internal and external partners. It is also an excellent method of encouraging the CPP team itself to keep delivery focussed knowing the programme is 'held to account' internally every two weeks. The distribution list for the fortnightly emailed updates now runs into three figures.

### ***Ownership of the delivery continuum***

The CPP has expertly identified a niche that it quickly exploited in being able to provide an entire service within its mandated area. Specifically it developed a programme that initially negotiated the appropriate legal instruments to facilitate the prosecution of pirates in certain countries and then supplied the service through appropriate capacity building mechanisms to ensure the processing of those pirates was done efficiently and with due reference to their human rights. Speed of delivery was key to the success of this approach and it was, perhaps ironically, useful for the CPP team that they were working in such a difficult environment where delivery of any sort must be viewed as success. The CPP in expanding into the MCP should try and identify similar opportunities where the experience they have gained in delivering a niche product in a difficult environment will give them a comparative advantage over other service providers. The concept of support for legal harmonisation to allow prosecution across national boundaries appears to offer some avenues for further exploration.

# MANAGEMENT RESPONSE

## Introduction

This Management response is supplemental to the more detailed Implementation Plan which has been developed in parallel. The Implementation Plan will be monitored and subject to periodic update reporting with internal and external stakeholders.

This Management Response is intended to be a short, forward-looking statement of intent, by UNODC, on implementing and contextualising the Evaluation Report. To this end, it addresses the following:

(a) A general affirmation of the quality, findings, and recommendations of the Evaluation Report.

(b) A statement of response regarding each major finding and recommendation, and an indication of intended or completed implementation action.

## General affirmation of the Report

It is UNODC's view that the Evaluation Report is of high quality, is nuanced and balanced, and provides an excellent platform upon which to plan for future development and ongoing success in both the Counter Piracy Programme (CPP) and the Maritime Crime Programme (MCP). The forthright, informed and detailed engagement of external stakeholders, dedication, planning and skill of the external evaluator, and valuable support and guidance of the Independent Evaluation Unit were central to this result. The findings and recommendations are overall valid and most of them very practical. A few findings regarding the Regional Office not having taken advantage of the gains made by CPP are not grounded on facts and some of the detailed considerations in implementation (for example, financial management systems and PROFI, etc.) will require further consideration before initiating further action is initiated.

## Findings, Recommendations, and Implementation

### Objectives

UNODC is proud of the significant results of the CPP in achieving its three objectives. UNODC agrees that Objective One (fair and efficient trials of Somali pirates in the Region) has been achieved, and that progress towards Objective 2 ( humane and secure imprisonment in Somalia) is well advanced. Objective 3 ( fair and efficient trials in Somalia) is not an objective currently residing within CPP's control, and will only be carried forward in conjunction with other Agencies under the overall co-ordination of the newly established United Nations Mission in Somalia (UNSOM). These objectives remain relevant and will continue to operate as the guiding strategy for the CPP for the foreseeable future.

## **Relevance**

The overwhelming view, recorded in the Evaluation, is that the CPP remains relevant. The primary action point for UNODC is that in the expansion of UNODC's work into related maritime crime issues be carefully managed, and the focus upon the CPP not be eroded.

In relation to the issue of ongoing focus, CPP and MCP have met with the donor community and reaffirmed that within the broader programme, the priority will remain support of piracy prosecutions – not least because this is where the funding, and thus the capacity to programme, resides. In respect of beneficiaries, it is they who have asked CPP to broaden their focus and support to include other maritime crime issues. These beneficiaries have also been made aware that the MCP's focus will remain on supporting piracy prosecutions, but that many of the outcomes UNODC will deliver in support of piracy prosecutions will have direct benefits for their broader capacities to deal with other aspects of maritime crime.

In relation to the issue of the need for careful management of the transition from a CPP into a broader MCP which still retains its focus on CPP issues, the recommendation that the HQ Counter Piracy Task Force mechanism be used to ensure good internal UNODC communications and co-operation in respect of maritime crime issues has already been put into effect.. The Task Force has met twice in 2013 to discuss precisely these issues, and the MCP programme documentation includes an express requirement for the Task Force to meet and consult on new opportunities, requests for assistance, and programming that has maritime crime dimensions, in order to ensure that thematic and inter-regional co-operation and integration is achieved.

An additional recommendation made by the Evaluation is that the factors that have made the CPP a success be integrated into MCP programming. This has already occurred, and will continue – particularly given that CPP work is and for the foreseeable future will remain 80-90% of MCP's work. Also, the MCP team is, in fact, simply the HQ and Regional CPP teams. But there are also lessons as to successful programming that UNODC can learn more generally.

## **Human Rights**

The Evaluation noted that the CPP is, fundamentally, a human rights-based programme, and that it has achieved significant human rights outcomes. One issue to be addressed, however, is the need to explicitly and separately reflect the centrality of human rights in CPP and MCP programmatic documentation. This recommendation has been addressed: For example, DO will ensure that the human rights achievements of the CPP are expressly noted; and the new MCP Horn of Africa Maritime Policing / Coastguard project documentation specifically contains a section addressing human rights issues, programming, and expected outcomes.

## **Quality of design and Efficiency**

The Evaluation concludes that the CPP has been effective in spite of the inherent complexity of the Programme's structure which (as of 20 June 2013) includes 10 projects. The Evaluation report is concerned that a financial management system designed for projects does not necessarily support programmatic design and efficiency. UNODC concedes that the co-existence of tight earmarking short lived contributions, Trust Funds and multiples of implementation modalities and locations have overwhelmed the PROFIT choices on tracking both donor funding and

programmatic operations. More importantly, as the programme grew through time, design changes were proven difficult to implement retroactively. Taking into account the recent PROFI changes that enforce expenditure to donor attribution and related real time reconciliations, the CPP management will be encouraged to propose alternative programme designs that could better use the PROFI dimensions. In the longer term, UNODC expects to rely on the Umoja functionality to effectively better marry operational finance with RBM and donor reporting.

It is made clear though, that the PSC income reconciliation was never compromised - even at times when ad hoc arrangements were being utilised to deal with last minute donor contributions. In addition, it is clarified that the policies and utilisation of the PSC income is a matter officially and appropriately addressed during the consolidated budget exercises overseen by the Governing bodies.

## **Effectiveness and Impact**

The Evaluation notes that the CPP has been exceptionally effective and has had a positive impact. UNODC therefore intends to ensure that (as recommended by the evaluators) the principle of ‘if it is not broken, don’t fix it’ is applied so that the CPP can continue to operate at its existing very high levels of effectiveness and to continue achieving positive impacts.

The major obstacle to continued effectiveness and impact, as identified by the Evaluation, is the uncertainty surrounding the duration of the Service Level Agreement (SLA) between UNODC and the United Nations Office for Project Services (UNOPS) which is the basis for implementation of operational CPP activities at field level.. This matter has been the subject of efforts by DM, DO, HQ CPP, and the UNODC Regional Office for Eastern Africa since the last six month extension in December 2012. Based on discussions between the Executive Directors of UNODC and UNOPS, and guidance from the Office of the Controller, UNODC and UNOPS have agreed to extend the existing UNODC-UNOPS SLA on the CPP for six months through to 31 December 2013, with an increase in direct costs from 5% to 8% while the management fee remains at 5%. The agreement is being finalized for signature by both parties.

In view of the significant procurement/construction activities planned by the CPP programme and upon advice from NY, the matter is thus being treated as a material procurement engagement with solution(s) being sought within the auspices of the UN Procurement rules. Within the next six months, UNOV/UNODC will, therefore, seek to evaluate all possible contractual options including the manner of engaging with UNOPS.

## **Sustainability**

UNODC notes the recommendations in the Evaluation report in relation to reflecting sustainability in project documentation (for example, written records of agreements with States as to when they will take over responsibility for operating costs of CPP sourced equipment). UNODC will of course action this to the extent possible where this has not already been done through other means. However, UNODC also considers that an essential element of sustainability which must be considered is the issue of strategically graduated shifting of responsibilities from UNODC and other support mechanisms to local mechanisms, in tandem with the capacity of the recipient to absorb these responsibilities. This is a delicate strategic issue and will need to be managed on a case by case basis, but the CPP team has already made good progress on providing sustainable programming adjuncts to SOMX54 to allow prisoners to improve their own

environment and the prison authorities to generate income. Similar options will be identified elsewhere within the programme.

## **Partnership and Co-operation**

The Evaluation finds that CPP has excellent internal communication within the CPP team and external communications and excellent external partnerships. However, issues remain in terms of internal partnership and co-operation between the CPP and MCP, and other elements of the UNODC. There are improvements in the broader CPP/MCP relationship with FRMS, for example. The lack of integration of the CPP in the Regional Programme structure and the Regional Office for Eastern Africa in general is a major cause for concern. UNODC acknowledges this finding, but does not agree with the reasoning that it is the retrofitting of the CPP into the RP which made integration difficult, because other programmes such as on HIV and on Demand Reduction, which preceded CPP and the RP have been fully integrated in the RP and the rest of the office.

The Evaluation team recommendations to cure the problem of lack of CPP full integration in the RP and the rest of the Regional Office are fully accepted, save for the recommendation which suggests that a member of the Regional Office attend weekly CPP meetings in order to report back to the rest of the Regional Office on the activities of CPP. The Regional Office holds a weekly Managers Meeting and the CPP Programme Coordinator, as part of the ROEA senior management structure, participates in these meetings and is always represented by a CPP staff designated by him in his absence. The weekly Managers Meeting and general exchange of information among ROEA colleagues are the best fora for regular exchange of strategic information.

The structural integration of CPP into the Regional Programme was discussed at the ROEA Retreat in February 2012 and a basis was agreed upon with full participation of the CPP Coordinator to fully integrate the CPP into the revised Regional Programme. The revision of the RP is expected to be completed by the beginning of the last quarter of 2013.

The foregoing notwithstanding, part of the problem of lack of integration of CPP in the RP and the rest of ROEA requires a shift in thinking and in action from “us and them” to “us”, because a change in structure alone cannot cure this problem.

## **Synergies between CPP and the rest of ROEA**

UNODC would like to comment on some Evaluation findings below.

(a) “The evaluation has also been made aware of a donor Project proposal that was brokered by the CPP and passed to the relevant EARO representative where it remained for a year with little progress after which the donor withdrew their support.” The ROEA management has not been made aware of what the project concerned is and has requested more information from the Evaluation team through IEU. The ROEA management noted that it would have been helpful if the evaluators had recorded the reasons given by the “EARO representative” concerned why the project proposal was not carried through.

(b) “The donor community view the EARO as being the perfect vehicle to ensure the entry points to Somalia, in part generated by the CPP, are exploited by UNODC yet they have seen very little progress in this area. Their view of the EARO is very (verging on extremely) poor and



this is having a knock-on impact on potential funding for UNODC in the region in general and could potentially have a negative effect on funding for the CPP / MCP in the future."

(c) UNODC challenges the foregoing statement as not being based on the facts on the ground and questions how much "the donor community" consulted by the evaluators - and the evaluators themselves - know about ROEA activities funded by other donors in Somalia and in the region. For instance in Somaliland, there is a successful US\$ 2.4 mil programme run by the Justice Programme (JP) of the RP since 2011 and the latter has established a UNODC office in the UN compound in Hargeisa with one international staff (the first for UNODC in Somalia), one national staff and a programme assistant under the Hargeisa based Justice Programme. Until then UNODC's work in Somalia was only delivered by Nairobi based staff and national and international consultants. (The international staff resigned after four months on the job (Apr 2013) and recruitment for the successor as well as additional programme staff is underway (June 2013). The donor for this Programme had offered to provide more funds to the Programme, but was advised by the Programme Manager of the JP that the funding provided so far is adequate for the planned activities; and that the donor will be informed in a timely fashion when additional funds are required.

(d) Had the evaluators made time to travel to Somaliland (SL), or to inquire about activities of the JP in SL from the ROEA manager of the JP, they would have been able to verify for themselves the impressive institutional and capacity building work being delivered under the Justice Programme of the RP in Somaliland for the judiciary and the prosecution service. This work includes among other things the development of a training curriculum and manual for Police officers on specialized investigative techniques; the drafting of a Legal Aid Policy and Act; the preparation of a Manual and Training Curriculum for Paralegals and Legal Aid Providers; and the drafting of a Sentencing Policy and Guidelines.

(e) In Kenya, the Justice Programme of the RP has been supporting Kenya on Police Reforms since 2009 and is the only UN Programme in Kenya that has been doing so. An independent Policing Oversight Authority (IPOA) mandated by the 2010 Kenyan Constitution was established largely with the support of the UNODC JP. At the time of writing the management response, three consultants, including one international, are currently supporting IPOA. One donor has been supporting the JP's Police Reforms work (to the value of US\$870,000) pending the establishment of the multi donor Basket Fund on Police Reforms, for which two donors have promised US\$ 2.6 mil for the first year (Jul 2013 - Jun 2014), of which US\$2mil has been confirmed and would be disbursed as soon as formalities have been completed. Further support to Kenya on Police Reforms under the JP is being provided to the National Police Service of Kenya and to the Office of the Inspector-General.

(f) Under the Health Pillar, capacity and institution building has been provided to Kenya and other countries in the region and beyond. For the first time in ROEA history, the Health Pillar will be able to provide capacity building support to all the 13 countries covered by ROEA, including Somalia, during the 2013-2014 reporting cycle.

(g) Again under the Health Pillar, based on the impressive work done with initial funding provided by Sweden to the RP from 2010 to date, in August 2012 a donor had requested the Manager of the Health Pillar to submit a US\$10 mil proposal for Kenya over a four year period to support HIV prevention and drug dependency treatment among injecting drug users and in prison settings. The proposal is awaiting final clearance by the donor in the donor's capital.

(h) The Health Pillar has national staff and UNVs in Kenya, Ethiopia, Tanzania and Uganda, which contributes to the development of local capacities and sustainability of capacity building in the region. (The Uganda national staff resigned and the replacement is under recruitment).

(i) In addition, under the stewardship of the Manager for the Health Pillar, UNODC has gained recognition as a leader in the region in the prevention of HIV among injecting drug users and in prison settings. For example, the development of the National Guidelines for HIV Prevention among Injecting Drug Users by countries in the region was facilitated by the Manager of the Health Pillar and his team. These guidelines have not been developed anywhere else and can thus serve as a good practice for a human rights based approach in the prevention of HIV among injecting drug users and in prison settings within and outside the region.

# SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

<b>Findings<sup>2</sup>: problems and issues identified</b>	<b>Evidence (sources that substantiate findings)</b>	<b>Recommendations<sup>3</sup></b>
<p>The United Nations Office for Project Services (UNOPS) and their Service Level Agreement (SLA) with the Counter Piracy Programme (CPP) expires on the 30th June 2013. Without a new SLA in place the delivery of CPP operations could be critically hampered. Any CPP or MCP contracts extending beyond 30th June could de facto extend the contract but could be ultra vires the agreement. NB The umbrella MOU between UN and UNOPS also expires in June 2013.</p>	<p>The programme faced a similar situation in December 2012 and the situation was only resolved with the direct intervention interdiction of Mr. Fedotov, Executive Director UNODC and Mr. Mattson, Executive Director UNOPS. This situation appears to be repeating.</p>	<p>UNODC/DM/FRMS, UNODC/ROEA CPP, in collaboration with UNOPS Kenya and Copenhagen: Resolve the UNOPS SLA as a matter of urgency. UNODC paper trail should be unravelled to establish what internal action(s) have been taken to resolve this situation given the lessons that should have been learned from the previous situation which required the intervention of two Executive Directors.</p>
<p>The inter-divisional task force provides an excellent opportunity for UNODC in general to interact with the CPP in a meaningful way. It should function as a forum for discussion on what other thematic areas, projects, programmes, regional programmes and so forth should work with the CPP team and how this might be achieved.</p>	<p>The inter-divisional task force, once it gained traction within UNODC, proved a positive influence on internal communication and has helped address many of the issues raised within the risk assessment of early 2012.</p>	<p>UNODC/DO/JS: Develop the role of the inter-divisional task force to ensure communication between CPP and their in-house partners is effective. This should include a monitoring role to certify that any expanded MCP is addressing the appropriate thematic areas. This task force should not be a micro-management tool but should provide strategic guidance and identify appropriate personnel to operationalize the advice. The interface between this task force and the existing inter-divisional task teams should be agreed.</p>
<p>The international community</p>	<p>Both CPP beneficiaries and</p>	<p>UNODC/ROEA/CPP and</p>

<sup>2</sup> A finding uses evidence from data collection to allow for a factual statement.

<sup>3</sup> Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

<p>has made great strides toward tackling piracy off the coast of Somalia and in which UNODC and the CPP played a crucial role. With the reduction in piracy during 2012 there may be a risk that international effort dissipates before long term solutions can be implemented.</p>	<p>the donor community have stressed the importance of the CPP continuing working toward the fulfilment of their objectives under the CPP.</p>	<p>UNODC/DO: Any expansion of the CPP into the MCP should not lead to a dilution of effort on tackling Somali inspired piracy. This should be explicitly written into any project documentation for the MCP.</p>
<p>The CPP has built up a substantial amount of goodwill with its stakeholders, in particular the donor community. This brings obvious advantages including a willingness to contemplate the potential of leveraging the skills and experience of the CPP in other areas.</p>	<p>The interviews with – and written submissions of – the donors consistently highlighted the goodwill generated by the CPP toward the programme and the wider UNODC. Donors would like to see the skills developed by CPP utilised more fully across UNODC.</p>	<p>UNODC/ROEA/CPP and UNODC/DO: The expansion of the CPP into the MCP must identify the key elements that made the CPP a success and emulate them in the new programme. These key elements include;</p> <ul style="list-style-type: none"> <li>i) dynamic leadership in the field, ii) effective delivery in the field complemented by efficient HQ support, iii) identifying a niche for the MCP that can exploit an area of international concern that falls within MCP mandate, and where UNODC has a comparative advantage.</li> </ul> <p>This evaluation notes that a critical element of the success of the CPP was built upon the ability to assist in building appropriate law reform and then deliver the capacity building needed to translate the new legislative paradigm into clear deliverables.</p>
<p>Although the initial project document template requires the heading ‘Sustainability and Follow-Up’ to be completed, this evaluation suggests that a more structured, strategic, detailed and rolling approach to sustainability through the life of the programme is desirable. It is unfair to expect the initial project documentation to have anticipated the growth of the CPP and the consequent sustainability issues. However it would be fair to expect subsequent revisions of the</p>	<p>The initial Project Document of XAMT72 which spawned the CPP contained very little on sustainability. Subsequent project updates or reviews (most recently September 2012) contained no additional information or analysis of the sustainability aspect.</p>	<p>UNODC/ROEA/CPP: A discrete sustainability plan should be written into project documentation and subsequent project reviews.</p>

<p>project documents to recognise these issues and generate more comprehensive sustainability planning.</p>		
<p>The use of hard ear-marked funding reduces the flexibility and – on occasion – efficiency with which the CPP operates. The funding modality of most UNODC projects and programmes relies on donors providing so-called ‘hard ear-marked’ funding. This ties the funding to certain conditions and can hamper delivery of the overall objectives of the project or programme since the project or programme team does not have the latitude to utilize the funds in the way they deem best suited to the current situation. It can also lead to concerns that funding drives the strategy rather than strategy driving the funding as UNODC chases donor funds</p>	<p>Highlighted in previous evaluations and from interviews within this evaluation.</p>	<p>UNODC/DPA/CPS: Where a project or programme (such as the CPP) has demonstrated success and delivered to donor satisfaction donors should be encouraged to provide more ‘soft ear-marked’ funds where appropriate. For example in the UNMAS Trust Fund donors can ear-mark by country, type of activity or put in the basket fund. Or the One UN Vietnam funding arrangement where, in principle, un-earmarked funds are encouraged to the One UN Plan Fund but it is possible to ear-mark at the outcome level.</p>
<p>One of the main reasons for the emergence of the CPP was the concern within the international community for the protection of the human rights of suspected pirates upon and after their detention. There has been much work done within the programme to ensure suspected pirates and their human rights are respected. However this has not always been systematic or involved the appropriate HQ functionaries. Elements such as ‘due diligence’ on training participants have not always been applied and the human rights aspect is not given a consistent visibility across the programme.</p>	<p>It was stressed during interviews with the CPP team and – to a lesser extent – in some of the project documents that the CPP was effectively a human rights programme. Appropriate thematic experts, including from the Justice Section and SPU believe more could be done to ensure human rights are given greater emphasis. It was further stressed by the donor community how important the human rights aspect is for them. Many stated that it must form the cornerstone of current CPP and future MCP programming.</p>	<p>UNODC/ROEA/CPP and UNODC/DPA/SPU/JS: By engaging appropriate thematic experts ensure that human rights are enshrined in the existing CPP and expanded in the MCP. In 2011 the Secretary-General's "Human rights due diligence policy on UN support to non-UN security forces (HRDDP)" was promulgated, and requires all UN entities dealing with such entities to conduct human rights risk assessments to ensure that activities are conducted under the principle of proper due diligence. This evaluation suggests that any future development of the CPP should include this human rights risk assessment approach.</p>
<p>The fortnightly updates, regular bulletins, quarterly brochure, teleconferencing, joint missions and donor meetings are all well received</p>	<p>Interviews across all stakeholder groups and email correspondence from stakeholders to CPP team.</p>	<p>UNODC/ROEA/CPP/HQ: Continue the excellent communication strategy with external partners including the donor community. Consider</p>

and have greatly contributed to maintaining excellent working relationships.		the value of rolling this approach out to all UNODC projects and programmes.
The CPP team has done an excellent job of identifying the key interlocutors with whom they should liaise and subsequently building those cooperation partnerships.	Interviews with all CPP partner agencies stressed the positive aspects of their relationship. The evaluation found no major actor with whom the CPP should have been interacting and were not, or had not done everything possible to build that relationship.	UNODC/ROEA/ CPP: Continue the close cooperation with other relevant partner agencies. With the expansion of the CPP into the MCP this becomes ever more important. This expansion could be used as the impetus to attempt to revive relationships with any key potential partner that has been previously reticent at becoming involved with UNODC and the CPP.
The CPP has achieved one of its main objectives in helping to deliver ‘fair and efficient’ trials of suspected pirates and is making good progress with its capacity building work in Somalia to achieve their other objectives.	Data supplied indicating that the programme has greatly assisted in providing the capacity that has seen hundreds of suspected pirates detained at sea receiving ‘fair and efficient’ trials as recognised by the international community in various interviews and written submissions.	UNODC/ROEA/ CPP: Maintain the current effort and approach to providing the conditions and capacity to ensure ‘fair and efficient’ trials. This may include rolling the concept out to other countries in the region and cover other forms of crime at sea
The effective communication strategy of the CPP extends not only to external stakeholders but also within the CPP team itself. Regular (weekly) meetings are held in the office with HQ staff invited to attend through conference call. During these meetings the work of the CPP during the previous week is discussed and the objectives for the coming week agreed. This is an ideal mechanism to encourage CPP team work and ensure everyone is fully briefed on all aspects of the programme with obvious effectiveness and efficiency benefits. There appears to be no regular ROEA representation at these meetings	Evaluator attended one such weekly meeting during the field visit and received interview feedback from CPP team members.	UNODC/ROEA/ CPP and UNODC/ROEA: These meetings should continue and a representative of the staff from the Regional Office for Eastern Africa (ROEA) should be invited to and attend the weekly CPP team meetings. This will allow the ROEA to brief the CPP team on Regional Programme (RP) and other regional developments during the week, to remain closely informed of the work of the CPP, to identify potential areas within the CPP work that could be more fully integrated into the RP and to pro-actively suggest areas where other regional office work could bring added benefit.
While this evaluation contends that the CPP team is robust and could withstand the departure of any one member, UNODC must demonstrate to	Information gathered through this evaluation highlights the perceived importance of the Programme Coordinator to the CPP in the eyes of many	UNODC/ROEA/ CPP and UNODC/JS: Ensure succession plan is developed for the loss of key personnel within the CPP team. This

<p>their stakeholders that they have identified their concerns in this matter and have taken the appropriate steps to mitigate this risk.</p>	<p>stakeholders.</p>	<p>requires the organisation to identify individuals who could fill the role(s), develop their knowledge, skills, and abilities, and prepare them for advancement or promotion.</p>
<p>The current policy of creating sub-projects to accommodate different funding modalities and PSC rates is an inefficient solution and, from a programme design perspective, flawed. However this solution has been partly driven by a lack of appropriate financial management systems at HQ. The current systems are geared toward managing projects rather than programmes. The CPP team have had to create sub-projects and a bespoke Excel Spread sheet to assist them in keeping track of the finances of the programme. It is not a simple task to track funding from provision to delivery.</p>	<p>Interviews with CPP team and UNODC HQ, specifically FRMS, examination of project documents and interrogation of the CPP financial management systems.</p>	<p>UNODC/ROEA/CPP and UNODC/DM/FRMS: Improve programme structure by resolving financial management difficulties. This is ultimately something that has to be tackled at an institutional level since the Pro-Fi system is not geared to dealing with the financial management of programmes.</p>
<p>There appears to be a general lack of awareness of the Regional Programme (RP). Although this is not a failing of the CPP, the opportunity to raise the awareness of the RP should be taken and thus future CPP briefings should explicitly note where the programme sits within the RP. Similarly, the RP team should explicitly make reference to the CPP and develop potential synergies.</p>	<p>A specific question with the data collection questionnaire asked respondents to advise if they knew of the Regional Programme. A large number knew nothing of the RP.</p>	<p>UNODC/ROEA/CPP and UNODC/ROEA: Ensure, where CPP briefings are being delivered either orally or within documentation, reference is made to where the CPP sits within the RP. Similarly, ensure the RP briefings make reference to the CPP.</p>

# I. INTRODUCTION

## Background and context

### *Purpose and scope of the evaluation*

The purpose of this mid-term evaluation is to provide guidance to the CPP team and UNODC on key issues that may impact upon its future development and to inform the CPP's various stakeholders on the quality of the programme. The specific objectives are as follows:

- (a) Independently assess:
  - (i) The quality of the overall Programme concept and design;
  - (ii) The effectiveness of the different projects and the overall CPP in achieving the planned objectives, including UNODC and government partner mobilization and management of resources (budget, inputs, activities, and staff);
  - (iii) Whether or not there were so far any unanticipated results, either positive or negative, arising from implementation of the CPP;
- (b) Identify:
  - (i) Lessons learned and good practices arising from the projects for improved continued implementation of the CPP and future policy making and planning. It will also provide specific recommendations regarding any follow-up actions required by UNODC and partner government administration to effectively sustain or improve support to the CPP in the future.
  - (ii) Proposals for concrete action and recommendations, which could be taken to improve or rectify undesired outcomes, and which will feed into the strengthening of the CPP for continued implementation. Recommendations may also address issues related to the Programme implementation and management.
- (c) Follow up:
  - (i) On the risk assessment that was undertaken in 2012.

The evaluation is being undertaken approximately three years after the programme was launched and before the Programme is expanding into further new areas with a timeframe up to 2015, so that lessons learned and recommendations made can be incorporated into continued implementation of the CPP and the forward planning between UNODC and the States in the region involved in countering piracy and more broadly maritime crime.

The in-depth evaluation of the CPP shall cover the time period from May 2009, when the original document of the CPP was presented and started implementation, XAMT72 - "Combating



maritime piracy in the Horn of Africa. A UNODC Programme to increase regional capacities to deter, arrest, prosecute and detain pirates, phase I”, including the evolution of the CPP into six sub-projects, to November 2012. The evaluation should take into consideration the Substantive Revisions.

The geographical coverage of the evaluation will include Kenya, Seychelles, Somalia, Mauritius and Tanzania.

This evaluation is intended for the CPP team itself, the wider UNODC and the various stakeholder groups within the CPP including the donor community, CPP beneficiaries and CPP / UNODC partner agencies.

The present evaluation report was prepared by an Evaluation Team consisting of Mr. Peter Allan (Lead Evaluator) and Mr. Douglas Guilfoyle, Team Member (Expert in Piracy), in cooperation with Ms. Alexandra Capello, Evaluator (staff of the Independent Evaluation Unit of the United Nations Office on Drugs and Crime). It presents the findings of the independent evaluation of UNODC Counter Piracy Programme (CPP) conducted in the first half of 2013 with field missions being between 9<sup>th</sup> to 22<sup>nd</sup> February.

### ***Concept and design of the programme***

This section aims to briefly outline the overall concept of the programme and present the complex regional and international situation which led to its inception.

Security Council Resolution **1816 (2008)** stated that it was “*gravely concerned by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation.*” It further advises that acting under Chapter VII of the United Nations Charter it “*calls upon States and interested organizations (...) to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines.*”

Further to this the Security Council Resolution **1851 (2008)** provided the basis for the establishment of the Contact Group on Piracy off the Coast of Somalia (CGPCS), with the purpose of coordinating activities among states and organizations to suppress piracy off the coast of Somalia. This international forum has brought together more than 60 countries and international organizations all working towards the prevention of piracy off the Somali coast.

UNODC counter piracy activities were given official endorsement through the **1851 (2008) SC** Resolution which welcomed the office’s “*initiatives to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia*” and encouraged further UNODC involvement in regional capacity building “*in order to effectively investigate and prosecute piracy and armed robbery at sea offences*”.

The programme documentation refers to the Secretary General’s report on piracy (**S/2010/738** of 22 October 2012), which states that “*piracy can be eliminated only by combining counter-piracy activities with wider efforts at stabilising Somalia, promoting good governance and rule of law, and fostering socio-economic development.*”. UNODC programming and activities in the region have consequently been built on the tenet of combining the efforts to bring piracy suspects to justice with wider support for the region.

UNODC commenced its Counter Piracy Programme in April 2009 and it soon gained strong support of the donor community, reflected in the growing project's budget. The original project document set out the ambition to base an international programme expert in UNODC's Regional Office to prepare and set up the necessary preconditions for the launching of the larger programme with the objective of combating maritime piracy in the Horn of Africa through increasing regional capacities to deter, arrest, prosecute and detain pirates.

Once fully established at the end of 2009 the Counter-Piracy Programme had three objectives:

- (a) 1. Objective: Fair and efficient trials and imprisonment of piracy suspects in regional countries,
- (b) 2. Objective: Humane and secure imprisonment in Somalia<sup>4</sup>
- (c) 3. Objective and in the longer term fair and efficient trials in Somalia itself (mainly taken forward by United Nations Development Programme {UNDP}, but with UNODC support).

The CPP has further been an integral part of UNODC's strategic approach in Somalia, which aims to promote the rule of law in the country. The CPP now supports partner countries, willing to prosecute suspected Somali pirates caught by navies patrolling the regional waters.

Map 1. Somalia<sup>5</sup>



<sup>4</sup> Although not explicitly stated it is implied that this refers to humane and secure imprisonment for Somali pirates and not the entire Somali prison population.

<sup>5</sup> Source: UN Cartographic Section, <http://www.nationsonline.org/oneworld/map/somalia-political-map.htm>

### ***Historic background***

Piracy in the Gulf of Aden, off the Horn of Africa and in the Indian Ocean emerged as a result of complex problems faced by the region, with the most severe issue being unstable security situation.

After the withdrawal of colonial powers the territories under Italian (Southern Somalia and Puntland) and British (today's Somaliland) rule merged to form the independent United Republic of Somalia in 1960. The Somali transition was followed by independence of Tanzania (1961) and Kenya (1963). Referendums in Djibouti (1977), which decided to sever its association with France, and Eritrea (1993), also led to the creation of independent states. Ethiopia regained independence after Italian occupation in 1941. The country subsequently engaged in military conflict, leading to the creation of Eritrea (1961-1991), followed by a border dispute with its Northern neighbour (1998-2000).

The fall of president Siad Barre in 1991, left Somalia without an effective central government for over two decades. In the same year Somaliland declared independence, followed by the Puntland's declaration of autonomy in 1998. Consequently Somalia became a theatre of war between various political factions, intervening foreign forces, emerging warlords and Islamist insurgents.

### ***Piracy – the phenomenon***

Unrelenting struggle for power led to a major humanitarian crisis, exacerbated by natural disasters: recurring droughts and the 2004 tsunami. The aftermath of the latter was described in the 2005 United Nations Environment Programme (UNEP) Rapid Environmental Desk Assessment Somalia, revealing that “The impacts of the December 2004 tsunami stirred up hazardous waste deposits on the beaches around North Hobyso causing some health and environmental problems in the area.” (p. 10). The illegal disposal of toxic waste in the Somali territorial waters along with the uncontrolled exploitation of the country's fish resources have been suggested to be the reasons for the emergence of piracy, which may initially have primarily aimed to protect the Somali territorial waters in the absence of the national navy. This view is, however, strongly disputed in some of the literature on Somali piracy which suggests early Somali piracy was indiscriminate and did not target fishing or waste dumping vessels specifically.

Regardless of the origins of the phenomenon, it has quickly become an organized criminal activity providing resources for various groups within the country and thus fuelling the internal strife. According to the 2011 Report of the Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia (further referenced as “the Report of the Special Advisor to the SG”) “The extension of acts of piracy further away from the Somali coast shows that those acts have nothing to do with a desire to protect national interests” (p.12). The number of reported attacks has begun to grow rapidly from 2006 to fall only in the last months of 2011.

The key features of Somali piracy business model are its flexibility and adaptability. Prior to successes of late 2011 and 2012 in reducing the number of attacks it has been, highly responsive in its resistance to international countering efforts.

The initial tactic was to attack shipping passing close to the Somali coast from skiffs or small boats. The attacks soon spread further from the coast, with pirates hijacking a “mother ship” first (local fishing dhows, then later merchant vessels as well). International naval efforts to secure a transit corridor near the entrance to the Red Sea caused a “balloon effect” with criminal activities spreading further into the Indian Ocean to encompass the waters of Seychelles and India. Following both international naval efforts and widespread implementation of Best Management

Practices (BMP) by the shipping industry as well as progressive adoption of Privately Contracted Armed Security Personnel (PCASP) the success rates of attacks began to fall.

Piracy could not function as an organised criminal business without ‘on shore’ support. The role of clans and local communities is vital to operating a protracted hostage-taking operation. The local customs and beliefs generally oppose piracy as contrary to Islamic teaching and causing major social problems, such as, inflation, alcoholism, prostitution or struggle for power by those who have acquired wealth and challenge leadership of local elders. However there clearly are clans and communities which invest in piracy. The size of the group of piracy’s beneficiaries remains yet to be determined, as reliable information on distribution of revenues is scarce and Hawala banking practices make money particularly difficult to trace.

Despite high levels of risk piracy attracts a stable supply of recruits. Recruitment is often from mainland regions and clans with no historic involvement in fishing. The most successful piracy groups recruit for skills across clan lines.

Piracy, being an organised criminal activity, requires a minimum level of stability and governance to function, thus investing in local infrastructure and human resources requires careful multi-year strategy planning. In the absence of wider efforts at stabilising the region, criminal groups might even benefit from international assistance (for further analysis see: Impact).

### ***Legal context***

The International Maritime Organization (IMO) classifies attacks against ships as either piracy (on the high seas or in a place outside the jurisdiction of any state) or armed robbery (within territorial waters). The ICC International Maritime Bureau makes no such distinction. This evaluation will use the *sensu largo* definition of “piracy” encompassing acts of violence against shipping both within territorial waters and on the high seas.

At international law, acts of piracy/armed robbery against ships could fall under:

- (a) piracy as defined in the UN Convention on the Law of the Sea 1982 (UNCLOS), Article 101 or the Geneva High Seas Convention 1958, Article 19 (both considered to be statements of customary international law),
- (b) the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA Convention),
- (c) International Convention Against the Taking of Hostages 1979 (Hostages Convention),
- (d) United Nations Convention against Transnational Organized Crime 2000 (UNTOC).

Piracy is defined in Art. 101, UNCLOS:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

UNCLOS requires all states to cooperate to suppress piracy on the high seas (Art 100), but provides for discretion whether to prosecute (Art 105). The Security Council has expanded the authority of international naval forces to operate in Somali territorial waters and in Somalia's land territory, with the consent of the Somali Transitional Federal Government (TFG) in a series of resolutions starting with Security Council Resolution 1816. This does not necessarily mean, however, international forces would have jurisdiction under their national law to prosecute offences committed there.

Piracy is the original international offence recognised by customary international law. Any state being in possession of a piracy suspect may exercise jurisdiction on the basis of universality principle. However most national court systems require international law to be implemented into national law by some process. The fact that universal jurisdiction exists at international law may not be enough to found a prosecution in national law.

Prosecuting pirates under the SUA Convention is rare, as there are numerous limitations. Firstly the Convention does not apply where the offence was committed solely within a single State's territorial sea and the vessel was not scheduled to navigate beyond that territorial sea and the suspected offender was subsequently found within that coastal State's territory (Article 4). Some States and organisations take the view that SUA Convention is limited to, or only appropriate for, terrorist offences. Moreover many States parties have not passed the required national laws in accordance with Article 6 of the Convention, thus the coverage of this legal instrument remains limited.

Despite the existence of legal mechanisms under which piracy could be prosecuted however, according to the 2011 Report of the Special Advisor to the SG:

*“Some cases of repeat offending have been identified, where the pirates apprehended had already been released on previous occasions for lack of a host State to prosecute them. Thus, more than 90 per cent of the pirates apprehended by States patrolling the seas will be released without being prosecuted. The impunity resulting from such “catch and release” practices tends to make the risk-reward ratio for the pirates negligible and to encourage piracy.”*

In this context UNODC CPP programme with the aim to assist the targeted countries to effectively arrest, prosecute and detain convicted pirates in accordance with universally accepted norms and standards, has particular relevance.

The best forum for prosecuting pirates has long been debated. Between 2009 and 2012 various options were discussed, including:

- (a) a specialised international tribunal,
- (b) a hybrid or ‘internationalised’ tribunal(s) mixing national and international elements,
- (c) a Somali court sitting extra-territorially in Arusha,
- (d) ‘dedicated piracy chambers plus’ (e.g. dedicated courts in national jurisdictions with substantial international assistance).

What has emerged is *de facto* close to the latter model as a result of pragmatism, limited resources and the legal complexity of other options. Thus there has been a move toward international assistance for anti-piracy courts in Somalia, Seychelles, Kenya, Mauritius and the United Republic of Tanzania.

## Evaluation Methodology

The evaluation was conducted using desk review of appropriate documentation and the interviewing of relevant stakeholders. These interviews were semi-structured and consisted of some standard questions and additional questions targeted at the relevant stakeholder group(s) in order to answer the specific requirements of the Terms of Reference (ToR). The ToR can be found at Annex I, the standard questionnaire at Annex II, the data collection matrix at Annex III, the list of individuals interviewed throughout the course of this evaluation at Annex IV and the desk review material at Annex V.

One of the standard questions asked of each interviewee was based on most significant change (MSC) narration analysis. This has the advantage of being better suited to measuring impact than ‘simple’ indicator analysis available through desk review analysis. The theory and use of MSC narration is well documented as an effective approach to evaluating and monitoring change programmes. It is particularly useful in the evaluation of outcomes and impact and does not rely on the identification and monitoring of indicators. It is a systematic collection and then analysis of significant changes over a defined period of time. A further standard question was added and asks the interviewee to advise if they have knowledge of UNODC Regional Programme (RP) for East Africa. This evaluation is intended to inform the evaluation of the East Africa Regional Programme (EARP). The other standard questions are based on the so-called ‘Likert Scale’ and ask interviewees to assess how relevant, effective and efficient is the CPP.

Objectivity was built into the overall methodology by triangulating the analysis from different sets of stakeholders to ensure the effect that inherent biases have on the analysis and evaluation process was reduced. The data collection matrix at Annex III illustrates this approach. The data collection instruments and the stages of their deployment were as follows:

(a) Analysis of the project documentation

There were a large number of programme and programme related documents supplied for desk review, a full list of which is provided at Annex V. These assisted in the construction of the Inception Report and helped answer – either partially or fully - some of the evaluation questions within the ToR. Where gaps existed or additional information was required these were filled with additional research and through the subsequent stakeholder interviews.

(b) Semi-structured interviews

The goal of this phase was to:

- (i) Answer any questions still outstanding from the desk review phase as regards the evaluation of the Programme against the ToR evaluation criteria.
- (ii) Confirm or refute assertions made within the project documentation thus forming part of the triangulation of data to help ensure an objective evaluation occurs.

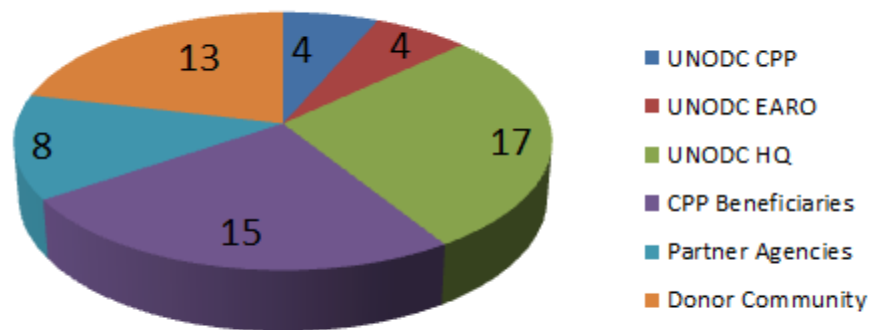
- (iii) Provide data to allow for both a quantitative and qualitative evaluation process. This includes standard questions of all interviewees (see Annex II).

The application of these techniques provided for a proper diversification of data sources. One of the critical aspects of deploying this approach was to ensure that the synthesis and balance between different data is well judged. By triangulating the analysis from different data sets and from different stakeholders the effect that inherent biases have on the analysis and evaluation process was reduced.

***Sampling strategy***

As noted in UNODC Evaluation Guidelines, UNODC evaluations are “selective investigations aimed at collecting and analyzing data, formulating conclusions and making recommendations of practical relevance to the operations of UNODC and its partners.” It is a trans-discipline at the intersection of the social sciences and a tool for management and policy which requires its own bespoke approach. Bearing the latter in mind for the purpose of this evaluation, and in order to keep it as manageable as possible, a simple categorization of interviewees has been developed: UNODC CPP staff, UNODC East Africa Regional Office, UNODC HQ, partner agency, beneficiary and donor. This categorization, developed on the basis of the roles each category plays in relation to the implementation of the CPP rather than on the basis of random selection, helped ensure proper representation in the overall research sample. Figure 1 below shows the stakeholder category and the number of individuals interviewed<sup>6</sup> within each of those stakeholder categories. A full list of those interviewed can be found at Annex IV.

Figure I. Stakeholder Category and Numbers Interviewed



<sup>6</sup>Pirate Prisoners interviewed as a group in Shimo La Tewa prison have been treated as one beneficiary.

***Limitations to the evaluation***

The limitations were:

(a) The inability to visit Somalia (due to security procedures), specifically the prison construction work in Puntland and Somaliland meaning the evaluator could not see first-hand the buildings, fixtures and fittings supplied by donor funding through the CPP. This limitation was mitigated by:

- (i) being able to conduct telephone interviews with the main stakeholders in those regions
- (ii) face-to-face interviews with donors who could vouch for the construction work taking place and the delivery of the appropriate equipment.
- (iii) the CPP provided photographic proof of the construction work.

(b) Other limitations of this in-depth evaluation are related to the design phase where ToR could have benefited from a more systematic and participatory process during its construction, including an evaluation reference group that would have provided a better sense of ownership and responsibility of the evaluation exercise with more possibilities to transform and improve the evaluation. This limitation was mitigated by asking feedback on the ToR at initial briefings in UNODC Headquarters and subsequently revising the scope of the evaluation in the Inception Report.

(c) The scope of the ToR requires forty seven questions to be addressed many of which require in-depth research and analysis. For example “To what extent is the CPP aligned with and complementary of mandates, strategies and programmes of partner organisations such as IMO, UNDP, UNPOS, RAPPICC etc.” It proved challenging to remain within evaluation guidelines for the length of report and obtain the depth required from the resources available.

(d) Time was a limitation mainly because there was very limited amount of it to prepare the inception phase of the evaluation and this may have an impact on the quality of the field work; for example additional ToR requirements on human rights reporting and linkages with terrorism and the container control programme being added after the ToR had been agreed and initial HQ interviews had been completed.



## II. EVALUATION FINDINGS

### Relevance

#### *Relevance for UN regulations and UNODC programming*

Piracy has been the subject of several resolutions of the Security Council, reports of the Secretary General and numerous other documents by various UN bodies.<sup>7</sup> As described above the 1851 (2008) SC Resolution gave direct endorsement to the UNODC counter piracy activities as do subsequent Resolutions up to and including SC Resolution 2077 (2012). Throughout the official documents the need to make wider efforts at stabilising Somalia is highlighted. According to the Report of the Secretary-General pursuant to Security Council resolution 1846 (2008) of 16 March 2009:

“Any measures taken in both the short and long term to combat piracy and armed robbery off the coast of Somalia will require an integrated approach that incorporates support of the peace process; strengthening of capacity on land, such as support to the African Union Mission in Somalia (AMISOM) and the Somali security forces; strengthening of legal and maritime institutions such as the Somali and regional coastguards; addressing the lack of accountability by apprehending and prosecuting those suspected of acts of piracy and armed robbery at sea; strict compliance with arms embargoes in pursuance of the relevant Security Council resolutions; and peacebuilding efforts to empower local communities. To ensure a multifaceted approach, it will be necessary to involve Somali authorities in the coordination of these efforts.”

In order to design this multifaceted approach the UNODC Counter Piracy Programme was created in 2009. The programme needs to be read in the context of a hierarchy of UNODC strategic documents and in line with the office’s integrated programming approach.

The programme falls under two Medium-Term Strategies (MTS) covering the period from 2008 to 2011 and from 2012 to 2015<sup>8</sup>. In addition to the 4-year MTS, the programme falls under UNODC Strategic Frameworks for 2008-09, 2010-11 and 2012-13<sup>9</sup>.

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<sup>7</sup> <http://www.un.org/en/documents/index.shtml>

<sup>8</sup> Since 2002, UNODC has taken steps to become more results-oriented, accountable, transparent and effective. As part of this process, the Office developed a Medium Term Strategy (MTS) covering the years 2008 - 2011. This document identifies a limited number of strategic objectives and maps out how to achieve them. The Strategy sets out tangible goals within three main themes: 1. Rule of Law, 2. Policy and Trend Analysis, 3. Treatment, Reintegration and Alternative Development. Under each main theme there are 'Result Areas' which identify priority fields of action within each theme. Each Result area is then divided into one or more 'Results' specifying a more specific focus for UNODC action. In total there are 14 Result Areas and 53 Results under the three main themes. Please see: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/V07/806/72/PDF/V0780672.pdf?OpenElement> and <http://www.unodc.org/documents/about-unodc/UNODC-strategy-July08.pdf>

The relevance of each project *vis a vis* the MTS in force at the time of its inception is outlined in logical frameworks. For example XAMT72 contributes to the achievement of the following strategy result areas:

- (a) 1.1 Ratification and implementation of conventions and protocols,
- (b) 1.2 International cooperation in criminal justice matters

Under the first strategy theme “Rule of Law”. This evaluation confirms the programmes relevance with regard to both UNODC MTS and SF.

In the framework of the integrated programming approach each project/programme needs to be accommodated under a thematic and regional programme. The CPP falls under the Thematic Programme on Action against Transnational Organized Crime and Illicit Trafficking and the Regional Programme for Eastern Africa. The Thematic Programme (TP) covers the period from 2011 to 2013, it has hence been implemented after the creation of the CPP. Nevertheless the CPP remains in alignment with the TP forming a part of the UNODC response to transnational organised crime.

The Regional Programme was concluded for the period from 2009 to 2012, so at the time of creation of the CPP. The programme was concluded by the 13 regional countries (Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Tanzania and Uganda) and further endorsed through the Nairobi Declaration signed by the representatives of all 13 participating states. The programme has therefore gained wide regional support. The CPP is located under the first Sub-Programme “Countering illicit trafficking, organized crime and terrorism”, and the examination of the objectives of both Regional Programme and the CPP leads to the conclusion, that the latter is appropriately nested under the RP although the degree to which true integration has occurred is less clear and this should form one area of focus for the future evaluation of the EARP. The potential created by the wide consensus of the regional counterparts and whether the Regional Office and CPP management have made the most of it is further examined in the “Effectiveness” section of the report. As for strategic documents, effort has been made to align the CPP with the aforementioned documents.

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The Medium Term Strategy (MTS) 2012 - 2015 sets out the overall strategic direction and scope of the Office's work. Drawing on the experience gained through the MTS 2008 - 2011, the MTS 2012 - 2015 has seven sub programmes covering the five thematic areas of UNODC's work along with two cross-sectional sub programmes. The sub programmes are: 1. Countering transnational organized crime, illicit trafficking and illicit drug trafficking, 2. Countering corruption, 3. Terrorism prevention, 4. Justice, 5. Prevention, treatment and reintegration, and alternative development, 6. Research, trend analysis and forensics, 7. Policy support. Please see:

[http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-12/ECOSOC-res\\_2012-12.pdf](http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-12/ECOSOC-res_2012-12.pdf)

9 UNODC, as part of the United Nations Secretariat, produces biennial programme plans with measurable targets and goals for each biennium, called Strategic Frameworks (SF). These plans, along with the associated biennial budgets, function as a translation of the legislative mandates of each part of the United Nations Secretariat, including UNODC, into programmes and subprogrammes. For the purposes of the Strategic Framework, a programme can cover the work of an entire organization or theme. For example, Programme 13 ('International drug control, crime and terrorism prevention and criminal justice') relates to the work of UNODC. Please see UNODC Strategic Framework for 2012-2013:

[http://www.unodc.org/intranet\\_pa/docs/Strategic\\_Framework\\_2012-13.pdf](http://www.unodc.org/intranet_pa/docs/Strategic_Framework_2012-13.pdf)

The ToR of this evaluation further requests an examination of how well the projects' outputs/outcomes are aligned with the CPP objectives and whether the objectives are SMART, i.e. specific, measurable, attainable, relevant and time-sensitive. This evaluation suggests that the objectives of the CPP projects are not SMART and read more like mission statements. For example the objectives of XEAX20 read as follows:

- (a) before revision: "Piracy off the coast of Somalia is countered",
- (b) after revision: "Regional Authorities are supported to deter, arrest, prosecute and detain pirates, in line with international standards and norms."

While the SMART technique should be applied to the objective(s) it is applied at the level of outcomes and these (read together with indicators and means of verification) tend to be formulated accordingly throughout the six project documents. For example the first outcome of MUSX55 is that:

"The legislative framework has been amended to allow piracy prosecutions and strengthen the broader criminal justice system".

One of the indicators, further specifies the subject area: Piracy and Maritime Violence Bill is presented to Parliament and the final proof would be a copy of the Bill provided to UNODC. The output is clearly specific, measurable and attainable (having due regard to the risks outlined in the logical framework). Its relevance and deadline for achievement are dependent upon the cooperation with the national partner i.e. the government of Mauritius.

Assuming that a project objective is read as mission statement and the architecture of outputs and outcomes along with indicators and risk management strategies further specify the work plan, the evaluation concludes that all six projects are logically structured with the outcomes and outputs relevant to the overall objectives.

### ***Relevance for the partner countries***

The international community has agreed on an approach to increase aid effectiveness and further involve the recipient countries in the effort to build modern institutions that would serve their societies. The ToR for the present evaluation requires that the following question be answered: "To what extent are the thematic areas of the CPP relevant to the national strategies of the Eastern African states involved?" The evaluation will attempt to answer this question by examining the alignment of the CPP with the international standard in the area of aid effectiveness.

The Organisation for Economic Co-operation and Development (OECD) has created a forum for coordinating international community's approach to delivering aid. As a result two policy documents were agreed upon namely The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008), which aims to strengthen implementation of the Paris Declaration.

- (a) The guiding principles of both documents are:
- (b) Ownership: developing countries set their own strategies, improve their institutions and tackle corruption. Countries have more influence on policy formulation and its implementation,
- (c) Alignment: donor countries align behind agreed objectives and use local systems,

- (d) Harmonisation: donor countries simplify procedures and share information to avoid duplication,
- (e) Results: aid is focused on real and measurable results,
- (f) Mutual accountability: both donors and partners are accountable for development results,
- (g) Inclusive partnerships of all stakeholders
- (h) Capacity development - to build the ability of countries to manage their own development.

CPP is focused on multi-faceted assistance to the countries of the region in the fight against the phenomenon of piracy. One of the pillars of the project provides support along the process of delivering criminal justice i.e. investigation, prosecution, trials and detention of convicted piracy suspects. Between 2009 and 2012 the best forum for prosecuting pirates was being debated. Stakeholders agreed on courts in national jurisdictions with substantial international assistance. Such approach reflects the principles of the Paris Declaration, as it not only achieves the goal of ending impunity of organised criminals, it also builds national capacity to deal with other types of crimes. Improvements in prison infrastructure benefit more than just convicted pirates and training provided to judges or coast guards strengthens the capacity of the whole criminal justice system. Moreover such approach helps build strong partnerships between the donor community and the developing countries. UNODC has taken full advantage of the fact that the option of a specialised extra-territorial tribunal for piracy cases has been effectively dismissed (or at least has failed to garner significant support) and implemented a comprehensive strategy strengthening the rule of law within the partner countries. In order not to lose this relevance and bring sustainable changes, the programme must focus its resources on the maintenance of the positive developments (see ‘Sustainability’ section).

### ***Relevance for the donors***

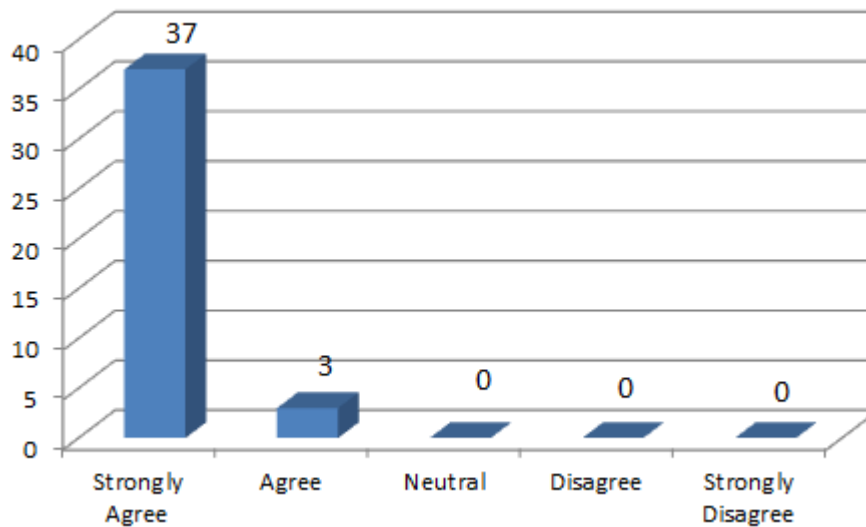
The CPP has grown from half a million US\$ in 2009 to US\$ 25 million in 2011 and has expanded beyond US\$ 40 million in 2012. The UNODC Counter-Piracy Programme (CPP) was launched with initial funding from the Federal Republic of Germany and France. While the Programme was initially limited to Kenya, it has seen a substantial increase in funding, among others through the European Union, coupled with growing international attention on piracy and its negative effects, and has expanded to Somalia (Puntland and Somaliland), Seychelles and Mauritius with some preparatory activity in Tanzania.

The fact that the programme has seen its budget grow approximately 80 times (USD \$ 0.5m to USD \$ 40m) in a little over three years suggests the CPP was relevant and was addressing the needs of the stakeholders.

As noted above the CPP was relevant at the time of its inception. With the recent fall of piracy incidents in the region the evaluation set out to try and establish if the various stakeholders still believed the CPP and its piracy focus was relevant. Figure II on the next page illustrates the responses given to the statement ‘UNODC through the CPP has been effective in increasing regional capacity to deter, detain and prosecute pirates’. Respondents were asked to select ‘1’ if they strongly agreed, ‘2’ if they agreed, ‘3’ if they neither agreed nor disagreed, ‘4’ if they disagreed and ‘5’ if they strongly disagreed. In total 40 interviewees across all six stakeholder

groups (UNODC CPP Team, UNODC Regional Office, UNODC HQ, Donor Community, CPP Beneficiaries and Partner Agencies) responded as follows:

Figure II. Relevance



Thus the overwhelming majority of interview respondents strongly agreed that the original objective of the CPP was still relevant. Many interviewees stressed that simply because the situation seemed to be improving this should not be a reason for the CPP to either lose focus or dilute effort in this area. For example, “*Expansion into other areas is positive but there must still be a focus on Somali inspired piracy*” and “*The CPP should continue to keep a focus on piracy*” are two quotes from the donor community.

This evaluation recognises that the CPP is in the process of expanding into the Maritime Crime Programme (MCP). For many reasons including donor community relationships, CPP beneficiary future cooperation and sustainability of the CPP benefits already brought, it is vital that the MCP does not allow Somalia inspired piracy to slip down a potentially growing list of priorities.

### Quality of Design

The various projects, their structure, review mechanisms and the consistency of approach with reference to their relevance toward the overall objective of the CPP will be examined in this section.

The CPP adopted a staged approach. The objective of the first phase was to place an International Programme Coordinator in Nairobi, who would identify relevant regional counterparts, build partnerships and agree on a joint work plan. The coordinator’s main responsibility was to prepare the second phase of the programme in which partner countries receive assistance in deterring, arresting, prosecuting and detaining pirates.

The original project document serves as a basic **needs assessment**. The concept of the programme implies that the Coordinator during his preparatory work would refine the knowledge

on the particular needs of the recipient countries. The transition into Phase II after the programme's revision in September 2012 adjusts objectives of the six projects to that knowledge.

The ToR for this evaluation outlines the overall projects' objectives as:

- (a) 1. Objective: Fair and efficient **trials and imprisonment** of piracy suspects **in regional countries**;
- (b) 2. Objective: Humane and secure **imprisonment in Somalia**; and
- (c) 3. Objective In the longer term fair and efficient **trials in Somalia** itself (mainly taken forward by UNDP, but with UNODC support).

These three pillars are a summary of the myriad of objectives, outcomes and outputs presented in the six Logical Frameworks of the projects comprising the CPP.

Project **XAMT72** had the original objective:

*“to **prepare** the ground for the launching of the larger ‘**Combating maritime piracy in the Horn of Africa. A UNODC Programme to increase regional capacities to deter, arrest, prosecute and detain pirates, phase II**’ through working together with the six target countries, to establish partnerships with these countries and with other actors in the area of maritime piracy and further fundraise the larger Programme”.*

This was revised in September 2012 *“to **strengthen** the national criminal justice systems of the **targeted countries**, so as to effectively **arrest, prosecute and detain** convicted **pirates** in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform”.*

Project **XEAX20** had the original objective that *“**piracy off the coast of Somalia is countered**”.*

This was revised in September 2012 to *“regional authorities are **supported to deter, arrest, prosecute and detain pirates**, in line with international standards and norms”.*

Project **XSSX11** had the original objective of *“**countering instances of piracy off the coast of Somalia, through the promotion of **fair and efficient trials and imprisonment of pirates**”.*** This has remained unaltered.

Project **SOMX54** had the original objective *“to **strengthen** the national criminal justice system of the **targeted Somali region**, so as to ensure secure **detention** of transferred convicted pirates in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform”.* This has remained unaltered.

Project **MUSX55** had the original objective *“to **strengthen** the capacity of the **Mauritius Criminal Justice System** through responsive support to **investigation, trial and detention of piracy suspects**”.* This has remained unaltered.

Project **XEAX67** had the original objective *“to **strengthen** the national criminal justice systems of the **targeted countries**, so as to effectively **arrest, prosecute and detain convicted pirates** in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform”.* This has remained unaltered.

The interrelation of the ‘sub-projects’ above is not sufficiently explained in the project documentation. However an explanation was provided during the interviews advising that these sub-projects were developed primarily as an administrative mechanism to deal with the financial management of donor funding. This is discussed more fully in later sections of this report.

**Geographic scope** of the programme, according to original project document of XAMT72, comprises six target countries, namely:

- (a) Djibouti,
- (b) Kenya,
- (c) Oman,
- (d) Somalia (initially in Somaliland and in Puntland when security conditions permit),
- (e) the United Republic of Tanzania
- (f) and Yemen.

Three of the projects define the geographic scope in their titles: XSSX11 and SOMX54 – Somalia, MUSX55 – Mauritius.

In addition assistance under the CPP has been delivered in:

- (a) Seychelles (no direct mention in the geo-scope in the programmes overviews or revisions)
- (b) Comoros
- (c) Maldives
- (d) Mauritius

Institutional scope:

- (a) Police and coast guards
- (b) Prosecutors
- (c) Courts
- (d) Prisons

Forms of assistance:

- (a) Assessments
- (b) Training and policy materials
- (c) Trainings
- (d) Mentoring
- (e) Infrastructure

The fact that CPP's outcomes tend to be tangible and observable (e.g. number of convicted pirates or finalised prison refurbishments), makes progress monitoring easier than it is for projects with focus on forms of assistance, which results don't easily lend themselves to observation.

Progress monitoring is something that CPP management have been doing particularly well. In addition, the donors have received regular updates on both positive and negative developments of the CPP. This evaluation concludes that the programme managers have taken full advantage of the situation and capitalised on it with the benefit to the programme's growing budget. If the CPP is to expand into a wider maritime crime programme efforts must be made to maintain the current high standards in progress monitoring and reporting.

The outcomes and outputs of particular projects presented in logical frameworks aim to present the intense CPP activities in an organised way. However, the interrelation of projects within the context of a programme is not sufficiently explained in the documentation. It appears that the geographic and thematic division of programme's material into projects was motivated by either incidental arguments or budgetary practicalities. Notwithstanding the status quo is an effect of wider UNODC managerial regulations, it does not seem to provide a structure to accommodate programmes like the CPP. This evaluation is aware that UNODC is currently reviewing the use and procedures for its global programmes and how the work of the CPP could be better integrated should form part of this review.

Under the term "project" UNODC conducts operations with very diverse breadth. Along with CPP other comprehensive "programmes" built within a project architecture can be found e.g.:

- (a) **GLOT63** Support to Crime Prevention and Criminal Justice Reform,
- (b) **GLOT32** Global Programme for Strengthening the Capacities of Member States to Prevent and Combat Organized and Serious Crimes (GPTOC).

There are also projects *sensu stricto*, with much narrower focus e.g.:

- (a) **BOLJ39** Drug abuse and crime prevention in the municipality of El Alto,
- (b) **BOLJ98** Drug Abuse and Crime Prevention in the Department of Santa Cruz,
- (c) **TD/TAJ/H03** Tajikistan Drug Control Agency (DCA) – Phase II.

The term "programme" in the UNODC managerial toolkit seems to be reserved for country, regional, global and thematic programmes. Putting terminology aside, the lack of structural distinction between undertakings with relatively wide and narrow focus might have an impact on effectiveness of larger 'projects' for which there does not seem to be a proper organisational frame. The impact could extend from the lack of clarity in the logical framework to problems with tracking "programme's" funds.

This evaluation concludes that the lack of clarity in the programme's structure does not seem to have had an adverse influence on its effectiveness (see 'Effectiveness' section). It should also be noted that the structure is partially explained by the necessity to find a mechanism to manage the different ear-marked donor funds (see 'Efficiency' section). However the design is not conducive to easy management from a non-financial perspective and greater thought should be invested in providing a design methodology that can erase some of the duplication that currently forms part of this programme design.

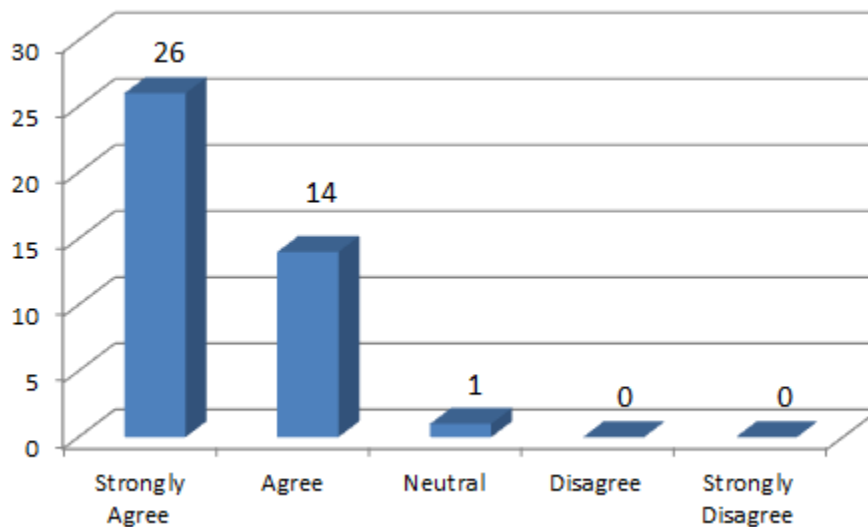


## Effectiveness

Effectiveness is defined by the UNODC Evaluation Handbook (EH) as a measure of ‘‘the extent to which a project or programme achieves its objectives and outcomes’’.

Figure III overleaf illustrates the responses given to the statement ‘UNODC through the CPP has been effective in increasing regional capacity to deter, detain and prosecute pirates’. Respondents were asked to select ‘1’ if they strongly agreed, ‘2’ if they agreed, ‘3’ if they neither agreed nor disagreed, ‘4’ if they disagreed and ‘5’ if they strongly disagreed. In total 41 interviewees across all six stakeholder groups (UNODC CPP Team, UNODC Regional Office, UNODC HQ, Donor Community, CPP Beneficiaries and Partner Agencies) responded as follows:

Figure III. Effectiveness



There was very little change in the ratio of results when taken across the different stakeholder groups with UNODC, Donor Community, Partner Agencies and CPP Beneficiaries providing similar figures.

The CPP has undoubtedly been successful in effectively delivering on the bulk of its promises. Once fully established at the end of 2009 the Counter-Piracy Programme had three objectives:

- (a) 1. Objective: Fair and efficient trials and imprisonment of piracy suspects in regional countries;
- (b) 2. Objective: Humane and secure imprisonment in Somalia; and
- (c) 3. Objective: In the longer term fair and efficient trials in Somalia itself (mainly taken forward by UNDP, but with UNODC support).

As noted earlier in this report (see Design), the objectives changed a little over time within some of the sub-projects that developed as the programme developed. This was also reflected in some of the outputs and outcomes however the general thrust of those remained consistent. Some of the key outcomes are as follows;

- (a) Established regional prosecuting centres

- (b) Enhanced capacity of the Coast Guard and Police
- (c) Capacity of the Judiciary to conduct piracy trials developed
- (d) Improved Court facilities to support trials
- (e) International standards in Prisons implemented
- (f) Dedicated facilities for piracy trials
- (g) Secure and humane imprisonment for pirates
- (h) Repatriation of convicted pirates to serve sentences in Somalia
- (i) Transfer of suspected pirates to Somalia for trial
- (j) Fair and efficient trials of individuals charged with offences in Somalia
- (k) Support to law reform projects
- (l) Legal regime in support of prisons and prisoner transfers
- (m) Transfer of convicted Somali pirates to Somaliland / Puntland

Behind these outcomes there are a vast array of outputs all of which are detailed within the project documents and their subsequent revisions (see Annex V documents No.50 to No.83 inclusive) but are too numerous to reproduce here. An abridged version of the key outputs is supplied in Annex VI. The evaluation has concluded that the vast majority of outputs have been attained or the CPP is continuing to work toward attaining those outputs. However, this was not a simple task to complete with the various outcomes and outputs held within numerous different documents and this evaluation would suggest that for future monitoring and evaluation purposes a master list of the various outcomes and outputs (along with the progress made toward them) across the different projects that make up the programme is maintained. The fullest list of objectives, outputs and outcomes can be found within the project revision of XAMT72 (see Annex V No.59). An example of the structure is as follows:

#### Objective 1

Fair and efficient trials and imprisonment of piracy suspects in regional countries.

#### Outcome 1.2 (linked to Objective 1)

Kamiti prison is renovated and equipped to international standards with necessary equipment and provisions.

#### Outputs

- 1.2.1 Increased water supply;
- 1.2.2 Improved sanitation system;
- 1.2.3 Improved prison infrastructure including a refurbished and refitted kitchen facility;
- 1.2.4 Delivery of necessary equipment and provisions, including furniture, medical supplies and educational materials.

With respect to **the first objective** and its linked outcomes and outputs the programme can demonstrate effective success through CPP activities most notably in Kenya and Seychelles and more recently in Somaliland and Puntland. In Kenya (as of January 2013) there were 64 piracy suspects on remand, 74 convicted pirates, 17 acquitted and returned to Somalia and 10 completed their sentence and repatriated to Somalia. In Seychelles there were 21 piracy suspects on remand,

102 convicted pirates, 34 transferred back to Somalia to complete their sentences and 1 has completed their sentence and was repatriated to Somalia.

In order to try and ensure these are ‘fair and efficient’ trials the CPP has undertaken capacity building programmes across the criminal justice spectrum. This has included various training courses for the police, prosecutors, the judiciary and prison officers with respect to handling piracy cases and prisoners. Again these are most prominent in Kenya and Seychelles but have also incorporated other countries in the region that have agreed to accept pirates from foreign navies namely Mauritius and Tanzania. As well as training there has been a procurement element to the CPP which has included forensics equipment, information technology, police vehicles, radio and navigation equipment, police dogs and a whole host of other related tangibles.

It is true to say that when the CPP was initiated the whole concept of enshrining human rights within all UN and UNODC programmes and projects was in its infancy. As a result this retrospective evaluation could highlight a lack of visibility on these issues at the outset and through the formative first two years of the programme. However that would be partially unfair since there was no concrete guidance at that time on how this should be achieved. The CPP does understand and appreciate that the human rights of the suspected pirates are of paramount importance and that their treatment must meet agreed international standards. Indeed one *raison d'être* of the CPP was donor concern for the human rights of piracy prisoners as they progressed through the regional criminal justice systems. UNODC identified that they could act through the CPP as a catalyst to ensure these rights were protected. This has been highlighted within the CPP where juveniles involved in piracy have been identified and support given to reunite them with their families in Puntland. However it is incumbent upon the CPP – with support from the appropriate HQ staff – to further develop their human rights approach and increase its visibility within the programme. In 2011 the Secretary-General's "Human rights due diligence policy on UN support to non-UN security forces (HRDDP)" was promulgated, and requires all UN entities dealing with such entities to conduct human rights risk assessments to ensure that activities are conducted under the principle of proper due diligence. The importance that the donor community places on HR cannot be understated. Many cited this as the key to their continuing involvement in the CPP and any expanded MCP. This evaluation suggests that any future development or project review of the CPP should include this human rights risk assessment approach and an agreed strategy to involve the appropriate thematic experts in HQ.

A main element from objective 1 (above) concerns the conditions in which piracy suspects are detained. The CPP has made major investment into the prisons and the prison system and not just – as previously noted – in the training of prison officers. The introduction of prison mentors has been commented upon by many stakeholders from different stakeholder groups as an excellent and effective approach. There are some concerns regarding the sustainability of these mentors given the way in which they are funded and maintained, however from the perspective of ‘effectiveness’ the mentoring system – be it police or prisons – has been successful.

There has also been a wholesale refurbishment of existing prisons and construction of new prisons. The programme recognized that although its objective focused on pirates it would be necessary to reach minimum international standards for all prisoners in prisons where pirates were housed. Thus there has been additional benefit to the general prison population in Kenya and Seychelles where piracy prisoners are incarcerated. These improvements include the refurbishment of cells and women’s facilities, upgraded kitchen facilities, improved staff accommodation, supply of education and sports facilities among many examples. This evaluation has reservations over the sustainability of some of these improvements which are addressed later in the report.

**The second objective** details the need for humane and secure imprisonment in Somalia. Once again this evaluation recognizes the impressive work UNODC and CPP have made in being able to gain access and work in that most unstable of regions. They are one of very few agencies who have formed the alliances needed to deliver results ‘on the ground’ in Somaliland and Puntland. In April 2011, a new prison in Hargeisa, Somaliland, was officially opened with the support of the CPP. Training programmes were provided to the prison staff to enable them to manage the prison in accordance with international standards and a prison mentor was placed in the prison to provide support to the daily operation of the prison and make improvements in the management and operation. A workshop facility for prisoners and new prison staff accommodation was constructed. Work to raise capacity for secure and humane imprisonment has also been done in Puntland. In Bossasso Prison, the CPP has been constructing both a male and a female prisoner block and a new gatehouse, armoury, improved water and sanitation with new toilets and a borehole, refurbished parts of the prison and provided new generators.

Image 1. Bosasso toilets before refurbishment<sup>10</sup>



Image 2. Bosasso toilets after refurbishment<sup>11</sup>



<sup>10</sup> Source: UNODC/Counter Piracy Programme-Team.

<sup>11</sup> Source: UNODC/Counter Piracy Programme-Team.

As of 6<sup>th</sup> March 2013 there were 30 convicted pirates detained in a dedicated block (with a capacity of 40) in Bosasso Prison. They will be held there until Garowe Prison opens, at which point they shall be moved and the block in Bosasso re-opened as a women's prison.

**The third objective** is noted as longer term and the CPP continues to work toward it and engaging with other actors – in particular UNDP – to assist. Outside UNDP partnerships, UNODC was asked and agreed to provide legal support to the Somali Contact Group on Counter Piracy (The Kampala Process) consisting of the Federal Government of Somalia, Puntland, Galmadug and Somaliland to assist in the process of drafting a shared Maritime Strategy for Somalia as well as a legislative framework to support the Strategy. While the driving force behind the Somali Contact Group on Counter Piracy is entirely Somali, the workshops were facilitated by UNPOS, UNODC, IMO, and FAO and supported by Oceans Beyond Piracy and EUCAP NESTOR.

Of course the effectiveness of the programme can be measured in many different ways. However, regardless of the benchmarks that are used to measure its effectiveness (e.g. reducing incidents of piracy off the Somali coast, number of piracy prisoners fairly processed through the judicial system(s), piracy suspects and prisoners human rights being observed, training courses delivered, logistical support for prosecutors, training courses, procurement projects), the CPP consistently delivers. Having established that the CPP is viewed as being very effective it is incumbent upon UNODC to identify why this is the case. This evaluation notes that critical among some of the reasons for success is strong field office and programme leadership, efficient HQ support and identifying a niche market where UNODC can utilise its comparative advantage(s). When the CPP expands into the Maritime Crime Programme (MCP) the reasons for the CPP's success should be identified and – where possible – replicated in the MCP.

A key reason for this effectiveness has been the continuity of strong leadership since the inception of the programme. The Programme Coordinator is consistently mentioned across all stakeholder groups – but especially within the donor community – as a positive driving force for the CPP. There are numerous examples of his own personal qualities and attributes as a manager with a 'can-do' attitude to tackling the barriers that may hinder the execution of the programmes objectives. The Programme Coordinator *"is doing a superb job {he} gets the job done."*<sup>12</sup> *"He is good at negotiating behind the scenes to get the different actors to work together"*<sup>13</sup> *"Without him the CPP could die"*<sup>14</sup> *"He is incredible, outstanding"*<sup>15</sup> These are just a few of the testimonials delivered by some of the stakeholders in the CPP. The translation of this drive manifests itself in a CPP team which is also driven to succeed and does not measure success as an absence of failure. This pro-active approach has – on occasion – led to friction in the past between the CPP team, the East Africa Regional Office (ROEA) and some HQ staff who have felt 'left out of the loop' as the CPP team found methods of overcoming or removing barriers to the execution of their work. These solutions and the friction they caused are further explained in both the 'Efficiency' and 'Partnership and Cooperation' sections.

This 'field centred' approach to problem solving could be partially explained at the beginning of the programme due to a certain lack of knowledge of the standard operating procedures of UN and UNODC by the field office team. The Programme Coordinator had no formal UN or UNODC induction training and, coming from a non UN background, he had to effectively learn

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<sup>12</sup> Donor Community representative

<sup>13</sup> Partner Agency representative

<sup>14</sup> Donor Community representative

<sup>15</sup> CPP Beneficiary representative

the job as it unfolded. However, this cannot fully explain the lack of engagement and communication between the field and HQ and it appears that an implicit *modus operandi* developed that kept HQ involvement in the CPP to the bare minimum in order to speed up delivery. The risk assessment (see Annex V No.35), which was conducted in the first quarter of 2012, drew attention to this issue and this culture has largely been reversed. There are still some examples where the field and HQ relationships have become strained around delivery issues. A recent example is the refusal of HQ to procure batons for prison staff. HQ argumentation is that they may be used to infringe the human rights of prisoners. CPP argumentation is that by not supplying these batons the staff will in all likelihood continue to use the current equipment of shackles and bayonets.

This evaluation concludes that there is now an understanding and willingness from the field, the regional office and headquarters to work more closely together. The appointment of a P5 at HQ as a senior counter piracy expert has further improved this aspect. It appears to have been accepted that effective implementation and effective reporting and monitoring cannot be separated and that in the initial stages of the CPP systematic reporting and monitoring between the CPP, the regional office and HQ was lacking. However, it remains a truism for UNODC to ponder that it appears the initial success and effective delivery of results of the CPP did not require any more than the minimum support and input from a few key HQ based individuals.

A further reason for the effectiveness of the programme lies in the fact that UNODC at the inception of the programme identified a niche where no other international actor was working and moved quickly to fill that gap. Specifically, they realized that UNODC had the ability to potentially offer a continuum of support from arrest, hand-over, detention, trial, imprisonment and / or repatriation of pirates whilst observing their human rights. This was a gap that could not easily be filled by bi-lateral work between governments. This evaluation would suggest that as the CPP expands into the MCP effort is placed into identifying where similar potential advantages may lie which UNODC through the MCP could exploit.

Overall, this evaluation finds that the CPP has been exceptionally effective in delivering on donor requirements (tackling piracy) by identifying where UNODC expertise and comparative advantage could be deployed. This manifested itself in the ability to forge good relations with the appropriate countries, launching a programme that was holistic in nature and that provided a complete service from arrest and handover, detention, prosecution, sentencing, imprisonment and ultimate repatriation. It was flexible to changing demands and needs as the programme and situation developed – for example the Piracy Prisoner Transfer Programme (PPTP) – and much of this success can be attributed to the project coordinator and his staff for their pro-active approach to problem solving.

## Efficiency

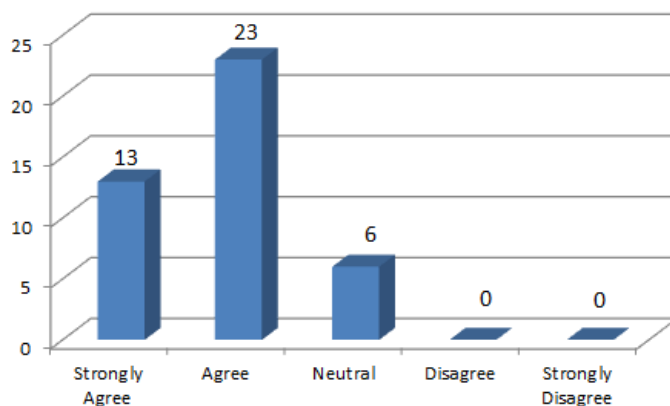
The UNODC Evaluation Handbook (EH) defines efficiency of a project as “a measure of how well resources/inputs (funds, expertise, time etc.) are converted into outputs”. According to UNODC Guidelines for Evaluation Reports one of the aims of a project evaluation is to assess the extent to which the planned outputs have been delivered and how they contributed to the attainment of the objectives. It should be noted that the delegation of procurement authority was not granted to the CPP, which hindered the efficient delivery and management of funds. There were some contradictory advice from UNODC HQ, specifically between DO and FRMS, which also contributed to some inefficiency in the delivery.

Regarding the delivery of the outputs themselves the CPP does appear to have delivered the majority of these and this is a crucial benchmark test of efficiency. For example, under the CPP UNODC is renovating or constructing ten prisons, five courtrooms, three police stations and two ministries of justice in the Eastern Africa region. UNODC has provided technical assistance to States for the fight against piracy, specifically for the development of the necessary legal frameworks and judicial and law enforcement capacities to enable the prosecution and incarceration of suspected and convicted pirates, as well as allowing for transfers of convicted pirates to serve sentences in Somalia and to improve prison capacity and conduct prison training in Somalia.

UNODC has also invested considerable time and resources in building the capacity of the coastguard and police of the regional states. For example, in addition to receiving specialist training on handling piracy cases, the Seychellois Coast Guard and Police have benefited from the supply of radio and tactical information equipment, as well as training on the use of the equipment. Procurement of infrastructure equipment for the VHF radio communication system is underway, financed by the CGPCS Trust Fund.

Figure IV below illustrates the responses given to the statement ‘UNODC through the CPP has been efficient in increasing regional capacity to deter, detain and prosecute pirates’. Respondents were asked to select ‘1’ if they strongly agreed, ‘2’ if they agreed, ‘3’ if they neither agreed nor disagreed, ‘4’ if they disagreed and ‘5’ if they strongly disagreed. In total 42 interviewees from all six stakeholder groups (UNODC CPP Team, UNODC Regional Office, UNODC HQ, Donor Community, CPP Beneficiaries and Partner Agencies) responded as follows:

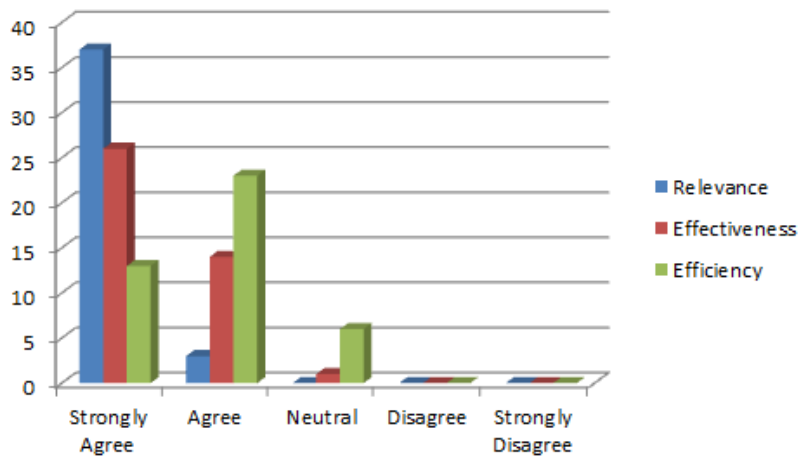
Figure IV. Efficiency



As can be noted the majority of respondents agreed that the CPP was efficient in attempting to meet its objectives. Similar to the results for ‘effectiveness’ the ratios are consistent across all stakeholder groups with the exception of the CPP beneficiaries. Within this group only two out of thirteen respondents ‘strongly agreed’.

When these results are compared with those obtained for relevance and effectiveness (figure V) it can be observed that efficiency is viewed as the weakest of those three areas.

Figure V. Comparison



When examining the potential reasons for this it should be recognized that the efficiency of the programme is still remarkably high. The interviewees, in particular those within the donor community, have commented upon the programme in very positive terms. *“Within all UNODC projects and programmes this {the CPP} is the flagship programme”, “The CPP is the single best field operation of which we know”, “The CPP is the best part of UNODC”*. These comments would not have been made if the donors felt their money was being used in an inefficient manner. Thus the following observations should be taken in the overall context of the programme and its undoubted success.

The length of time with which it takes to procure equipment and services is a major limiting factor in the efficiency of the programme. One staff appointment took 19 months to complete. In an attempt to increase efficiency the CPP team decided to change from using the United Nations Development Programme (UNDP) and enter into a Service Level Agreement (SLA) with the United Nations Office for Project Services (UNOPS) as its executing partner. It is generally held at the field level that this arrangement has improved the speed of the procurement process although it is still not as quick as would be desired. The UN is so bound by its rules that does not allow for flexibility to respond to field needs and this is an aspect that requires greater reflection. The relative disappointment of CPP beneficiaries in the efficiency of the programme can be linked directly to the slow procurement process, whether it is supplying air tickets for prosecutors to travel, the hiring of contractors to refurbish buildings, the procurement of fixed assets such as IT equipment, vehicles or of staff.

The use of this UNOPS SLA came at a price. There is the direct financial cost of the arrangement which is slightly more expensive than using UNDP. However, there was also a cost paid in field / HQ relationships. The relationship between the CPP team and HQ, in particular the Financial Resources and Management Service (FRMS) appeared to deteriorate. This evaluation is keen to state that these relationships have improved substantially and there is now an air of cooperation and goodwill between the CPP team and other HQ functions including FRMS. This is due in part to this issue being highlighted in the risk assessment (see Annex V No.35) but also with the deployment of an FRMS staff member to the CPP team in Nairobi and the arrival of the CPP counter piracy expert at Headquarters. Furthermore an ‘inter-divisional task force’ was established in December 2011 to “ensure a strategic, cross-thematic and coordinated approach in UNODC’s work in response to piracy”. This has also helped to improve CPP field office and HQ



relationships and – after a slow start – this task force appears to have gained some traction and credibility within UNODC. This evaluation would encourage its continued and deepening engagement with the CPP and – in particular – into the MCP to ensure proper cognizance is taken of the myriad cross-cutting, thematic and regional aspects of this expanded programme. How this interacts with the existing interdivisional task teams (IDTTs) in HQ must be addressed.

Along with some – now largely historic – difficulties between the CPP in the field and HQ, there was also friction between the CPP and the Regional Office for East Africa (ROEA). Part of the reason for this friction was centred round how the CPP should sit within the East Africa Regional Programme (EARP). It should be noted that the CPP began life just prior to the EARP and thus attempting to retro-fit the CPP into the EARP which itself was new and trying to find its feet was always going to be difficult. Both the CPP and ROEA recognized these problems and both have stated that they are working together now to try and ensure consistency between the CPP and the RP.

While this may be true this evaluation has not been able to establish any specific improvement of the integration of the CPP into the RP specifically or the work of the EARO in general. Nor has this evaluation noted any pro-active engagement of the EARO in attempting to exploit the opportunities that the CPP has generated in the region, in particular in Somalia. As this evaluation is to feed into the EARP evaluation, a question was asked “Are you aware of the existence of the Regional Programme?” Many stakeholders of whom it might be expected they would have some knowledge of the RP had no knowledge. If the goal of the integrated programming approach is to be achieved stakeholders must be informed of what the RP is and how it integrates projects being implemented within its remit.

Naturally this must form a large aspect of any future EARP evaluation but this CPP evaluation can offer some insights. The CPP has been active in attempting to involve and engage the EARO in their work and to encourage the EARO to exploit potential opportunities provided by the CPP. The advocacy work of the CPP has been passed to the EARO and yet there appears to have been little done in this area since the transferral of responsibility. Indeed the evaluation was witness to the unwillingness of the EARO representative to talk with donors on this issue when given the chance at a CPP inspired regional donor meeting in Nairobi. The evaluation has also been made aware of a donor Project proposal that was brokered by the CPP and passed to the relevant EARO representative where it remained for a year with little progress after which the donor withdrew their support. The donor community view the EARO as being the perfect vehicle to ensure the entry points to Somalia, in part generated by the CPP, are exploited by UNODC yet they have seen very little progress in this area. Their view of the EARO is very (verging on extremely) poor and this is having a knock-on impact on potential funding for UNODC in the region in general and could potentially have a negative effect on funding for the CPP / MCP in the future.

Coupled with this – and although it has improved – there still seems to be a lack of effective communication between the CPP and the EARO. A recent example highlighted this when the EARO Representative felt the CPP Project Coordinator had not kept her well enough informed regarding the expansion of the CPP into the MCP and that it was presented as a ‘fait accompli’. However there are several emails sent to the EARO Representative from the CPP informing her of the CPP / MCP proposal(s) and asking for RO input. Regardless of where the truth lies in this particular matter it is indicative of both a break-down in communication and a lack of proper CPP integration into the RP.

The EARP evaluation will ultimately be better placed to tackle these EARO / RP / CPP issues however this evaluation contends that more has to be done in this area immediately and would

suggest that the regular Friday meeting of the CPP where the past week and future weeks work is discussed includes a standing invitation to the ROEA to send a representative. The CPP should also consider creating a standard operating procedure – in conjunction with the ROEA – that ensures any briefings (oral or written) given by CPP to both internal and external actors, partners and stakeholders include reference to the RP and how the CPP sits within and contributes to that programme. Similarly, the RP briefings and communication should make reference to the CPP and the ROEA representative should be prepared to explain the work carried out by the RO over the past week and their plans for future weeks work.

The legacy of using this UNOPS SLA is still of some interest however, as FRMS have concerns regarding the clarity and transparency of the financial reporting from UNOPS. There is an inability to easily marry what is executed by UNOPS back to UNODC / CPP budget lines. In addition there are on-going difficulties with the extension of the SLA with UNOPS and at the time of writing (April 2013) these had still to be resolved. The comparative advantages and disadvantages of using UNOPS over UNDP must be examined and a final decision taken that will be supported by UNODC as a whole prior to the expansion of the CPP into the MCP. This is a critical area which will impact on the delivery of results within both the existing CPP and the expanded MCP.

FRMS concerns over marrying expenditure to appropriate CPP budget lines are not restricted only to UNOPS matters. This evaluation has found it extremely difficult and time consuming to track the funds delivered to the programme through to their final deployment. And this issue has also been raised by donors, for example the EU raised the issue of tracking donor funds in a letter to the UN Under-Secretary General for Management, Mr Yukio Takasu. This is not to say that there is any lack of transparency and / or accountability, however the systems in place do not allow for easy interrogation of the financial data. It is telling that the programme employs two officers on a full-time basis in Nairobi just to keep track of the finances. And this does not include the time and resources of HQ staff also involved in the financial control of the programme. The **project** focussed Pro-Fi system is not geared to the financial management requirements of a multi-donor, USD \$ 40m plus **programme**. The staff of the CPP based in Nairobi have had to design and implement their own excel based financial management system in order to deliver the financial overview and detail that they require to manage the programme. An inordinate amount of time and resources are spent on financial management. When asked what is the one thing he would have done differently should he start the CPP programme again the Programme Coordinator stated “*hire the Finance Programme Management Officer and an additional finance officer much earlier*”. This gives an indication of the impact of financial management on CPP.

This inability of the generic UNODC financial systems to cope with a programme like the CPP has had another – detrimental – knock-on effect. The rather strange design of the programme (see ‘Design’ section) is primarily due to this inability to easily manage and track donor contributions. The different projects within the CPP are in place largely due to the fact that different PSC rates apply and this (the construction of sub-projects within the programme) is the easiest and most practical way of dealing with this issue. This generates additional administration around all these different sub-projects e.g. project documentation, project revisions, project reporting etc. In addition some donors have expressed dissatisfaction in their ability to be able to reconcile their PSC contribution to Programme activities. This point was raised within the risk assessment and the fact it is still being raised by the donors suggests that UNODC response to this issue has not yet properly addressed the issue although the evaluation believes UNODC is actively considering how this can be tackled. This evaluation contends that the CPP could become far more efficient and more able to reconcile PSC expenditure to the satisfaction of donors if a more efficient financial management system were developed.

One further aspect which has an impact on both the ease with which funds can be managed within a programme such as the CPP and the efficient use of those funds is the funding modality. Many of the funds which are donated are so-called ‘hard ear-marked’ funds which have conditions attached to their use which may preclude them from being used in a manner best determined by the CPP team. This evaluation fully recognises that appropriate checks and balances must be in place to ensure funds are used in a transparent and accountable manner. However, where a programme such as the CPP has manifestly demonstrated that it can deliver results there is a strong argument for promoting a ‘softening’ of those hard ear-marked funds in the future.

Tangentially linked to funding modality is another area where the programme has attempted to be financially flexible in order to supply resources. Non Reimbursable Loan (NRL) agreements involve the secondment of staff from Member States to UNODC. They offer two main advantages: they are at no-cost to the programme and they provide officials with current skills. ST/AI/231 states that NRLs “normally may be negotiated for the acquisition of services required to assist in the execution of technical co-operation activities,” thus distinguishing them from staff contracts. CPP has made use of them in the police and prisons area since 2009 and 7 police officers (from Australia and Netherlands) and 3 prison officers (from Norway) have been seconded to CPP for periods between 6 and 12 months each. However this has sparked some legitimate debate where some donors are asking why a project as large as the CPP is using NRLs instead of identifying and recruiting appropriate staff. Some donors view this as an efficient solution “*NRLs are a practical solution*” and by others as an unacceptable and inefficient approach “*Why should a programme as big as the CPP deploy NRLs and charge an additional 14% for personnel they should be able to identify and employ themselves?*”<sup>16</sup> This evaluation would suggest that the use of NRLs should only be deployed as a last resort when all other avenues for financing have been exhausted.

The final aspect to be highlighted under this section is the return of donor funds. *Prima facie* this suggests certain inefficiencies, however given the size of the programme, the funding modality and the inherent difficulties of running a programme where much of the expenditure is procurement based, there have been relatively few incidents of this occurring. Indeed, it would be more surprising and cause greater concern from an evaluation perspective if none of the USD \$ 40m plus had remained unallocated and unused. Even the donors accept this may happen from time to time and they value the CPP for their integrity in bringing these unused funds to their attention. “*We were pleased the CPP came and told us. We appreciated the honesty*”.

The area of ‘Efficiency’ is one of relative concern for the CPP. However, this should be viewed within the context of the CPP as whole. In many areas the CPP has efficiently delivered outputs as has been previously described and the overall majority ‘agree’ that the CPP has been efficient in its work.

## Impact

Impact, as defined in the EH, is “the positive or negative, primary and secondary long-term effect(s) produced by a project or programme, directly or indirectly, intended or unintended”. The CPP has – as previously noted in this evaluation – delivered on a substantial number of its outputs and these have led to outcomes which appear to have had a very positive effect on the overall strategic objective of reducing piracy off the coast of Somalia.

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<sup>16</sup> ST/AI/231 establishes charging of overhead, at the current rate of 14%. The Instruction constitutes the UN Secretariat-wide policy.

Table 1. Piracy Acts 2008 to 2012<sup>17</sup>

	2008	2009	2010	2011	2012
<b>SUSPICIOUS EVENTS</b>	8	59	99	166	73
<b>TOTAL ATTACKS</b>	24	163	174	176	35
<b>PIRATED</b>	14	46	47	25	5
<b>DISRUPTIONS</b>	0	14	65	28	16

Naturally it is difficult to ascertain how much of the reduction in piracy acts can be attributed directly to the work of the CPP. Many other factors have had an impact on the 2012 figures including an exceptionally bad monsoon season; increased compliance of ship owners with IMO recommended Best Management Practices and private security companies being hired to protect vessels. This being said, another key factor - the deterrent effect of prosecution and incarceration of pirates – can be attributed in large part to the work of UNODC and the CPP team.

Certainly the donors are broadly content with impact of the programme with the most obvious indicator of this being the continued and increasing supply of funding to the programme. The interviews with donors also confirmed this aspect of positive impact e.g. “*the CPP has had a huge impact on keeping international trade moving*”, “*The CPP is money well spent and has had a positive impact*”.

The piracy prisoner transfer programme (PPTP) is a further example of the positive impact the programme has achieved and an indicator of the CPP’s ability to react to emerging, changing situations. At one point the one prison in Seychelles had an unmanageable number of pirates. This then necessitated the ability to repatriate convicted prisoners back to Somalia and negotiate transfer arrangements between countries. From this, the PPTP evolved and it now forms an integral part of the arrest to repatriation continuum of the CPP response to tackling piracy.

In addition to contributing to the strategic objective(s) of the international community in tackling piracy, the CPP has further provided impact in various areas. As well as increasing national capacity to tackle piracy many of the outputs have additional ‘knock-on’ effects. For example;

- (a) three weeks of Criminal Intelligence Department training for 30 officers in Kenya
- (b) criminal analyst training for 25 police intelligence analysts from Kenya, Seychelles, Tanzania, Mauritius and Maldives
- (c) equipping Seychelles police with VHF radios for personal and vehicle use
- (d) equipping prosecution offices in Mombasa and Nairobi to allow 11 prosecutors access to IT and on-line legal resources as well as securing filing and copying
- (e) providing learning exchanges for judges from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination

All of these contribute to capacity building in more than just the counter piracy arena. Many of these skills are transferrable across different crime types, for example CID and criminal analyst training. There is also the ability to meet and build professional networks across the region which has a positive impact on international law enforcement cooperation in general. An additional

<sup>17</sup> Source: <http://eunavfor.eu/key-facts-and-figures/>

benefit noted by this evaluation was the recognition of basic human rights as witnessed in both the prisons visited during the evaluation process in Kenya and Seychelles. As previously noted in this evaluation, the CPP recognised that by focussing solely on improving the human rights of piracy prisoners there was a danger that the rest of the prison population would feel alienated and ‘second class’ prisoners. Thus, the CPP has pursued a policy of improving conditions and meeting minimum human rights for the entire prison population.

Outside of the obvious impact of building / refurbishing prisons, providing motor vehicles, training etc. and the more indirect but critical benefits that flow from an increased awareness and professionalization of the justice section in those targeted countries, there is an additional benefit to UNODC which should not be overlooked. The success of the CPP from the donor community perspective has engendered a more positive attitude toward the wider UNODC family. There is an appreciation that given the right set of circumstances and individuals willing to exploit those circumstances, UNODC can provide tangible results. The CPP has built up a strong and positive relationship with its donors and UNODC should deliberate long and hard on how to retain and develop this goodwill. In particular, ROEA should ensure to build on these relationships for the benefit of the RP East Africa.

There are many potential avenues that UNODC could exploit and provide greater impact following on from the work done by the CPP by linking into the other thematic areas. To date this has not been successfully done and this aspect requires greater ownership by the ROEA in integrating the CPP into the RP. Furthermore, as the CPP expands into the MCP, the use of the inter-divisional task force to ensure the impact of the CPP / MCP is felt across the different thematic areas of the various UNODC mandated areas will be vital. This evaluation identifies great risk to the positive impact of UNODC and the CPP if the transition from the CPP to the MCP is not handled carefully, in particular the interaction between the MCP and its in-house partners and their projects. This is more fully discussed in the ‘Partnership and Cooperation’ section.

Along with these positive impacts this evaluation has found some instances where these have been reversed. Ironically, these negative impacts seem to have been brought about by the success of the programme. There are examples where the programme has delivered benefit but this benefit has not been sustained. This is expanded upon in the ‘Sustainability’ section however – in brief – a lack of sustainability in some areas is fostering a negative perception of the CPP. To ensure continuing positive impact the area of sustainability must be given greater credence.

Overall, the CPP has had a positive impact and the donor community in particular are impressed with the results from the CPP. The beneficiaries have also expressed their general happiness with the impact of the programme with some exceptions regarding the long-term impact of the CPP. This evaluation recognises that the vast majority of outputs have been achieved and that the anticipated impacts have materialised. There is the issue of sustainability however and this is covered in the following section.

## Sustainability

Sustainability, as defined in the EH, is “the extent to which benefits of initiatives continue after external development assistance has come to an end”. The CPP approach to sustainability has been to “*develop a programme which would deliver immediate results in the short-term to support the interim remedy to piracy (the enforcement of law and order at sea by foreign navies)*”

*whilst at the same time investing in the long-term solution: the restoration of the rule of law in Somalia” (Annex V No.10).*

Recent data (see ‘Impact’ section) suggests that the piracy modus operandi and consequent piracy threat that initiated the international response – and, by extension, the birth of the CPP – has reduced. If this reduction continues there is a strong likelihood that the funds dedicated to tackling piracy could well reduce in accordance. This will naturally have an impact on the sustainability of the advances and benefits already being enjoyed by the beneficiaries and potentially threaten the long term benefit derived from the CPP. This is a fear expressed by both the donor community and the CPP beneficiaries. The ‘Relevance’ section stresses the importance of the CPP to continue to prioritise the efforts against Somali based piracy and in so doing the CPP and UNODC will reduce the risk that a lack of sustainability could cause to their reputation.

On a more operational basis the CPP has recognised where a lack of sustainability could have a detrimental effect on the short-term requirements of the programme. For example, the Government of Seychelles, by virtue of its size, could not sustain an expanded prison population for a significant period of time. Thus, the PPTP was developed to ensure the continued commitment of the Seychellois government in accepting piracy prisoners for detention and trial. A further example is in Puntland where the CPP has two correctional advisors overseeing the process of the prison construction, as well as working to draft a prison staff curriculum and providing some preliminary training to prison staff in the region. The Prison Academy was completed in August 2012, and UNODC is rolling out a comprehensive training of trainers programme that will allow the development of a sustainable capacity in sound prison management, in line with international minimum standards and human rights principles.

Thus, the CPP has proven that it can recognise when sustainability might hamper CPP delivery of CPP outputs and the negative effect this would have on outcomes and objectives. Within the prisons in which piracy prisoners are housed, the CPP has attempted to introduce education and training opportunities for the pirates and other inmates. This is a commendable approach and a valiant attempt to reduce the likelihood of those piracy prisoners returning to a life of piracy after release. It is also striking how grateful the prisoners are to be given these opportunities and the vast majority grasp it whole heartedly.

The CPP has further recognised that sustainability requires more than just effort from the CPP. They have attempted to introduce other mandated areas of UNODC work to donors and CPP beneficiaries in an effort to improve the sustainability outlook. This has included liaising with the ROEA to promote advocacy and alternative lifestyle aspects as well as liaising with the Global Programme against Money-Laundering (GPML) to bring focus on piracy and money laundering. However, the ability of the larger UNODC to exploit these entry points supplied by CPP has been of mixed success. This is an area where the CPP Team, the ROEA and the appropriate HQ Units, Sections, Departments and Divisions need to formulate a more detailed ‘integrated’ approach. This is especially important with the expansion of the CPP into the MCP.

This evaluation does have some concerns over the long-term sustainability of some of the benefits from the CPP. There were examples of benefit being delivered to reach certain minimum standards but a lack of sustained support has led to those standards slipping. The kitchen facilities at Shimo La Tewa prison in Mombasa, Kenya were refurbished in 2009-10 and are now showing signs of disrepair. When asked, the Kenyan prison officials advised they had no resources to maintain them. Piracy prisoners in Shimo La Tewa prison had been supplied with personal hygiene items such as deodorant and toothpaste but once those had been used up there had been no further delivery. As one prisoner said *“It is worse being given something and then having it*

*taken away than never having had it in the first place.*” Photocopiers have been delivered to Kenyan prosecutor’s office but the majority now lie unused due to lack of resources to replace printer cartridges or repair / service them.

Although these are only small examples from a USD \$ 40m plus programme they are indicative of the difficulties faced by most development and capacity building projects and programmes. The danger of not giving enough credence and emphasis to sustainability when trying to deliver the programme objectives is that the CPP and – by extension – UNODC lose credibility in the long term firstly with the CPP beneficiaries and secondly with their donors. There is already some suggestion that this is having a negative impact with the CPP beneficiaries. Kenyan authorities – in particular the prosecutor’s office – were critical of a perceived lack of continuing support from the CPP. They accept that this was not helped by Kenyan authorities deciding in 2010 that they (Kenya) had no legal basis to try pirates. That decision was subsequently overturned and yet the perception is that the CPP has a new focus (Seychelles and Tanzania) and that the headway made in Kenya with regard to the training of prosecutors, refurbishment of court facilities and logistical support has stalled. Hard bought goodwill can be easily lost and this evaluation suggests that the CPP should invest greater thought into long-term sustainability. This must include closer consultation with other parts of UNODC where necessary and the beneficiary governments themselves.

One final area touches upon the sustainability of the CPP and potentially the expanded MCP itself. As noted in the ‘Effectiveness’ section much of the perception of the success of the CPP is invested in one person, the Programme Coordinator. There is no doubt that UNODC has a dynamic and driven programme leader and he is held in exceptionally high regard particularly within the donor community and beneficiary hierarchy. One example given is that when a problem needed fixing the President of Puntland telephoned him directly. There is a definite and palpable fear among those two stakeholder groups that should the Programme Coordinator leave the stewardship of the CPP, the programme would – at best – become far less effective or – at worst – collapse entirely. This evaluation does not hold to that opinion. The Programme Coordinator has working with him a talented and just as driven team which would be able, if not seamlessly but with minimum disruption, to continue the work of the CPP. Of course the Programme Coordinator’s replacement would have to be judged very carefully and have the confidence of the donor community in particular. UNODC should begin succession planning for the departure the Programme Coordinator and this should include greater visibility for the rest of the CPP team among donors and beneficiaries.

Overall, this evaluation contends that the issue of sustainability has been recognised by the CPP but that in some areas has not been given enough weight. There needs to be greater emphasis placed upon sustainability and this should be written into the project documentation and subsequent project revisions.

## Partnerships and cooperation

The problem of piracy has attracted wide international attention. This section examines the external and internal partnerships and cooperation fostered by UNODC and the CPP team. It also introduces some of the key actors active in the field and discusses the level of coordination of counter piracy efforts. A fuller list of actors and their roles is given at Annex VII.

Most international organisations (or inter-governmental agencies) that address maritime crime in some form do so only within their mandate. For example, the IMO’s mandate extends to crimes

endangering the safe navigation of commercial shipping but not the use of such shipping for drug smuggling. The result is an international maritime crime and security sector that is at best pluralistic and at worst fragmented. In this context, a holistic approach to maritime crime by UNODC (i.e. the expansion of the CPP into the MCP) could fill a significant gap in the sector - though there may be individual organisations with a greater depth of experience regarding specific issues.

It might be thought sufficient to leave each international organisation with some interest in maritime crime to attend to its own area of expertise. However, such a sectoral approach leads to unsatisfactory results. To give one example, there is significant migrant smuggling and human trafficking through the Gulf of Aden. However, the counter-piracy naval presence there has no mandate to address crimes beyond piracy (and to some extent, illegal fishing in Somali waters).

### *The International Maritime Organization (IMO)*

The IMO exists to provide a “mechanism for cooperation” among governments in regulatory and technical matters relating to commercial shipping – including in respect of questions of safety, pollution and the environment.<sup>18</sup> It is thus principally an organisation concerned with facilitating maritime commerce through promoting widespread adoption of relatively uniform laws and regulations dealing with the shipping sector. It is also a body concerned with standard-setting and safety.

The IMO is only incidentally a body concerned with crime and criminal justice issues. It is, for example, the depository for the counter-terrorism treaty the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 (SUA)<sup>19</sup> and its modifying protocol of 2005.<sup>20</sup> This Convention, and protocols to it dealing with the safety of fixed platforms on the continental shelf,<sup>21</sup> do have crime-creating provisions and provisions on international criminal justice cooperation. Rates of national implementation of the crimes set out in the SUA Convention are, however, low.

The IMO gathers generally well-regarded statistics on the incidence of acts of piracy and armed robbery against ships (the MSC4 circular series) and somewhat patchier information on migrants transported by sea (the MSC3 circular series). Both essentially involve the IMO tabulating information provided by Member States. The IMO has also issued guidelines: to ship-owners on preventing piracy attacks; to national governments on preventing piracy attacks; and on investigation of crimes of piracy and armed robbery against ships.<sup>22</sup>

The IMO has sponsored regional meetings aimed at concluding non-binding memoranda of understanding regarding maritime piracy among affected States. The most obvious example is the “Djibouti Code of Conduct” on counter-piracy.<sup>23</sup> Under the Djibouti Code process regional information sharing centres (designed to facilitate the reporting of piracy incidents and the exchange of information) have been established in Kenya, Tanzania and Yemen (in the first two cases by using existing infrastructure, i.e. national maritime rescue coordination centres). The

<sup>18</sup> Article 1, Convention on the International Maritime Organization 1948, 289 UNTS 48.

<sup>19</sup> See note 3, above.

<sup>20</sup> Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, IMO Doc. LEG/CONF.15/21.

<sup>21</sup> See note 3, above.

<sup>22</sup> IMO Docs: MSC.1/Circ.1334 (23 June 2009); MSC.1/Circ.1333 (26 June 2009); and MSC.1/Circ.1404 (23 May 2011).

<sup>23</sup> <http://www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx>



IMO has had a leading role under the Djibouti Code in providing technical assistance and training in the region through the Djibouti Code Project Implementation Unit. Examples of technical assistance may include, for example, bilateral projects to improve both radar and flag vessel Automatic Identification System coverage at a national level. A similar process is underway in West Africa and is expected to result in a new Code of Conduct in May 2013.<sup>24</sup>

UNODC has been working with IMO from the very beginning of its counter piracy work. The building of awareness of the legal framework that applies to piracy and other maritime crime has completed across signatory countries to the Djibouti Code of Conduct through the delivery of joint training by IMO and UNODC. The result has been the establishment of expertise in the drafting and implementation of rules of engagement and legal guidance for law enforcement agencies. UNODC is also working with IMO and UNPOS to develop a programme of support for the Somali coastguards.

The IMO is – as noted above – principally a safety, standard-setting and technical assistance organisation. Its law enforcement expertise is necessarily limited by that mandate.

### ***INTERPOL***

Interpol is an organisation dedicated to the collection of law-enforcement intelligence and secure exchange of information among member State police forces. It thus has a significant role in assisting the coordination of multinational police operations targeting transnational organised crime and is also active in capacity building in the criminal justice sector.

In January 2010, Interpol set up a Maritime Piracy Task Force (MPTF) to co-ordinate the Organization’s response to piracy by: “[i]mproving the global collection, preservation, analysis and dissemination of piracy-related evidence and intelligence in aid of criminal investigations and prosecutions by its member countries”; and “[d]eveloping police and judicial investigative and prosecution capabilities in Eastern Africa in partnership with key international actors and donors.”<sup>25</sup> At the end of 2011 Interpol reported that it had created a Global Maritime Piracy Database containing “more than 4,000 records of personal information on pirates and financiers; pirates’ telephone numbers and phone records; hijacking incidents; vessels and ransom payments, submitted by law enforcement and private industry partners.”<sup>26</sup>

Interpol has also conducted capacity building relevant to counter-piracy, for example in providing in collaboration with the UNODC a “criminal intelligence analysis training course ... [for] 25 law enforcement officers from Seychelles and Mauritius”.<sup>27</sup> In 2012 Interpol also:

(a) deployed expert teams within the framework of the Evidence Exploitation Initiative in Madagascar, Maldives, Oman and the United Republic of Tanzania” in a project focussing “on such operational and practical issues as debriefings and biometrics of suspected pirates, crime-scene investigation on released vessels, criminal analysis and information-sharing”;

(b) “continued with the implementation of a European Union-funded programme in East Africa to build the capacity of States to investigate cases of piracy”; and

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<sup>24</sup> <http://www.imo.org/MediaCentre/PressBriefings/Pages/09-westcentralafripiracycode.aspx>

<sup>25</sup> See: Best Management Practices for Protection against Somalia Based Piracy, version 4 (2011), Annex, [http://www.mschoa.org/docs/public-documents/bmp4-low-res\\_sept\\_5\\_2011.pdf](http://www.mschoa.org/docs/public-documents/bmp4-low-res_sept_5_2011.pdf)

<sup>26</sup> INTERPOL, Annual Report 2011, p. 20.

<sup>27</sup> INTERPOL, Annual Report 2011, p. 44.

- (c) “provided advice to the shipping industry on evidence preservation.”<sup>28</sup>

Interpol has also assisted or coordinated various multinational police operations targeting drug smuggling at airports and seaports,<sup>29</sup> but it does not appear to have much direct involvement in narcotics interception at sea. Such maritime interceptions are usually coordinated directly between affected governments either *ad hoc* or under relevant treaty regimes.<sup>30</sup> This evaluation is unaware of any request to a flag State to intercept one of its vessels suspected of smuggling narcotics being routed through Interpol, though that is not to say this has not occurred.

Otherwise, maritime crime *per se* is not an expressly designated priority for Interpol. It has an obvious experience in capacity building more which extends to questions of maritime crime. This expertise may expand further in 2014 with the opening of its Global Complex for Innovation in Singapore. Considering this it is incumbent upon UNODC to build upon the relationship it has with INTERPOL with the expansion of the CPP into the MCP. In the past, this relationship has not always been the easiest or most productive<sup>31</sup>. This evaluation does recognise both the efforts the CPP team have made to engage with INTERPOL and also recognises that it (UNODC) cannot force another organisation to become a willing partner. However, continuing and renewed efforts should be made to involve INTERPOL more fully in both the CPP and the future MCP.

#### ***Contact Group on Piracy off the Coast of Somalia (CGPCS)***<sup>32</sup>

The CGPCS was established pursuant to UN Security Council Resolution 1851 (2008) on 14 January 2009 to facilitate discussion and coordination among states and organizations concerned with the suppression piracy off the coast of Somalia. It has high-level plenary meetings twice a year, typically in New York.

It also has five working groups:

- (a) operational matters and capacity building (WG1—chaired by the United Kingdom);
- (b) legal issues (WG2—chaired by Denmark with the Secretariat provided by UNODC);
- (c) cooperation with industry (WG3—chaired by the USA until March 2012 and now chaired by the Republic of Korea);
- (d) communication and public diplomacy (WG4—chaired by Egypt); and
- (e) financial flows (WG5—chaired by Italy).

The working groups meet between two and three times a year. They have no formal decision-making authority but serve as mechanisms for informal coordination and dissemination of knowledge and best practices.

For example, WG2 has prepared a “tool box” of legal reports, checklists and model instruments for the use of members. Its Chairman has also been active in such matters as assisting the negotiation of the prisoner transfer agreements between prosecuting States and Somalia

<sup>28</sup> UN Doc S/2012/783, para 49.

<sup>29</sup> International Narcotics Control Board (INCB), Annual Report 2012, p. 49

<sup>30</sup> E.g. Article 17, UN Narcotics Convention 1990 (see note 2 above). There are also numerous bilateral agreements in this field, especially between the US and Caribbean States: see further, D Guilfoyle, *Shipping Interdiction and the Law of the Sea* (2009), 89-94.

<sup>31</sup> CPP Team interviews

<sup>32</sup> See: <http://www.thecgpcs.org/>

(including the Puntland and Somaliland authorities). Similarly, work commenced in WG3 resulted in the Best Management Practices guide for the shipping industry on preventing piracy attacks.<sup>33</sup>

UNODC provides support as requested on the broader goals of the CGPCS, including agreeing to manage the Trust Fund to Support the Initiatives of States Countering Piracy off the Coast of Somalia<sup>34</sup>, whose strategic objective was to “*help defray the expenses associated with prosecution of suspected pirates, as well as other activities related to implementing the Contact Group’s objectives in all its aspects*”<sup>35</sup>. UNODC has been administering the Trust Fund, with the Department of Political Affairs (DPA) serving as the Secretariat of the Fund. In May 2012, UNODC communicated to DPA its decision to give up the role as the Trust Fund Manager in order to concentrate on further development and delivery of technical assistance programming in Somalia and the region, for which UNODC has received funding, including the contributions from the Trust Fund. The eleventh meeting of the Board approved the administrative changes to the Terms of Reference of the Fund to facilitate transfer of the management responsibility to a new UN entity and decided to appoint UNDP’s Multi-Partner Trust Fund (MPTF) Office as the new Fund administrator. Both decisions were endorsed by the 12th plenary of the Contact Group on Piracy off the Coast of Somalia held on 25 July. The transfer of the administration of the trust fund from UNODC to UNDP was effected on the 1<sup>st</sup> January 2013 and this has been welcomed as a positive move as it improves transparency and accountability in the dispersal of funds.

Given the myriad of governmental and state actors, international, regional and national organisations and agencies operating in the arena of counter piracy off the coast of Somalia this evaluation concludes that the CPP has done as much as could be expected to identify and then foster the most appropriate working relationships with those non-UNODC stakeholders. Most prominent among those is the relationship they have formed with the donor community. As consistently noted throughout this evaluation the donor community looks very positively on the CPP. Often mentioned are the regular (fortnightly) emailed updates of CPP activities, the regular bulletins (minimum quarterly) and the regular (minimum semi-annual) donor meetings. Donors have also commented positively on the willingness of the CPP team to keep them informed of any negative aspects of the programme and the desire to try and rectify those aspects. The risk assessment is a clear example of the CPPs willingness to open itself to scrutiny in order to improve the programme.

### ***UNODC and maritime crime***

UNODC has for some time been developing maritime expertise within its mandate and the CPP is its flagship programme, highly respected on the international arena. If the office is to expand the CPP into the MCP it should take advantage of its following areas of expertise:

#### ***(a) Transnational Organized Crime***

UNODC describes itself as “the guardian of the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and the three Protocols - on Trafficking in

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<sup>33</sup> Report of the UN Secretary General on Somalia, UN Doc S/2012/783, para 17.

<sup>34</sup> <http://www.thecgpcs.org/trustfund.do?action=trustFund>

<sup>35</sup> Terms of Reference for the Trust Fund to Support States Countering Piracy off the Coast of Somalia, approved 27 February 2010, available CGPCS Website, op.cit.

Persons, Smuggling of Migrants and Trafficking of Firearms - that supplement it.”<sup>36</sup> Its work on migrant smuggling in particular is discussed below.

The UNODC’s work on organized crime is also – almost uniquely – cross-sectoral in the maritime domain. A key example is its Issue Paper on *Transnational Organized Crime in the Fishing Industry - Focus on Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking* (2011).<sup>37</sup> Most international organisations with concerns related to the fisheries sector will focus on environmental or over-fishing issues rather than the vulnerability of the sector to other forms of crime. This breadth of experience and focus may distinguish the UNODC from other organisations.

(b) *The UNODC programme on human trafficking and migrant smuggling*

The Migrant Smuggling Protocol to the United Nations Convention on Transnational Organized Crime includes provisions dealing with the interception of smuggled migrants at sea. Indeed, the movement of smuggled migrants often occurs by sea (smuggled migrants in this context also including trafficked persons moved illegally across borders). The UNODC Framework for Action to implement the Protocol does address this issue,<sup>38</sup> but largely in the context of:

- (i) State obligations regarding safety of life at sea and search and rescue (referring to IMO standards and documents); and
- (ii) The human rights of smuggled persons and asylum seekers (referring largely to UNHCR documents).

More detailed guidance on the legislative framework needed to implement the maritime interception aspects of the Protocol is provided in a UNODC toolkit publication.<sup>39</sup>

On its face, the UNODC approach to migrant smuggling is not especially focussed on the phenomenon as a transnational crime committed at sea, nor should it be. Irregular migration is a complex and multifaceted problem of which maritime migrant smuggling is only one part. In this context, UNODC also has extensive experience in conducting research into questions of irregular migration more generally (i.e. as a category broader than migrant smuggling),<sup>40</sup> but certainly including irregular migration by sea and law-enforcement responses.<sup>41</sup>

<sup>36</sup> <http://www.unodc.org/unodc/en/organized-crime/index.html>

<sup>37</sup> See: [http://www.unodc.org/documents/human-trafficking/Issue\\_Paper\\_-\\_TOC\\_in\\_the\\_Fishing\\_Industry.pdf](http://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf)

<sup>38</sup> UNODC, *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2011), 35 ff. See: [http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Framework\\_for\\_Action\\_Smuggling\\_of\\_Migrants.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Framework_for_Action_Smuggling_of_Migrants.pdf)

<sup>39</sup> UNODC, *Toolkit to Combat Smuggling of Migrants* (2010) especially at 7.21 and compare 2.8, 6.11 and 8.4. See: [http://www.unodc.org/documents/human-trafficking/SOM\\_Toolkit\\_E-book\\_english\\_Combined.pdf](http://www.unodc.org/documents/human-trafficking/SOM_Toolkit_E-book_english_Combined.pdf)

<sup>40</sup> For example: UNODC, *The role of organized crime in the smuggling of migrants from West Africa to the European Union* (2011) deals in part with irregular migration by sea. See: [http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Report\\_SOM\\_West\\_Africa\\_EU.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Report_SOM_West_Africa_EU.pdf)

<sup>41</sup> UNODC, *Issue Paper: Smuggling of Migrants by Sea* (2011). See: [http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue\\_Paper\\_-\\_Smuggling\\_of\\_Migrants\\_by\\_Sea.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf)

Overall, the Office has both a clear grasp of the applicable law regarding migrant smuggling by sea and is the leading UN agency capable of assisting States in implementing the criminal justice and enforcement provisions of the Migrant Smuggling Protocol.

*(c) The Container Control Programme*

In partnership with the World Customs Organization (WCO), UNODC has worked since 2003 to provide technical and capacity building assistance to States vulnerable to crime committed using shipping containers.<sup>42</sup> Such offences can include the smuggling of drugs, weapons and people. As 90% of licit world trade moves in shipping containers, the global supply chain is vulnerable to being used for illicit trade also. Listed achievements of the Programme include, for example, drug seizures. States assisted so far include; Benin, Cape Verde, Costa Rica, Ecuador, Guatemala, Ghana, Pakistan, Panama, Senegal, Togo and Turkmenistan. The expansion of the CPP into the MCP will provide greater opportunities for these two programmes to work together.

*(d) Terrorism*

Since 2003, the UNODC, through its Terrorism Prevention Branch, has been making a critical contribution to the fight against international terrorism and enhancing Member States' capacity for international cooperation in this field. As the largest UN programme with the mandate and expertise to deliver counterterrorism related technical assistance on the ratification, legislative incorporation and implementation of the universal legal regime against terrorism, UNODC's Terrorism Prevention Branch manages and implements the Global Project on 'Strengthening the Legal Regime against Terrorism' which was launched in 2003 and provides the operational framework for UNODC's specialised legal and capacity building assistance related to terrorism.

*(e) Money Laundering*

Through the Global Programme against Money-Laundering (GPML), Proceeds of Crime and the Financing of Terrorism, UNODC assists Governments in confronting criminals who launder the proceeds of crime through the international financial system. It also provides Governments, law enforcement authorities and financial intelligence units with strategies to counter money-laundering, advises on improved banking and financial policies and assists national financial investigation services. Strategies include granting technical assistance to authorities from developing countries, organizing training workshops, providing training materials and transferring expertise between jurisdictions. The CPP has fostered links with the GPML and the success of the CPP has been used to help the GPML establish a more visible presence. The CPP has helped in logistics, contacts and some funding. For example the GPML had been working in Kenya for many years and in 2011 the Netherlands wanted to provide a person in Nairobi for anti-Money Laundering activities. They wanted to second him and not pay his operating costs which the GPML could not afford to do. The CPP provided USD \$ 40,000 for their activities and travel.

UNODC approaches maritime crime from a uniquely broad base. It also has experience in criminal justice sector capacity building and reform. Such experience may be lacking in international organisations which may see transnational crime as only peripheral to their core mandate. Even if UNODC does not necessarily have the depth of expertise some other international organisations might have regarding specific issues, it would appear to have a unique breadth of focus coupled with both internationally recognised strengths in research and capacity

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<sup>42</sup> <http://www.unodc.org/unodc/en/drug-trafficking/horizontal-initiatives.html>

building in the criminal justice sector. UNODC has, at the least, some comparative advantage in comparison to other organisations engaged with aspects of maritime crime. As the guardian within the UN system of the Transnational Organised Crime Convention and its Protocols it may also have a mandate to take a more comprehensive approach.

It is of paramount importance – therefore – that if the MCP is to take full advantage it will have to develop well defined objectives, outputs and outcomes that complement existing UNODC projects and programmes as well as developing an in-house methodology that avoids duplication of effort across thematic areas, supports appropriate thematic areas and captures in-house expertise and knowledge to efficiently reach the MCPs objectives. Considering this it would be circumspect to now examine the in-house partnership and cooperation between the CPP, the ROEA and HQ.

**The risk assessment** of the first quarter of 2012 introduced some areas of concern regarding the way UNODC was managing the CPP. As has already been noted in this evaluation, the points highlighted in that risk assessment have, for the most part, been addressed by all parties. However, there are still some areas of concern regarding issues this evaluation has noted as important and the risk assessment had previously raised, that have still not been fully addressed. How and where the CPP uses the PSC is not clear for some donors and UNODC response that adequate reporting would be supplied to provide that clarification has not yet materialised. It is understood by this evaluation that UNODC are still reviewing this issue. Another key risk identified is the “integration among UN programmes”. UNODC advised that “*ROEA has begun the planned revision of its Regional Programme. It will coherently integrate the CPP as part of a common results framework, ensuring that opportunities for integration and coordination are pursued. Among the recommendations, CPP management could be encouraged to provide entry points for donors to finance relevant areas of the Regional Programme, in particular when funds would otherwise have to be refused.*” As highlighted within this report there is no evidence that this integration is even close to happening. Perhaps more worrying is the fact that CPP have provided these entry points which the regional office have failed to fully exploit.

The majority of stakeholders did not want this evaluation to “cover old ground”, however the ToR for this evaluation requires that proper cognisance is given to the risk assessment. This evaluation concludes the vast majority of issues raised by the risk assessment could be traced back to:

(a) the speed with which the CPP grew, creating challenges (lack of human resource in the CPP team being one crucial challenge) in delivering what had been promised to donors and beneficiaries within specified timescales.

(b) a CPP initially staffed with individuals new to – or with little experience of – UN and UNODC process, procedure, rules and regulations. This was exacerbated by a lack of training and support from UNODC as a whole in the early stages of the CPP.

(c) an early, implicit CPP policy to keep HQ involvement to the bare minimum in an attempt to speed up delivery. This led to friction between HQ, the CPP and – to a lesser extent – the ROEA.

(d) Lack of communication from HQ and ROEA to CPP team on the restrictions faced by them in the execution of their duties.

As further noted in this evaluation, the appointment of a P5 counter piracy expert at HQ and sitting within the Justice Section, along with greater HQ understanding of the peculiarities of the

CPP and the support it requires, an improved relationship between the CPP and the ROEA and the traction gained by the inter divisional task force have all contributed to a substantial reduction in the risk profile for the CPP as highlighted in the risk assessment but some critical issues as noted above still exist.

Of equal if not greater risk are those that are more concerned with the future than the past. This evaluation has stressed on more than one occasion that the CPP has built a strong and healthy relationship with the donor community. A lot of goodwill has been gathered by the CPP and – by extension – UNODC. With the expansion of the CPP into the MCP this is a double-edged sword. If properly handled by UNODC this expansion could foster greater donor buy-in, commitment and funding propelling UNODC to the top of the list of implementing partners across many of the thematic areas of UNODC. If mishandled UNODC could see donor buy-in, commitment and funding evaporate and with it much of the credibility of the organisation. This evaluation contends that the migration of the CPP into the MCP should not be rushed. There is still much to be done in the area of counter piracy and capacity building in Somalia on which the CPP, with the professional and pro-active support of the ROEA, can continue to focus while the MCP is being fully considered and developed. As noted under the ‘Sustainability’ section and the ‘Relevance’ section both the donor community and the CPP beneficiaries do not believe it is ‘job done’. There is a danger that with the CPP migrating into the MCP the donors and beneficiaries will see this as a dilution of the counter piracy effort.

## Best Practices

### *Donor community communication strategy*

The overwhelming opinion of the donor community to the communication strategy of the CPP was very positive. In particular the concept of the regular fortnightly update was greatly appreciated as were the regular bulletins and donor meetings. This is an excellent method of both keeping donors informed of the CPP and of raising and maintaining the profile of the CPP with internal and external partners. It is also an excellent method of encouraging the CPP team itself to keep delivery focussed knowing the programme is ‘held to account’ internally every two weeks. The distribution list for the fortnightly emailed updates now runs into three figures.

### *Inter-divisional task force*

The formation of the inter-divisional task force greatly improved lines of communication between the CPP team in the field and the various HQ functions that could have an interest and be able to add value to the CPP. It provides a meaningful forum where relevant parts of UNODC can meet to discuss past, present and future aspects of the CPP. This task force should assume even greater importance and influence during the expansion of the CPP into the MCP. It is a vehicle that can be used to help define the scope of the new MCP and how it should / should not interact with the different UNODC thematic areas, projects and Regional Programmes. How this inter-divisional task force will link with the existing inter-divisional task teams must be addressed. The expanded MCP has the potential to impact upon many different mandated areas of UNODC work and great care will have to be taken to ensure there is no duplication of work or parallel donor negotiations.

### *Ownership of the delivery continuum*

The CPP has expertly identified a niche that it quickly exploited in being able to provide an entire service within its mandated area. Specifically it developed a programme that initially negotiated

the appropriate legal instruments to facilitate the prosecution of pirates in certain countries and then supplied the service through appropriate capacity building mechanisms to ensure the processing of those pirates was done efficiently and with due reference to their human rights. Speed of delivery was key to the success of this approach and it was perhaps, ironically, useful for the CPP team that they were working in such a difficult environment where delivery of any sort must be viewed as success. The CPP in expanding into the MCP should try and identify similar opportunities where the experience they have gained in delivering a niche product in a difficult environment will give them a comparative advantage over other service providers. The concept of support for legal harmonisation to allow prosecution across national boundaries appears to offer some avenues for further exploration.

### ***Risk Management strategy***

The CPP has attempted to ensure that a proper risk management strategy has been developed and is applied within the programme. This strategy led directly to the instigation of the risk assessment which helped highlight some key issues within the CPP which have subsequently been addressed. The Programme Coordinator maintains his own ‘risk register’ and updates this on a regular basis. This evaluation suggests that UNODC should examine the approach taken by the CPP to managing programme risk and assess if – in conjunction with its own risk management tools – a standard approach can be rolled out across all projects and programmes.





### III. CONCLUSIONS

There is little doubt that UNODC Counter Piracy Programme (CPP) has been successful. The feedback from all data sources is exceptionally positive and the programme has been consistently called the ‘flagship’ programme of UNODC. The expansion of the programme from around half a million USD \$ in 2009 to USD \$ 25 million in 2011 and beyond USD \$ 40 million in 2012 is a clear indicator of the success of the programme, particularly from the donor community perspective.

UNODC recognised very early there was a need within the international community for a functioning mechanism to cope with the issue of prosecuting suspected pirates arrested off the coast of Somalia. Appreciating that UNODC could bring a comparative advantage through their criminal justice work the CPP was established and the first steps toward building that mechanism were taken. This included excellent upstream negotiation with the relevant authorities in the appropriate countries to accept pirates for prosecution and allow the CPP to assist in developing, framing and harmonising the legislative tools and instruments required to conduct these prosecutions.

This approach ran parallel with additional capacity development to ensure the human rights of piracy prisoners were respected and to guarantee ‘fair and efficient trials’ as one of the key objectives of the CPP. From this a comprehensive package of outputs has been supplied by the CPP including capacity building for police, prosecutors, courts and prisons. This general approach of identifying a niche where UNODC can deliver a service which can then be demonstrably evidenced as having worked (in this instance pirates prosecuted and repatriated) and having the mandate to deliver the elements required to make it work (judicial reform, capacity building in prisons etc.) is an approach that should be continued. There could even be advantage in regular group and individual discussions with pirates to assess human rights progress or barriers. Taking all the information available it appears that the first objective of the CPP has been – and continues to be – achieved.

The CPP continues to make headway toward its other objectives of humane and secure imprisonment in Somalia, and in the longer term fair and efficient trials in Somalia itself (mainly taken forward by UNDP, but with UNODC support). The construction and refurbishment of prisons in Somaliland and Puntland along with various capacity building programmes (e.g. mentoring and training of prison officers) continues. It should be noted that this is an exceptionally challenging environment in which to work but UNODC through the CPP have established a real presence and a reputation that they can ‘get things done’. UNODC and UNDP have recently entered into a joint Trust Fund supported venture into judicial reform for Somalia.

This ability to identify critical need and then deliver what is required within an acceptable timeframe is one of the key elements of the success of the CPP. At the beginning of the CPP the need to deliver as quickly as possible in the field and the perceived delay in that delivery caused by UN processes and procedures regarding procurement caused some frustrations and friction at times between the CPP Team and their Regional Office and HQ partners. These have since been addressed, most notably through the risk assessment, and the situation has improved greatly. The introduction of the inter-divisional task force, the appointment of a P5 counter piracy expert

within the Justice Section at HQ, the secondment of an FRMS staff member to the CPP Team and an improved relationship between the CPP and ROEA have all had a positive effect on the overall efficiency of the CPP.

The CPP handles the issue of communication and cooperation with external partners, actors and the donor community very well. The fortnightly updates on the work of the CPP is greatly appreciated by all who receive it and the regular bulletins and donor meetings all contribute to this effective communication strategy. Given the global interest in countering piracy over the past 5 years there are a myriad of different governments, agencies and organisations involved. The CPP has done well to identify the key actors with whom they should interact and have done as much as could be reasonably expected to foster the appropriate working relationships. This has not always been successful but it is not for a lack of effort on behalf of the CPP.

One area where UNODC could function more effectively is in exploiting the opportunities that the success of the CPP has brought. The issues involved in piracy cuts across many of thematic areas of UNODC work however it does not appear that these potential opportunities have been fully grasped. This will require greater practical integration of the CPP into the EARP and this – in turn – requires greater engagement of the ROEA in the CPP. This will be particularly critical with the expansion of the CPP into the MCP.

With the expansion of the CPP into the MCP there will be further demands made upon the financial management of the programme. The current policy of creating sub-projects to accommodate different funding modalities and PSC rates is an inefficient solution and, from a programme design perspective, flawed. This is an issue that has to be addressed at an institutional level since the Pro-Fi system is not geared to dealing with the financial management of programmes. It is telling that the CPP team employs two personnel full-time and that they have had to devise their own bespoke system to keep track donor funds for their programme needs. Tangentially linked to this is the funding modality itself. Much of the funding received is so-called ‘hard ear-marked’ and this restricts the flexibility of the CPP team to deploy the funds where they deem would be most beneficial. Where a programme has demonstrated its professionalism and ability to deliver results the donor community could consider loosening the hard ear-marked funding strictures.

The expansion of the CPP is also an area of intense interest to all CPP stakeholders. There is a definite mood within the stakeholders – and in particular within the donor community – that it is a good idea but with some key prerequisites. Firstly the CPP must not lose focus on the issue of Somali inspired piracy. Although figures suggest the problem is reducing there is recognition that this reversal could be temporary if efforts are not continued and sustained. Secondly any MCP must take great care not to duplicate efforts done elsewhere or encroach on work better done by another agency or organization. One example given was the training of coastguards which may be better served by agencies other than UNODC.

Sustainability is always a difficult area for any development and capacity building programme to achieve. There cannot be a lifelong commitment of donor funds which themselves are time limited and long term sustainability ultimately requires a third party taking responsibility. The CPP has attempted to build in sustainability but it appears to have been more on a case-by-case basis rather than mapping out and following a strategic sustainability plan. Greater effort should be made to enshrine sustainability into future CPP or MCP work.

Overall the impact of the CPP has been impressive. It has delivered effective outputs, seen those spawn positive outcomes and real progression has been made toward achieving all three

objectives. There is a truism that states ‘if it’s not broken - don’t fix it’ and this evaluation concludes that very little needs to change within CPP. The following recommendations are suggested to simply ‘fine tune’ what is an exceptionally successful UNODC programme.

## IV. RECOMMENDATIONS

### **Resolve the UNOPS SLA as a matter of urgency.**

The United Nations Office for Project Services (UNOPS) and their Service Level Agreement (SLA) with the Counter Piracy Programme (CPP) expires on the 30<sup>th</sup> June 2013. Without a new SLA in place delivery of CPP operations will be critically hampered. The programme faced a similar situation in December 2012 and was only resolved with the direct intervention of Mr. Fedotov, Executive Director UNODC and Mr. Mattson, Executive Director UNOPS. It is disappointing this situation appears to be repeating.

### **Ensure succession plan is developed for the loss of key personnel within the CPP team.**

The information gathered through this evaluation highlights the perceived importance of the Programme Coordinator to the CPP in the eyes of many stakeholders. While this evaluation contends that the CPP team is robust and could withstand the departure of any one member UNODC must demonstrate to their stakeholders that they have identified their concerns in this matter and have taken the appropriate steps.

### **Develop the role of the inter-divisional task force to ensure communication between CPP and their in-house partners is effective.**

The inter-divisional task force could provide an excellent opportunity for UNODC in general to interact with the CPP in a meaningful way. It should function as a forum for discussion on what other thematic areas, projects, programmes, regional programmes and so forth should work with the CPP team and how this might be achieved. This will be of immense importance upon the expansion of the CPP into the Maritime Crime Programme (MCP). The inter-divisional task force should not become a micro-management body but suggest overall strategic direction. The detail of the relationship between the CPP and the various in-house partners should be devolved to the appropriate personnel. The counter piracy expert within the Justice Section should act as the Single Point of Contact (SPOC) for this forum and each department, unit, section, branch, division, thematic area, project and programme represented in the task force should nominate their SPOC to deal with the detail of MCP relations. How this inter-divisional task force will link with the existing inter-divisional task teams in HQ must be addressed.

### **Invite the ROEA to attend the weekly Friday CPP team meetings.**

The Regional Office for East Africa (ROEA) should be invited to attend the weekly CPP team meetings where the work of the CPP during the previous week is discussed and the objectives for the coming week agreed. This is an ideal mechanism to allow the ROEA to brief the CPP team on Regional Programme (RP) and other regional developments during the week, remain closely informed of the work of the CPP, to identify potential areas within the CPP work that could be more fully integrated into the RP and to pro-actively suggest areas where other regional office work could bring added benefit to the CPP.

**A discrete sustainability plan should be written into project documentation and subsequent project reviews.**

Although the initial project document template requires the heading ‘Sustainability and Follow-Up’ to be completed this evaluation suggests that a more structured, strategic and detailed approach to sustainability at the outset and through the life of the project or programme is desirable. The expansion of the CPP into the MCP could provide the opportunity to develop this more comprehensive approach to sustainability.

**The expansion of the CPP into the MCP must identify the key elements that made the CPP a success and emulate them in the new programme.**

The CPP has built up a substantial amount of goodwill with its stakeholders, in particular the donor community. This brings obvious advantages including a willingness to contemplate the potential of leveraging the skills and experience of the CPP in other areas. The expansion of the CPP into the MCP is the vehicle being used to accomplish this migration and translation of CPP expertise. In so doing UNODC must ensure that the conditions which brought success to the CPP are identified and similar opportunities are exploited in the MCP. This evaluation notes that a critical element of the success of the CPP was constructed upon the ability to drive appropriate law reform and then deliver the capacity building needed to translate the new legislative paradigm into clear deliverables in a fast and efficient manner.

**Any expansion of the CPP into the MCP should not lead to a dilution of effort on tackling Somali inspired piracy.**

The international community has made great strides toward tackling piracy off the coast of Somalia and in which UNODC and the CPP played a crucial role. With the reduction in piracy efforts during 2012 there may be a risk that international effort dissipates before long term solutions can be implemented and piracy could return to previous or greater levels. Both CPP beneficiaries and the donor community have stressed the importance of the CPP continuing working toward the fulfilment of their objectives under the CPP.

**Ensure that human rights are enshrined in the existing CPP and expanded MCP.**

One of the main reasons for the emergence of the CPP was the concern within the international community for the protection of the human rights of suspected pirates upon and after their detention. This has formed an important thread that runs through the CPP although it has not always been visible as a cornerstone of the programme. In 2011 the Secretary-General's "Human rights due diligence policy on UN support to non-UN security forces (HRDDP)" was promulgated, and requires all UN entities dealing with such entities to conduct human rights risk assessments to ensure that activities are conducted under the principle of proper due diligence. This evaluation suggests that any future development of the CPP should include this human rights risk assessment approach.

**Continue the strong communication strategy with external partners.**

The communication strategy of CPP with regard to external partners should be continued. The fortnightly updates, regular bulletins and donor meetings are all well received and have greatly contributed to maintaining excellent working relationships. Some donors have requested that the updates contain more information on the impact of the programme since this assists in their justification of the programme with their relevant government department(s).

**Encourage donors to provide more ‘soft ear-marked’ funds where appropriate.**

The funding modality of most UNODC projects and programmes relies on donors providing so-called ‘hard ear-marked’ funding. This ties the funding to certain conditions and can hamper delivery of the overall objectives since the project or programme team does not have the latitude to utilize the funds in the way they deem best suited to the current situation. It can also lead to concerns that the funding drives the strategy rather than the strategy driving the funding as UNODC chases donor funds regardless of the donor restrictions placed upon the use of those funds. Where a project or programme (such as the CPP) has demonstrated success and delivered to donor satisfaction it should be justifiable for donors to release more soft ear-marked funds to the programme. This could further assist in resolving other funding issues for example Non Reimbursable Loan (NRL) arrangements which have been highlighted in the evaluation.

**Improve programme structure by resolving financial management difficulties.**

The current policy of creating sub-projects to accommodate different funding modalities and PSC rates is an inefficient solution and, from a programme design perspective, flawed. This is an issue that is best addressed at an institutional level since the Pro-Fi system is not geared to dealing with the financial management of programmes. The expansion of the CPP into the MCP is only going to exacerbate these problems and a better solution both for the CPP / MCP specifically, and for UNODC globally, has to be found. In practical terms it is unlikely this will happen in time for the MCP so this evaluation suggests the CPP team in conjunction with their FRMS colleagues re-examine their financial management strategy for the expanded programme.

**Continue the close cooperation with other relevant partner agencies.**

As noted within this evaluation there are many actors, stakeholders, agencies and organisations involved in tackling Somali based piracy. The CPP team has done an excellent job of identifying the key interlocutors with whom they should liaise and subsequently building those cooperation partnerships. This must continue and with the expansion of the CPP into the MCP this aspect will take on even more importance. The inter-divisional task force, through its SPOCs to the MCP, should be in the best position to advise on the key actors to be considered in their thematic area, project, programme etc.

**Maintain effort to continue providing ‘fair and efficient’ trials.**

Linked to donor and CPP beneficiaries’ requests, the programme should continue the current effort and approach to providing the conditions and capacity to ensure ‘fair and efficient’ trials. This may include rolling the concept out to other countries in the region and include other forms of crime at sea.

**Ensure where CPP briefings are being delivered either orally or within documentation reference is made to where the CPP sits within the RP.**

There appears to be a general lack of awareness of the Regional Programme (RP) outside the key actors that would be expected to know about it and – on occasion – with those who should know about it. Although this is not a failing of the CPP the opportunity to raise the awareness of the RP should be taken and thus future CPP briefings should explicitly note where the programme sits within the RP.

## V. LESSONS LEARNED

### **Multi-year comprehensive sustainability planning**

Development assistance projects need multi-year, comprehensive strategy planning to deliver sustainability. Delivering assistance on a piece meal basis, could do more harm than good. Wider efforts at strengthening the receiving institutions must be made and a maintenance plan must accompany each investment. In the absence of pro-active comprehensive assistance strategy trained individuals could quickly leave their jobs and capitalise on the market value of their newly acquired skills. In the context of piracy it has been pointed out by some interviewees of this evaluation that trained and equipped coast guards could become the most professional pirates. Moreover maintenance strategies for the refurbished buildings must be prepared.

People engaged in the effort of building local capacity might lose motivation observing that assistance is withdrawn, when the recipient is not yet able to carry the full burden of the undertaking. This in effect might impact the perception of UNODC in the region as a reliable partner, and destroy the goodwill that has been generated by the success of the CPP.

To avoid adverse effects of uncoordinated aid, each intervention should be accompanied by risk management strategy and supportive actions. UNODC has developed highly professional tools to serve this purpose in the form of its integrated programming approach. The approach aims to alleviate the effects of unstable and ear-marked funding and bring assistance in a more coordinated and comprehensive form. If UNODC is to maintain the goodwill generated by the success of the CPP this innovative approach needs to be implemented. This will require close cooperation and engagement of the CPP, the ROEA and appropriate HQ functions.

### **Integration of the Counter Piracy Programme into the Regional Programme**

It appears that UNODC at the inception of the CPP embraced the goal of the integrated programming approach which tries to encourage UNODC developing a regional approach, and ensuring the integration of UNODC's thematic expertise in a coherent and coordinated manner. The counter piracy effort is an integrated criminal justice and crime prevention programme that attempts to bring into play many of UNODC competency areas: corruption, crime prevention, countering financial crime and money laundering, criminal justice, even alternative livelihoods interventions.

However, the proper formal integration of the CPP into the Regional Programme, while visible in the programme's documentation lacks sufficient implementation. Many stakeholders had no knowledge of the RP. If the goal of the integrated programming approach is to be achieved stakeholders must be informed of the way RP integrates projects being implemented within its remit. The integrated regional approach has particular relevance in the context of CPP as tackling the root causes of piracy will also require work in areas such as investigating financial flows, developing alternative livelihoods opportunities and implementing an advocacy strategy.



### **No formal structure to accommodate programmes**

Under the term “project” UNODC conducts operations with very diverse breadth. Along with the projects comprising the CPP other comprehensive “programmes” built within project architecture can be found in the UNODC portfolio. There is also abundance of projects *sensu stricto*, with much narrower focus.

The term “programme” in the UNODC managerial toolkit seems to be reserved for country, regional, global and programmes. Putting terminology aside, the lack of structural distinction between undertakings with relatively wide and narrow focus might have an impact on effectiveness of larger ‘projects’ for which there does not seem to be a proper organisational frame. The impact could extend from the lack of clarity in the logical framework to problems with tracking “programme’s” funds.

### **Project creation criteria / Criteria for distinguishing projects**

It appears that projects within the CPP were distinguished for budgetary and financial management rather than substantive reasons. Many objectives are a mere duplication with little justification in the project documents on why different areas of assistance have been divided the way they have. Allocation of subject matter into a project has been done primarily to accommodate various donor funds due to different funding modalities and PSC rates.

While donor expectations must be respected at all times, project architecture cannot be purely donor fund driven. Efforts must be made to coordinate various streams of funding to create a more coherent structure for delivering assistance. There is little doubt about how challenging a task this is, however a situation where a project is nothing more than a label for ear-marked funds, with donors paying for particular outputs and effectively micro managing the project could seriously impact the effectiveness and sustainability of aid.

### **Induction training for key personnel in the field**

If a project or programme is being led by an individual specifically recruited for that position and who comes with no UN or UNODC knowledge then solid induction training must be delivered. There is no doubt that part of the reason for the difficulties experienced by the programme in its early months vis-à-vis field and HQ relationships was a lack of knowledge of how the organisation works in theory and in practice.

# ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

## IN-DEPTH EVALUATION

### TERMS OF REFERENCE

#### 1. BACKGROUND AND CONTEXT

<b>Project Number:</b>	XAMT72, XEAX20, XSSX11, SOMX54, MUSX55 and XEAX67
<b>Project Title:</b>	<b>The Counter-Piracy Programme</b>
<b>Duration:</b>	May 2009 – 2 <sup>nd</sup> March 2013
<b>Location:</b>	Eastern Africa
<b>Thematic Programme:</b>	Counter-Piracy Programme
<b>Executing Agency:</b>	UNODC
<b>Partner Organization:</b>	
<b>Implementing Agency:</b>	United Nations Office on Drugs and Crime – UNODC and United Nations office for Project Services (UNOPS)
<b>Total Approved Budget:</b>	USD 37,598,714
<b>Donor:</b>	Australia, Canada, Denmark, EU, Finland, France, Germany, the Netherlands, Norway, the UK and the USA
<b>Project Coordinator:</b>	CPP Regional Programme Coordinator, Mr. Alan Cole Senior Expert on Counter-Piracy, Mr. Robert McLaughlin
<b>Type of Evaluation:</b>	In-depth evaluation
<b>Covered Period:</b>	May 2009 – December 2012
<b>Geographical Coverage:</b>	Eastern Africa (Kenya, Mauritius, Seychelles, Somalia and Tanzania)

**Main Core Learning Partners:** Governments of Kenya, Mauritius, Seychelles, Somalia (Puntland and Somaliland) and Tanzania, Regional Office for Eastern Africa, partners (including the collaboration and coordination with UNOPS, UNPOS, IMO, UNDP, INTERPOL), donors, national counterparts, international organizations, Regional Section for Africa and the Middle East,

The UNODC Counter-Piracy Programme falls under the Regional Programme “Promoting the Rule of Law and Human Security in Eastern Africa, 2009 – 2013” and is providing technical assistance across all its three pillars. The Regional Programme will be undergoing an evaluation in 2013, and therefore, the Counter-Piracy Programme evaluation will feed into this overall Regional Programme evaluation as part of a staged approach.

UNODC commenced its Counter-Piracy Programme (CPP) in May 2009 supporting countries of the Eastern Africa region in prosecuting piracy suspects, in addition to focus on capacity building in Somalia itself, in their fight against piracy. The Counter-Piracy Programme had three initial objectives:

1. Fair and efficient trials and imprisonment of piracy suspects in regional countries;
2. Humane and secure imprisonment in Somalia; and
3. In the longer term fair and efficient trials in Somalia itself (mainly taken forward by UNDP, but with UNODC support).

The CPP has further been an integral part of UNODC's strategic approach in Somalia, which aims to promote the rule of law in the country. The CPP has grown from half a million US\$ in 2009 to US\$ 25 million in 2011 and has expanded beyond US\$ 40 million in 2012.

UNODC has been supporting Kenya, Seychelles and Mauritius in prosecuting piracy suspects through capacity building of the police, prosecutors, judges and prison staff. UNODC also began work in Somalia in early 2010 on improving prison conditions, standards and management, prosecutorial training and support to the Law Reform Commission, the latter being joint work among the three Somali authorities.

The Piracy Prisoner Transfer Programme started in early 2012, focusing on elevating the prison conditions in Somalia to a level that meets minimum international standards so as to permit the transfer of Somali pirates convicted elsewhere to serve their sentences in their home country. The Programme proposes initiatives to ensure the improvement of the prison conditions including **construction, mentoring and monitoring** of new prisons.

A risk assessment of the Counter-Piracy Programme was conducted by an external assessor in late 2011 and beginning of 2012, to assess any potential risks which could impact the effective implementation of the Programme, make recommendations and provide any strategic planning to guide Programme delivery. Many of the assessments recommendations have been implemented already.

The CPP is in the process of expanding – with a timeframe up to 2015 - into new areas of programming, including support to capacity building of the Somali coastguards as part of a wider Maritime Law Enforcement Programme which is to be implemented with UNPOS and IMO. UNODC CPP has, furthermore, commenced a programme to provide support to hostages when released from captivity, also in collaboration with UNPOS. Finally, UNODC CPP is also supporting the Regional Anti-Piracy Prosecution and Intelligence Coordination Centre (RAPPICC) in the Seychelles.

Original TEXT XAMT72	Substantive Revision (2012/09/19)
<p><b>Objective:</b> To prepare the ground for the launching of the larger “Combating maritime piracy in the Horn of Africa. A UNODC Programme to increase regional capacities to deter, arrest, prosecute and detain pirates, phase II” through working together with the six target countries, to establish partnerships with these countries and with other actors in the area of maritime piracy and further fundraise the larger Programme</p>	<p><b>Objective:</b> To strengthen the national criminal justice systems of the targeted countries, so as to effectively arrest, prosecute and detain convicted pirates in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform.</p>

<b>Original TEXT XEAX20</b>	<b>Substantive Revision (2012/09/25)</b>
<b>Main objective:</b> Piracy off the coast of Somalia is countered	<b>Objective:</b> Regional Authorities are supported to deter, arrest, prosecute and detain pirates, in line with international standards and norms.
<b>Objective 1:</b> Conditions in Kenyan prisons are improved	Excluded
<b>Objective 2:</b> Somaliland and Puntland prisons have a sustainable capacity	
<b>Objective 3:</b> Somaliland and Puntland Law is reformed	
<b>Objective 4:</b> Seychelles is a Regional Centre for the Prosecution of Piracy	
<b>Objective 5:</b> Somalia has a UNODC Prosecutor Programme	
<b>Original TEXT XSSX11</b>	<b>Substantive Revision (2012/02/10)</b>
<b>Objective:</b> Countering instances of piracy off the coast of Somalia, through the promotion of fair and efficient trials and imprisonment of pirates.	Unchanged
<b>Original TEXT SOMX54</b>	<b>Substantive Revision (2012/05/30)</b>
<b>Objective:</b> To strengthen the national criminal justice system of the targeted Somali region, so as to ensure secure detention of transferred convicted pirates in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform.	Unchanged
<b>Original TEXT MUSX55</b>	<b>Substantive Revision</b>
<b>Objective:</b> To strengthen the capacity of the Mauritius Criminal Justice System through responsive support to investigation, trial and detention of piracy suspects.	Unchanged
<b>Original TEXT XEAX67</b>	<b>Substantive Revision (2012/09/26)</b>
<b>Objective:</b> To strengthen the national criminal justice systems of the targeted countries, so as to effectively arrest, prosecute and detain convicted pirates in accordance with universally accepted norms and standards pertaining to crime prevention, criminal justice and penal reform.	Unchanged

The original project document and all revisions will be made available to the selected consultant, please also see Annex V.

## 2. DISBURSMENT HISTORY

PROJECT	Overall Budget (time period)	Total Approved Budget (time period)	Expenditure (time period)					Expenditure in % (time period)
			2009	2010	2011	2012	TOTAL	
MUSX55	\$ 1,421,052	\$ 801,645	-	-	\$ 159,128	\$ 134,680	\$ 293,808	37%
SOMX54	\$ 14,803,700	\$ 6,514,542	-	-	-	\$ 316,360	\$ 316,360	5%
XAMT72	\$ 21,430,179	\$ 20,910,722	\$ 1,161,100	\$ 3,388,332	\$ 10,745,050	\$ 535,981	\$ 15,830,463	76%
XEAX20	\$ 7,568,388	\$ 7,568,387	-	\$ 62,776	\$ 2,650,974	\$ 92,723	\$ 2,806,473	37%
XEAX67	\$ 1,285,200	\$ 1,203,418	-	-	-	\$ 95,146	\$ 95,146	8%
XSSX11	\$ 1,016,500	\$ 600,000	-	-	\$ 399,961	-	\$ 399,961	67%

The above implementation rates series is for reference only. Detailed budget will be available for the selected consultant. All values are in USD. Low implementation rate is due to non-registered reporting from implementing partner UNOPS.

### 3. PURPOSE OF THE EVALUATION

As foreseen in the different CPP project documents, this in-depth evaluation will be conducted under the overall supervision of UNODC / HQ / Independent Evaluation Unit (IEU) with the close participation of the UNODC ROEA, Regional Section for Africa and the Middle East and programme management.

The in-depth evaluation of the CPP is going to feed into the up-coming evaluation of the Regional Programme for Eastern Africa (2009-2013) which is foreseen for 2013.

The Counter-Piracy Programme activities will continue into 2013 and onwards and all recommendations from this evaluation will be reflected in further programming of countering piracy.

The Evaluation is being undertaken in order to:

#### 1. Independently assess:

- g) The quality of the overall Programme concept and design;
- h) The effectiveness of the different projects and the overall CPP in achieving the planned objectives, including UNODC and government partner mobilization and management of resources (budget, inputs, activities, and staff);

- i) Whether or not there were so far any unanticipated results, either positive or negative, arising from implementation of the CPP;
2. Identify:
- j) Lessons learned and good practices arising from the projects for improved continued implementation of the CPP and future policy making and planning. It will also provide specific recommendations regarding any follow-up actions required by UNODC and partner government administration to effectively sustain or improve support to the CPP in the future.
  - k) Proposals for concrete action and recommendations, which could be taken to improve or rectify undesired outcomes, and which will feed into the strengthening of the CPP for continued implementation. Recommendations may also address issues related to the Programme implementation and management.
3. Follow up:
- l) On the risk assessment that was undertaken in 2012

The evaluation is being undertaken approximately three years after being initially launched and before the Programme is expanding in to further new areas with a timeframe up to 2015, so that lessons learned and recommendations made can be incorporated into continued implementation of the CPP and the forward planning between UNODC and the States in the region involved in countering piracy and more broadly maritime crime.

A key purpose of the evaluation is to help all stakeholders ('core learning partners') reflect on what has worked well and what has not, and thus use lessons learned so far feed into the continued implementation of the CPP.

#### **4. SCOPE OF THE EVALUATION**

The in-depth evaluation of the CPP shall cover the time period from May 2009, when the original document of the CPP was presented and started implementation, XAMT72 - "Combating maritime piracy in the Horn of Africa. A UNODC Programme to increase regional capacities to deter, arrest, prosecute and detain pirates, phase I", including the evolution of the CPP into six sub-projects, to November 2012. The evaluation should take into consideration the Substantive Revisions.

The geographical coverage of the evaluation will include Kenya, Seychelles, Somalia, Mauritius and Tanzania.

The evaluation should assess:

- a) The Programme concept and design,
- b) The efficiency and effectiveness of the programme
- c) The Programme's relevance and linkages to the Regional Programme for Eastern Africa;
- d) The Programme's relevance to identified needs in the region;
- e) The Programme's ability to adopt to any changes, developments and new emerging requests with regard to piracy;

- f) The relationship with counterparts and donors
- g) The executing modality and managerial arrangements for the CPP implementation;
- h) Arrangements for monitoring and evaluation;
- i) The relevance and efficiency of partnerships established with implementing partners, stakeholders and the civil society;
- j) The adequacy of the identification and assessment of risks to the Programme;

## 5. EVALUATION CRITERIA AND KEY EVALUATION QUESTIONS

### Relevance:

- *To what extent are the thematic areas of the CPP relevant to the national strategies of the Eastern African states involved?*
- *To what extent is the CPP aligned with mandates, decisions and strategies of UNODC, i.e. Thematic Programme on Action against Transnational Organized Crime and Illicit Trafficking?*
- *Are the results of the CPP relevant in view of the current standards and international interest on countering organized crime, drug trafficking, and other related issues?*
- *To what extent is the CPP aligned with and complementary of mandates, strategies and programmes of partner organizations such as IMO, UNDP, UNPOS, RAPPICC etc.?*
- *To what extent is the CPP aligned with the Regional Programme for Eastern Africa?*
- *Are the originally proposed projects' outputs/outcomes aligned with the CPP objectives?*

### Quality of design:

- *Are the programme objectives SMART?*
- *Were programme stakeholders appropriately involved in the formulation/design of the CPP?*
- *Does the programme have usable performance indicators?*
- *Were the proposed 'means of verification' (sources of information) appropriate and practical?*
- *Was there adequate baseline data available, or plans made for its collection?*
- *Is there sufficient information available to reconstruct the baseline?*
- *Does the design of the CPP allow for adaptation to changing realities?*
- *To what extent the UN system's commitment to human-rights based approach and gender issues have been incorporated in the design of UNODC's CPP programme?*
- *To what extent UNODC CPP programme is aligned with international instruments standards and principles on human rights and gender equality and contributes to their implementation?*

- *To what extent UNODC CPP is informed by needs and interests of diverse groups of stakeholders through in-depth consultation?*

**Efficiency:**

- *Were activities efficiently planned, managed and monitored?*
- *Were sound financial management systems and practices used, which provided timely, accurate and transparent information on programme expenditures and procurement?*
- *Was the pace of activity implementation satisfactory (or were there any significant delays)?*
- *Has the programme adequately reported on achievements?*
- *If deficiencies in the reporting are found, how might these be addressed?*
- *Were donors satisfied with the Programme results and achievements?*
- *Has CPP budget been allocated and spent as planned?*
- *If resource flow was irregular, how well was this managed to ensure adequate strategic planning and continuity?*
- *Does CPP receive sufficient financial and human resources to adequately meet its objectives and priorities?*
- *To what extent does the current organizational structure of UNODC in HQ and in the field support regional counter-piracy efforts?*
- *Were partnerships efficient and allow for synergies?*
- *Were follow-up action taken with regard to the recommendations in the conducted risk assessment of the Counter-Piracy Programme?*

**Effectiveness**

- *Has CPP achieved its planned objectives, as per the programme document and its revision?*
- *Were unforeseen challenges in the implementation of the programme handled creatively and effectively?*
- *To what extent was the progress made due to the result of CPP activities' rather than to external factors?*
- *How did external factors affect the effectiveness of CPP activities?*
- *Does CPP provide an appropriate support to regional states in fighting piracy?*
- *Which groups benefited and which groups contributed to the intervention under review? Groups should to be disaggregated by relevant criteria: disadvantaged and advantaged groups depending on their gender or status, etc.*
- *To what extent were power relations among duty bearers and right holders changed as a result of CPP?*
- *To what degree were the results of UNODC CPP achieved equitably distributed among the targeted stakeholder groups?*



**Impact**

- *What are the intended or unintended (positive and negative) effects of the programme?*
- *To what extent were Member States capacities improved to fight organized crime?*
- *What, if any, are the identified threats to sustainability of benefits, and have these been appropriately addressed/managed by the programme?*
- *Should CPP be involved in pursuing impact on other substantive areas?*
- *Were there any unintended results on human rights in UNODC CPP? Were they positive or negative and in which ways did they affect the different stakeholders?*

**Sustainability**

- *To what extent will the benefits generated through the programme be sustained after the end of programmes duration?*
- *Have beneficiaries shown ownership by actively engaging in the CPP?*
- *To what extent would the benefits of the CPP continue if the people trained were to leave?*
- *To what extent does the CPP consider rehabilitation of the pirates?*

**Lessons learned**

- *What lessons can be learned from the project implementation?*
- *What lessons can be drawn from the CPP partnerships?*

<b>6. EVALUATION METHODOLOGY</b>
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When conducting the evaluation, the evaluation team needs to take into account relevant international standards, including the UNODC Independent Evaluation Unit (IEU) Evaluation Policy and Guidelines<sup>43</sup>, the United Nations Evaluation Group (UNEG) Norms and Standards and the OEC DAC criteria on evaluation.

Given the specificity of the subject, both quantitative and qualitative methods are recommended in order to cover all important aspects of the Programme and shall be included in a detailed evaluation plan to be provided in a proposal (Inception Report) and discussed with IEU and UNODC programme management. Analysis of the collected information will be used for a determination of the Programme's current effectiveness by applying the principles of the qualitative models. All evaluation findings need to be triangulated through various sources and methods in order to ensure their validity, credibility and reliability.

It is anticipated that the following methods (a combination of primary and secondary data collection) will be used by the evaluation consultant:

- Preliminary desk review of all relevant project documentation, administrative and financial records, as provided by UNODC and independently accessed by the evaluator (e.g. from the web or through other professional contacts/sources). The

<sup>43</sup> <http://www.unodc.org/unodc/en/evaluation/about-projects-.html>

desk review must be summarized and submitted as an inception report, which further specifies the evaluation methodology, determines its exact focuses, scope and data collection instruments. See Annex X III for preliminary list of documents to be used.

- Preparation of questionnaires (if necessary) that will be answered with information provided by all key informants and key players, implementing partners, academic institutions (if any), and clients of the services (if any), the questionnaires should address both qualitative and quantitative aspects;
- Ongoing email and phone communication with stakeholders as required, including with respect to confirming all field work arrangements, meetings, etc;
- Field visits and direct observations; Face to face interviews using structured or semi-structured questionnaires with key informants/service providers and key project stakeholders, both individually and (as appropriate) in small groups. If necessary, conduct focus group discussions with regional beneficiaries. This would include an initial meeting with staff of UNODC Office for Eastern Africa; It is anticipated that field visits will take place in Kenya, the Seychelles, Mauritius, and parts of Somalia.
- Interviews with key informants and key players (face-to face or by telephone): Donors, UNODC HQ, implementing partners, and senior officials from the Administrations/Governments and clients of the services;

The quality of the evaluation ‘product’ will depend on the methods used to collect and analyse data. The consultant will consider comments received and will reflect them, as appropriate, without compromising his/her independence and impartiality.

Following acceptance of the final evaluation report, UNODC and IEU will then be responsible for disseminating the results of the evaluation to key stakeholders.

## 7. TIMEFRAME AND DELIVERABLES

The evaluation will produce the following:

- (a) A detailed inception report with: the evaluation plan, the methodology and the evaluation instruments to be developed by the evaluator, preferably in the form of an evaluation matrix (according to UNEG Norms and Standards);
- (b) Presentation of preliminary findings in the field ;
- (c) A draft evaluation report with findings, lessons learned, and recommendations; and
- (d) A final evaluation report
- (e) Presentation of the final report as deem relevant ;

The evaluation will be undertaken over roughly a 3 months period, starting with the desk review of project documents and preparation of the questionnaires until end of January 2013, and ending with the production and submission of the final evaluation report not later than end of April 2013.

## 8. EVALUATION TEAM COMPOSITION

The in-depth evaluation of the CPP is an independent evaluation, carried out by external consultant(s) hired for this specific purpose and one evaluation officer from UNODC IEU.

The evaluation team will review available key documents and conduct a thorough desk review. These documents will encompass closely related ones to the project as well as context – specific one from the government and development organizations.

The evaluation team will be composed of one independent external expert – lead evaluator - an evaluation officer from UNODC/IEU and, if necessary, a substantive expert that will assist with piracy knowledge. The experts must not have had prior involvement with the CPP on any of its implementation phases. The independent external experts should hold expertise in qualitative research evaluation methods and work experience with the United Nations.

The evaluation team will include:

1. One International Evaluator – Lead Evaluator - with extensive experience in and knowledge of qualitative research and programme evaluation. He/She shall be familiar with fighting organized crime themes, National Legislation on fighting organized crime and drug production and trafficking, international instruments on the subject. Work experience with the United Nations is desirable;
2. An Evaluation Officer from UNODC’s Independent Evaluation Unit who will be fully part of the evaluation team. His/her role is to ensure quality control and s/he will accompany the team during field visits, jointly carry out interviews and participate to the data analysis.
3. If necessary, one substantive expert: with experience in anti-piracy work and with fluency in English; The substantive expert will be contracted, separately, if necessary, by UNODC and he should not have any previous or current or foreseen involvement with the project. The substantive expert will be involved in briefing the lead evaluator before mission; provide feedback to the draft evaluation plan, methodology, questionnaire and draft evaluation report; and take part in technical roundtable of main donors to the CPP reviewing the preliminary findings of the evaluation. If, necessary the substantive expert will get further involved in the evaluation.

The evaluation team will not act as representative of any party and should use their independent judgment. The evaluation team cannot be involved in the design, appraisal or implementation of the project. The evaluators will be and remain throughout the process independent and impartial. The Evaluation team does not have the authority to make any commitment on behalf of the project parties, i.e. UNODC, recipient countries and donors.

The evaluation team will work closely with the Regional Counter-Piracy Programme Coordinator from CPP and the Senior Advisor, UNODC Justice Section, who will provide them with relevant information on the programme and provide guidance for the implementation of the evaluation.

The UNODC Independent Evaluation Unit (IEU) will provide quality assurance throughout the process by making comments on the evaluation tools, on the draft report and will provide final clearance for the final evaluation report.

## 9. MANAGEMENT OF EVALUATION PROCESS

While UNODC/ROEA and Government partners are also part of the Core Learning Partners, and will provide input and comments as appropriate, their role is also to manage the process and logistics of the evaluation, while the Independent Evaluation Unit at HQ

backstops this evaluation and ensures quality assurance through the clearance of the selection of the consultants, the methodology as well as the draft and final reports.

### ***9.1. Management Arrangements***

The independent evaluation will be carried out following UNODC's Evaluation Policy and guidelines. The evaluation team will work under the supervision of the UNODC's Independent Evaluation Unit. The evaluation will take a participatory approach and will involve the main stakeholders (particularly the UNODC Regional Office for Eastern Africa) in the evaluation process from the beginning.

#### **9.1.1 Project Manager and his team**

CPP management is responsible for the provision of desk review materials to the evaluation team, commenting on the evaluation methodology, liaising with the core learning partners, as well as commenting on the draft report and participate in disseminating the final report.

CPP management will be in charge of organizing the agenda and setting-up meetings with selected stakeholders and beneficiaries for the field mission of the evaluation team. This will include making prior contact with key stakeholders to ensure they are aware of the purpose of the evaluation, and are willing and able to meet with the evaluation team.

Furthermore, it will ensure that the evaluation team has timely access to all relevant project documentation, at least 2 weeks before start of the field work. This will include a list of key contacts (including names, position, agency and e-mail addresses) of stakeholders.

The Project Management Officer may join, if needed, the evaluation consultant for some parts of the field work, although will not directly participate in interviews with stakeholders.

#### **9.1.2 Independent Evaluation Unit (IEU)**

IEU carries out quality assurance of the different steps of this evaluation; it endorses the TOR, approves the selection of the proposed Evaluation Team and liaises closely with evaluators throughout the entire evaluation process. IEU comments on and approves the selection of evaluation consultants and the evaluation methodology and provides methodological support throughout the evaluation; IEU will comment on the draft report and will provide support in the process of issuing a management response, and, if needed, participate in disseminating the final report to stakeholders within and outside of UNODC. IEU ensures a participatory evaluation process by involving Core Learning Partners during key stages of the evaluation.

The Independent Evaluation Unit directly reports to UNODC Executive Director and Member States, who guarantee its independence and allow the function to remain free from any influence. In light of the above, IEU staff is considered impartial, objective and independent.

#### **9.1.3 Regional Office Eastern Africa (RO EA)**

The ROEA will assist the evaluation team with the preparation of the field mission and scheduling of meetings and will provide a detailed briefing at the outset of its mission.

#### **9.1.4 Evaluation Team**

##### **Roles and Responsibilities of the Lead Evaluator:**

- ✓ Carry out the desk review;

- ✓ Develop the evaluation methodology, including sample size and sampling technique;
- ✓ Draft the inception report and finalize evaluation methodology incorporating relevant comments;
- ✓ Conduct all the interviews with Stakeholders, including in the Field Mission;
- ✓ Lead and coordinate the evaluation process and oversee the tasks of the substantive expert
- ✓ Implement qualitative tools and analyse data;
- ✓ Triangulate data and test rival explanations;
- ✓ Ensure that all aspects of the terms of reference are fulfilled;
- ✓ Draft an evaluation report in line with UNODC evaluation policy;
- ✓ Finalize the evaluation report on the basis of comments received;
- ✓ Support to UNODC on scheduling the meetings for the field mission (if necessary);

#### Roles and Responsibilities of IEU evaluation officer

- ✓ assist the evaluation team in all stages of the evaluation process;
- ✓ contribute to the development of the evaluation methodology and participate in field mission
- ✓ join some of the planned field work and contribute to the analysis and conclusions;
- ✓ provide quality assurance throughout the evaluation process;
- ✓ comment on all deliverables of the evaluation;
- ✓ ensure that the evaluation is disseminated according to IEU guidelines;
- ✓ ensure that the evaluation findings are shared simultaneously with management and external stakeholders as per the respective resolution and IEU guidelines;
- ✓ ensure that recommendations are followed by an action plan, which will detail how and when recommendations will be implemented

#### Roles and Responsibilities of the substantive expert (if necessary)

- ✓ contribute with specific piracy knowledge;
- ✓ carry out the desk review;
- ✓ in collaboration with the Lead Evaluator, draft the inception report (in particular, the parts relevant to his/her expertise);
- ✓ implement data collection tools and analyze data;
- ✓ triangulate data and test rival explanations;
- ✓ in collaboration with the Lead Evaluator, draft an evaluation report (in particular, the parts relevant to his/her expertise) in line with the UNODC evaluation policy;
- ✓ finalize the evaluation report on the basis of comments received;
- ✓ in collaboration with the Lead Evaluator, present the findings and recommendations of the evaluation as required.
- ✓

#### 9.1.4. Core learning partners (CLP)

CLPs are selected by CPP programme management and the RO in consultation with IEU. CLPs from the key stakeholder groups, including UNODC management, mentors, beneficiaries, partner organizations and MS. The CLP will be invited to comment on key steps of the evaluation and act as facilitators with respect to the dissemination and application of the results and other follow-up action.

## ANNEX II. EVALUATION QUESTIONNAIRE

**1.** There is still a need for UNODC through the CPP to combat maritime piracy in the Horn of Africa and the Indian Ocean. Please circle;

“1” if you strongly agree

“2” if you agree

“3” if you neither agree nor disagree

“4” if disagree or

“5” if you strongly disagree

**2.** UNODC through the CPP has been effective in increasing regional capacities to deter, detain and prosecute pirates. Please circle;

“1” if you strongly agree

“2” if you agree

“3” if you neither agree nor disagree

“4” if disagree or

“5” if you strongly disagree

**3.** UNODC through the CPP has been efficient in increasing regional capacities to deter, detain and prosecute pirates. Please circle;

“1” if you strongly agree

“2” if you agree

“3” if you neither agree nor disagree

“4” if disagree or

“5” if you strongly disagree

**4.** What – in your opinion – has been the most significant change that the CPP has achieved?

**5.** Are you aware of the existence of the Regional Programme?

## ANNEX III. DATA COLLECTION MATRIX

DATA COLLECTION MATRIX							
Data requirement	Sources						
	UNODC CPP staff	UNODC HQ Staff	UNODC RO staff	Donor Community	CPP beneficiaries	Partner Agencies	Desk Review material
<b>I. Relevance</b>							
To what extent are the thematic areas of the CPP relevant to the national strategies of the Eastern African states involved?	X	X	X	X	X		X
To what extent is the CPP aligned with mandates, decisions and strategies of UNODC, i.e. Thematic Programme on Action against Transnational Organized Crime and Illicit Trafficking?	X	X	X				X
Are the results of the CPP relevant in view of the current standards and international interest on countering organized crime, drug trafficking, and other related issues?	X	X	X	X		X	X
To what extent is the CPP aligned with and complementary of mandates, strategies and programmes of partner organizations such as IMO, UNDP, UNPOS, RAPPICC etc.?	X	X	X			X	X
To what extent is the CPP aligned with the Regional Programme for Eastern Africa?	X	X	X				X
Are the originally proposed projects' outputs/outcomes aligned with the CPP objectives?	X						X
<b>II. Quality of design</b>							
Are the programme objectives SMART?							X
Were programme stakeholders appropriately involved in the formulation/design of the CPP?	X	X	X	X	X	X	X
Does the programme have usable performance indicators?	X						X
Were the proposed 'means of verification' (sources of information) appropriate and practical?	X	X					X
Was there adequate baseline data available, or plans made for its collection?	X						X
Is there sufficient information available to reconstruct the baseline?	X						X
Does the design of the CPP allow for adaptation to changing realities?	X	X	X				
To what extent the UN system's commitment to human-rights based approach and gender issues have been incorporated in the design of UNODC's CPP programme?	X	X	X				X
To what extent UNODC CPP programme is aligned with international instruments standards and principles on human rights and gender equality and contributes to their implementation?	X	X	X				X
To what extent UNODC CPP is informed by needs and interests of diverse groups of stakeholders through in-depth consultation?	X	X	X				X

DATA COLLECTION MATRIX							
Data requirement	Sources						
	UNODC CPP staff	UNODC HQ Staff	UNODC RO staff	Donor Community	CPP beneficiaries	Partner Agencies	Desk Review material
<b>III. Efficiency</b>							
Were activities efficiently planned, managed and monitored?	X	X	X				X
Were sound financial management systems and practices used, which provided timely, accurate and transparent information on programme expenditures and procurement?	X	X	X				X
Was the pace of activity implementation satisfactory (or were there any significant delays)?	X	X	X	X	X	X	
Has the programme adequately reported on achievements?	X			X	X	X	X
If deficiencies in the reporting are found, how might these be addressed?							
Were donors satisfied with the Programme results and achievements?				X			
Has CPP budget been allocated and spent as planned?	X	X					X
If resource flow was irregular, how well was this managed to ensure adequate strategic planning and continuity?	X						X
Does CPP receive sufficient financial and human resources to adequately meet its objectives and priorities?	X	X					X
To what extent does the current organizational structure of UNODC in HQ and in the field support regional counter-piracy efforts?	X	X	X				X
Were partnerships efficient and allow for synergies?	X			X	X	X	X
Were follow-up action taken with regard to the recommendations in the conducted risk assessment of the Counter-Piracy Programme?	X						X
<b>IV. Effectiveness</b>							
Has CPP achieved its planned objectives, as per the programme document and its revision?	X						X
Were unforeseen challenges in the implementation of the programme handled creatively and effectively?	X			X	X	X	X
To what extent was the progress made due to the result of CPP activities' rather than to external factors?	X				X	X	X
How did external factors affect the effectiveness of CPP activities?	X				X		X
Does CPP provide an appropriate support to regional states in fighting piracy?	X			X	X		X
Which groups benefited and which groups contributed to the intervention under review?							
Groups should to be disaggregated by relevant criteria: disadvantaged and advantaged groups depending on their gender or status, etc.	X	X	X				X
To what extent were power relations among duty bearers and right holders changed as a result of CPP?	X	X	X				X
To what degree were the results of UNODC CPP achieved equitably distributed among the targeted stakeholder groups?	X	X	X				X



DATA COLLECTION MATRIX							
Data requirement	Sources						
	UNODC CPP staff	UNODC HQ Staff	UNODC RO staff	Donor Community	CPP beneficiaries	Partner Agencies	Desk Review material
<b>V. Impact</b>							
What are the intended or unintended (positive and negative) effects of the programme?	X			X	X		X
To what extent were Member States capacities improved to fight organized crime?					X		
What, if any, are the identified threats to sustainability of benefits, and have these been appropriately addressed/managed by the programme?	X						X
Should CPP be involved in pursuing impact on other substantive areas?	X	X	X	X	X		
Were there any unintended results on human rights in UNODC CPP? Were they positive or negative and in which ways did they affect the different stakeholders?	X	X	X				X
<b>VI. Sustainability</b>							
To what extent will the benefits generated through the programme be sustained after the end of programmes duration?				X	X		
Have beneficiaries shown ownership by actively engaging in the CPP?				X	X	X	
To what extent would the benefits of the CPP continue if the people trained were to leave?							
To what extent does the CPP consider rehabilitation of the pirates?	X			X	X	X	X
<b>VII. Lessons learned</b>							
What lessons can be learned from the project implementation?	X	X	X	X	X	X	X
What lessons can be drawn from the CPP partnerships?	X				X	X	X

## ANNEX IV. STAKEHOLDERS INTERVIEWED

STAKEHOLDER INTERVIEWS		
Individual	Stakeholder Group	Role
ADAMS Jean Paul	Beneficiary	Minister, Ministry of Foreign Affairs, Seychelles
AGADZHANOV Sergey	UNODC HQ	Chief, Human Resources
ANCION Alain	Donor	Dutch Embassy, Kenya
AUDIN Jérôme	Donor	French Permanent Mission representative
BABBAR Guatam	UNODC HQ	Strategic Policy Unit
BAME David	Donor	US Permanent Mission representative
BARZANO Piera	UNODC HQ	Prison Expert, Justice Section
BJUNE Siri	UNODC HQ	Programme Officer East Africa
BRAMLETTE Jennifer	UNODC HQ	Global Programme Money Laundering
BROWN Charles	Beneficiary	Senior State Counsel (Piracy), Seychelles
BURSIK Bruce	Beneficiary	Head of Operations, CID, Seychelles Police
CAHILL Peter	Donor	Canadian Permanent Mission representative
CHERUIYOT Moses	Beneficiary	Head of CID, Mombasa, Kenya
COLE Alan	UNODC CPP	Regional Programme Coordinator, Kenya
CRONE Garry	Partner	Director, RAPPICC, Seychelles
CROSS Peter	Partner	UNDP Somalia
EGONDA-NTENDE Fredrick	Beneficiary	Chief Justice, Supreme Court of Seychelles
FRUCHET Patrick	Partner	Deputy Director, Kenya Operations, UNOPS
GANDANI Joyce	Beneficiary	Deputy Chief Magistrate, Mombasa Courthouse, Kenya
GHAZAVI Zafa	Donor	Australian Permanent Mission representative
GIUDICE Anna	UNODC HQ	Crime Prevention Officer, Justice Section
GOTOH Kayoko	UNODC HQ	Integrated and Programming Branch
GROTH Allon	Donor	Ambassador, Norway
HASSAN Abdikalif Sheikh	Beneficiary	Minister of Justice, Puntland
HAUSSERMANN Ulrich	UNODC CPP	Programme Management Officer, Kenya
HAVLIK Petr	Donor	EU Permanent Mission representative
HOLTEDAHL Jan-Petter	Donor	Norwegian Embassy, Kenya
ISA Mohamed	Beneficiary	Director of Prisons, Somaliland
JERNELOEV Muki	UNODC HQ	Co Financing and Partnership Section
JONES Richard	Partner	Deputy High Commissioner, British High Commission, Seychelles
JOY Ajit	UNODC RO	Advocacy, Programme Officer, Kenya
KONIGSFELDT Tomas	Donor	Danish Embassy, Kenya
LEBAUX Valerie	UNODC HQ	Chief, Justice Section
LINDBLOM Fredrik	Partner	Country Leader, EUCAP Nestor, Seychelles
LUNGAMENI Loide	UNODC RO	Representative, ROEA, Kenya
MacDONALD Harry	Donor	British Permanent Mission representative
MANGAN Shamus	UNODC CPP	Prosecutions Advisor, Kenya
MARIANI Alessandro	Partner	Ambassador, Head of EU Delegation to Mauritius and the Republic of Seychelles
McLAUGHLIN Robert	UNODC HQ	Senior Expert in Counter Piracy
MOELLER Tor Martin	Donor	Norwegian Permanent Mission representative
MUNRO Ian	UNODC HQ	Chief, Organized Crime and Anti Money Laundering Unit
NOUR Cali	Beneficiary	Commissioner of Prisons, Puntland
ONDARI Jacob	Beneficiary	Chief Piracy Prosecutor, Kenya DPP
OSMAN Mohamed	Beneficiary	Counter Piracy Coordinator, Somaliland
PEREIRA Manuel	UNODC CPP	Coordinator PPTP, Kenya
Pirate Prisoners (x5)	Beneficiary	Somali prisoners held in Shimo La Tewa Prison, Kenya
PUTHUPALLY George	UNODC HQ	Chief, Terrorism Prevention Branch
QUATRE Ernest	Beneficiary	Commissioner of Police, Seychelles
RUTGERS Mark	Donor	Dutch Permanent Mission representative
SANDAGE John	UNODC HQ	Director, Division for Treaty Affairs
SCHMIDT Alexandre	UNODC RO	Head, West and Central Africa
SEEGER Roland	Donor	German Permanent Mission representative
SHAW Mark	UNODC HQ (Ex)	Ex Head, Integrated Programming Branch
STEED John	Partner	Chief, Maritime Security and Counter Piracy Unit, UNPOS, Kenya
STEELE Tim	UNODC RO	Anti-Corruption, Programme Officer, Kenya
TAYLOR Alasdair	UNODC HQ	Financial Resources Management Services
THURBIN Will	Beneficiary	Deputy Superintendent, Montagne Posse Prison, Seychelles
THURNER Florian	Donor	German Permanent Mission representative
THURLOW Steve	UNODC HQ	Organised Crime Branch
TONUI Samuel	Beneficiary	Deputy Prison Commissioner, Shimo La Tewa Prison, Kenya
WELSCH Candice	UNODC HQ	Former CPP expert
WINKLER Thomas	Partner	Chair, Working Group II, Contact Group

## ANNEX V. DESK REVIEW LIST

1. 20121029 Programme table
2. Assessment CJS SL
3. Somaliland Matrix
4. 04012012 CPP brief
5. 05032012 Speaking points on UNODC CPP to EU
6. 05102011 Briefing note meetings in Brussels
7. 07022012 Briefing note on CPP
8. 01032012 UNODC Programme
9. 20042012 UNODC Programme PowerPoint
10. 20121107 ED CPP Report
11. 20120731 UNODC Trial Stats
12. Lang report S-2011-30 E
13. 20101208 SLA UNOPS UNODC Signed
14. 15052012 Summary of 2 May donor meeting CPP
15. Annex Note CPP risks and mitigation measures 110512
16. Minutes Piracy inter-divisional meeting on counter piracy 21 May 2012
17. Mission report Kenya and Tanzania March 2012
18. Mission report Kenya June 2012
19. Mission report Kenya October 2012
20. Mission report Mauritius and Kenya August 2011
21. 20130211 CPP Management for IEU
22. CPP Law Enforcement Presentation
23. UNDP and UNODC Piracy trials prog in South Central Somalia
24. UNODC Rehabilitation of Mogadishu Central Prison (Phase 1)
25. 20121211 Acknowledge letter UK
26. 20121219 Counter Piracy Proposal west Africa – Germany 2013
27. 20121219 Piracy Eastern Africa – Germany 2013
28. Pledge letter for US\$47,000 to XCAU81
29. EC Seychelles Narrative report signed
30. SG Somalia Report 1 May 2012
31. SC resolution on piracy in the Gulf of Guinea.31.10.11
32. SC Resolution on Somalia 1816(2008)
33. SC Resolution on piracy in the Gulf of Guinea 2018 (2011) – UNODC DG ED Comment
34. 20120705 CPP risk assessment + comments
35. Microsoft Word CPP risk assessment + UNODC comments
36. 20121003 TORs CP task force
37. ZL55GFDX4RGUKJZ7ZTHSNG\_UN\_POST\_PRNT
38. 11<sup>th</sup> meeting of the board minutes 24 July 2012
39. Consolidated budget
40. UNODC Kenya Prisons.Amend1
41. UNODC Seychelles Regional Center
42. UNODC Somalia Law Reform
43. UNODC Somalia Prisons
44. UNODC Somalia Prosecutors
45. VL0362 P4 Programme Coordinator Somalia XAMT72

46. Somalia prosecution
47. TCXEAX20OPS
48. TF Project 170810
49. VL0362 P4 Programme Coordinator Somalia XAMT72
50. Annual progress report 2011 MUSX55
51. Annual progress report 2012 MUSX55
52. Final MUSX55 original – Project Document
53. Semi annual progress report 2012
54. 01122011 SOMX54 original – Project Document
55. 20120530 Project revision SOMX54
56. Fully signed agreement for NOK 15 mln to SOMX54 Final
57. Semi annual progress report 2012
58. 20120706 Regional Prosecution XAMT72
59. 20120919 Programme revision XAMT72
60. Annual progress report 2010 XAMT72
61. Annual progress report 2011 XAMT72
62. Annual progress report 2012 XAMT72
63. Progress report 2009 XAMT72
64. Semi annual progress report 2010 XAMT72
65. Semi annual progress report 2011 XAMT72
66. Annual progress report 2012 XAMT72
67. XAMT72 original
68. 20120925 Project revision XEAX20\_Z10
69. Annual progress report 2011 XEAX20
70. Annual progress report 2010 XEAX20
71. Semi annual progress report 2010 XEAX20
72. Semi annual progress report 2011 XEAX20
73. Semi annual progress report 2012 XEAX20
74. XEAX20 original
75. 10032012 XEAX67 original
76. 20120926 XEAX67 Project Revision Z15
77. Semi annual progress report 2012 XEAX67
78. Annual progress report 2010 XSSX11
79. Annual progress report 2011 XSSX11
80. Semi annual progress report 2011 XSSX11
81. Semi annual progress report 2012 XSSX11
82. XSSX11 Revision 2012 02 10
83. XSSX11 original
84. Inter-divisional Task Force on Counter-Piracy – Terms of Reference
85. Guidance Note for UNODC staff – Mainstreaming crime prevention in the work of UNODC
86. UNODC Counter Piracy Programme Brochure – Issue 10 Dec 2012
87. UNODC CPP pirate prisoner statistics by country – 11<sup>th</sup> February 2013
88. UNODC Internal emails (various)
89. UNODC CPP supplied document of activities in Seychelles and Kenya 2009 – 2012
90. Minutes of the UNOV/UNODC Executives Committee Meeting of Monday 17<sup>th</sup> Dec 2012
91. Interoffice Memorandum 15<sup>th</sup> Feb 2013 – Transforming the CPP into a broader MCP
92. UNODC Human Rights Due Diligence Policy – Principles
93. UNODC Information Sheet – Mainstreaming Human Rights
94. CPP Note Strategic Road Map – Joint work plan on integrated regional approach
95. CPP Risk Register
96. CPP Country Assessment Seychelles – October 2009
97. Briefing note for ED for donor meeting – May 2012

98. Minutes on inter-divisional meeting on discussion paper on integrated regional approach
99. EU request to UNODC on financial management of funds

## ANNEX VI. KEY CPP OUTPUTS

The following are the key outputs achieved in Eastern Africa region since the commencement of the Programme in May 2009:

### **Police**

- (a) Supported 20 piracy investigations in Seychelles and Kenya, including providing secure exhibit stores for over 100 weapons and other exhibits;
- (b) Facilitated forensic examination of over 50 weapons;
- (c) Delivered 3 weeks CID training package for 30 officers in Kenya;
- (d) Provided criminal analyst training for 25 police intelligence analysts from Kenya, Seychelles, Tanzania, Mauritius and Maldives;
- (e) Provided full time mentoring to Seychelles Police over 18 months;
- (f) Equipped Seychelles police with VHF radios for personal and vehicle use;
- (g) Arranged the training of Seychelles police dog handlers in UK and funded the provision and delivery of 8 search, narcotics and general purpose dogs;
- (h) Provided 5 days of training in the organization of naval operations and piracy investigations to 25 investigators from Kenya, Seychelles, Tanzania, Mauritius and Maldives;
- (i) Provided learning exchanges to investigators from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;
- (j) Enhanced Police methodology such as improved investigative techniques in Kenya, so that regional forces can be brought up to international standards;
- (k) In cooperation with UNOPS, plans are currently underway for the construction of a Major Incidents Room for the Police, a maximum security block and a low security accommodation for prisoners in Seychelles.

### **Prosecutors**

The CPP has established regional prosecuting centers in Kenya, the Seychelles and Mauritius after MoUs to transfer pirates were signed between the respective Governments.

- (a) Provided 5 days of initial training on law of the sea, the organization of naval operations and piracy investigations to 17 prosecutors from Kenya, Seychelles, Tanzania, Mauritius and Maldives;
- (b) Provided learning exchanges for prosecutors from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;
- (c) Arranged transportation of 11 prosecutors to over 150 court days in Mombasa;
- (d) Equipped prosecution offices in Mombasa and Nairobi to allow 11 prosecutors access to IT and on-line legal resources as well as securing filing and copying;
- (e) Funded and trained a prosecutor for Seychelles piracy trials. He has prosecuted five trials and secured a conviction in every one;
- (f) Conducted joint training over 5 days with IMO for 20 senior law enforcement officials in the use of force in the maritime law enforcement;
- (g) Introduced handover guidance for international navies on how to present piracy cases for prosecution in Kenya, Seychelles and Mauritius;

- (h) Provided equipments such as computers, filing cabinets, printers to both the Court and prosecutors as per requirement in Kenya;
- (i) Refurbished the archiving systems of the Court in Kenya (currently underway).

### **Courts**

- (a) Arranged for foreign witnesses to attend trials to give testimony in Seychelles and Kenya;
- (b) Arranged interpretation as required from 5 languages into English (both for Somali accused and foreign witnesses);
- (c) Provided learning exchanges for judges from Kenya, Seychelles, Tanzania, Mauritius and Maldives to continue training and enhance regional coordination;
- (d) Provided 5 days of training on law of the sea, the organization of naval operations and piracy investigations to 15 judges from Kenya, Seychelles, Tanzania, Mauritius and Maldives;
- (e) Renovated 18 court cells, introduced sanitation and ventilation for the main piracy court in Kenya;
- (f) Air-conditioned two courtrooms and magistrates waiting room;
- (g) Constructed or refurbished, equipped and commissioned a new courtroom with witness protection facilities in Kenya (Shimo la Tewa Courtroom) and in Seychelles;
- (h) Provided security guards for over 200 piracy trial days in Kenya;
- (i) Assisted with professional advice on the drafting of piracy laws in Kenya, Seychelles, Tanzania, Mauritius, Maldives, Somaliland, Puntland and South Central Somalia;
- (j) Funded defence lawyers in 8 trials in Seychelles and 7 in Kenya;
- (k) Funded court transcription services;
- (l) Arranged and funded repatriation flights for acquitted suspects from Kenya and Seychelles to Somalia;
- (m) Provided equipments such as computers, filing cabinets, printers to both the Court and prosecutors as per requirement in Kenya
- (n) Appointed a Magistrate to the court facilities, which serves to strengthen the capacity of Kenya to support piracy trials.

### **Prison**

- (a) Completed the construction of a 400 bed prison in Hargeisa Somaliland, the first new prison in East Africa for many years. Trained 200 staff in the operation of the prison under new standing orders and routines, introduced agriculture within the prison, introduced prisoner classification across all 11 prisons in Somaliland, introduced full time mentoring at the prison and provided HF and VHF radio systems across the prison sector. Provided staff uniforms and the machines and material for prisoners to make their own uniforms. For the first time in 30 years, Somaliland prisoners have uniforms to wear;
- (b) Provided 3 prison vehicles to Somaliland prisons;
- (c) Provided training in prisoner categorization to the 60 members of the Puntland Correctional Service over 3 weeks;
- (d) Provided training in the care of Somali prisoners, including modern correctional techniques, incident management and Somali cultural awareness over 5 days to 25 senior prison staff from Kenya, Seychelles, Tanzania, Mauritius and Maldives;

- (e) Designed, constructed and delivered a 60 bed prison block in Seychelles. The block includes educational, welfare and visiting facilities, as well as higher security precautions than the existing prison. Trained local staff in its operation;
- (f) Introduced welfare service for piracy prisoners in Kenya and Seychelles;
- (g) Provided fire fighting equipment to 5 prisons in Kenya (fire trucks) and 1 in Seychelles (static equipment);
- (h) Provided 30 uniforms for prison staff in Seychelles;
- (i) Introduced estate and prisoner security classifications in Mauritius;
- (j) Refurbished extensively the Shimo La Tewa prison, Kenya (as model prison both in Kenya and in other prisons in the Region, as well as in four other prisons in Kenya (Manyani, Kamiti, Malindi, Nakuru). Inspections have also been made for the second refurbishment phase to begin for each of the prisons holding pirates and piracy suspects (kitchen facilities, water supply, staff accommodation, etc.);
- (k) Provided learning exchanges for prison staff from Kenya to make the staff more responsive to the human rights needs of the prisoners;
- (l) Provided a Prison mentor in Seychelles to assist with the development of modern prison management practices and train the Prison staff in handling emergencies;
- (m) Facilitated an exchange of prison staff between the UK and Seychelles in October 2011;
- (n) Is increasing the capacity of the Bossano prison (Puntland) of 50%. A plot of land outside Garowe has been secured for the construction of a new prison , good progress has been made in the development of a prison design. Two Corrections Advisors provided by the Norwegian Government were received to provide advice on the construction process and assist in hiring and training prison staff;
- (o) Discussions on the transfer of convicted pirates to Somalia are still underway in consideration of human rights standards and the ability of Somalia to receive and hold prisoners.



## ANNEX VII. KEY COUNTER PIRACY ACTORS

<b>Actor</b>	<b>Role or potential capacity in Somali counter-piracy</b>
African Union Military Observer Mission in Somalia (AMISOM)	<p>AMISOM has no direct counter-piracy role. It does, however, provide “capacity-building and law enforcement support to the Somalia Police Force” under an AMISOM Police Commissioner.<sup>44</sup></p> <p>Otherwise its mandate is principally to support dialogue and reconciliation in Somalia and provide security stabilisation. It also provides protection to the Transitional Federal Institutions, training to Somali forces and facilitates humanitarian operations.</p> <p>Its mandate was extended to February 2014 by UN Security Council Resolution 2093 (6 March 2013).</p>
Contact Group on Piracy off the Coast of Somalia (CGPCS) <sup>45</sup>	<p>The CGPCS was established pursuant to UN Security Council Resolution 1851 (2008) on 14 January 2009 to facilitate discussion and coordination among states and organizations concerned with the suppression piracy off the coast of Somalia. It has high-level plenary meetings twice a year, typically in New York.</p> <p>It also has five working groups:</p> <ul style="list-style-type: none"> <li>• operational matters and capacity building (WG1—chaired by the United Kingdom);</li> <li>• legal issues (WG2— chaired by Denmark);</li> <li>• cooperation with industry (WG3—chaired by the USA until March 2012 and now chaired by the Republic of Korea);</li> <li>• communication and public diplomacy (WG4—chaired by Egypt); and</li> <li>• financial flows (WG5—chaired by Italy).</li> </ul> <p>The working groups meet between two and three times a year. They have no formal decision-making authority but serve as mechanisms for informal coordination and dissemination of knowledge and best practices.</p> <p>For example, WG2 has prepared a “tool box” of legal reports, checklists and model instruments for the use of members. Its Chairman has also been active in such matters as assisting the negotiation of the prisoner transfer agreements between prosecuting States and Somalia (including the Puntland and Somaliland authorities). Similarly, work commenced in WG3 resulted in the Best Management Practices guide for the shipping industry on preventing piracy attacks.<sup>46</sup></p>

<sup>44</sup> Report of the UN Secretary General on Somalia, UN Doc S/2012/74, para 18.

<sup>45</sup> See: <http://www.thecgpcs.org/>

<sup>46</sup> Report of the UN Secretary General on Somalia, UN Doc S/2012/783, para 17.

<p>Djibouti Code of Conduct (DCoC)</p>	<p>The Code of conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct), was adopted on 29 January 2009 in Djibouti. It is not intended to be a legally binding agreement, but rather a framework for cooperation.</p> <p>An important aspect of the DCoC is its Project Implementation Unit (PIU) which is based within the IMO and supported by a DCoC Trust Fund. The PIU has a mandate to assist signatory States regarding:</p> <ul style="list-style-type: none"> <li>• information sharing</li> <li>• regional training</li> <li>• reviewing national legislation</li> <li>• maritime situational awareness (MSA).</li> </ul> <p>Regional training is conducted both through individual training programmes and through the establishment of a Djibouti Regional Training Centre (DRTC). IMO training has been provided at the DRTC.<sup>47</sup></p> <p>Reviews of national legislation have focussed on piracy law rather than maritime crime more generally.</p> <p>MSA refers to having a more complete ‘picture’ of activities in the regional ocean space. This requires, at the least, better radar coverage and use of satellite Automatic Identification Systems (AIS) by shipping. IMO has commenced bilateral technical projects to improve both radar and AIS coverage at a national level; and is working to fuse such information through information sharing agreements to create a more complete regional picture. In addition “IMO is doing background work with East African Brigade Maritime Force (EASBRIG MARFOR) to establish maritime security as a strategic objective under a single regional command structure”.<sup>48</sup> I have no further information at present on EASBRIG MARFOR. Under DCoC auspices “IMO has conducted consultations with Djibouti, Kenya, Madagascar, Mauritius, Mozambique, Saudi Arabia, South Africa and the United Republic of Tanzania to meet specific capacity-building needs to help to suppress piracy.”<sup>49</sup></p> <p>The signatory States to the DCoC are: Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, UAE, United Republic of Tanzania, Yemen.</p> <p>See further the IMO<sup>50</sup> and Oceans Beyond Piracy websites.<sup>51</sup></p>

47 UN Doc S/2012/783, para 24.

48 <http://www.imo.org/OurWork/Security/PIU/Pages/MSA.aspx>

49 UN Doc S/2012/783, para 24.

50 <http://www.imo.org/OurWork/Security/PIU/Pages/Project-Implementation-Unit.aspx>

51 <http://oceansbeyondpiracy.org/matrix/activity/djibouti-code-conduct>

East Africa Standby Force (EASF)	The EASF is army-dominated and has limited maritime capacity – though some report it is attempting to develop more. This follows from many of its members being land-locked and the limited naval capacity of regional states generally. EASF does have some policing capacity, which could be of some direct use in counter-piracy by (for example) deploying additional police to piracy affected areas in Somalia. <sup>52</sup>
EUCAP Nestor	<p>EUCAP Nestor is an EU civilian mission (involving military expertise) to strengthen maritime security in Somalia and a number of other regional States. Its two objectives are:</p> <ul style="list-style-type: none"> <li>• strengthening the rule of law in Somalia, including “the development of a coastal police force and the judiciary”; and</li> <li>• “strengthen[ing] the sea going maritime capacity of Djibouti, Kenya and the Seychelles” and eventually Tanzania.<sup>53</sup></li> </ul> <p>It also plans to cooperate with the Djibouti Regional Training Centre (DRTC) established under the DCoC. The DTRC has also received funding through the MARSIC programme (a project of the EU’s Critical Maritime Routes Programme, which is in turn funded by the EU’s Instrument for Stability).<sup>54</sup></p> <p>There is obviously potential overlap between various EU projects and those of other organisations. The EUCAP Nestor mission is, however, being carried out in partnership with the IMO, the UNODC and the UNDP. The EU has a counter-piracy strategic partnership agreement with the IMO.<sup>55</sup> A separate European Union Training Mission provides training support to the Somali military.<sup>56</sup></p>
Integrated Task Force for Somalia	<p>This is a UN body within which: “The [UN] Department of Political Affairs chairs the subworking group on piracy ... , which meets regularly to share information and coordinate United Nations counter-piracy efforts, in coordination with the European Union and INTERPOL.” This subworking group is concerned with: “allegations of illegal fishing and illegal dumping, including of toxic substances off the coast of Somalia, as well as capacity-building of Somalia and regional States to facilitate the prosecution, detention and imprisonment of pirates.”<sup>57</sup></p> <p>Participants in the subworking group on piracy include: “UNPOS, the Food and Agriculture Organization of the United Nations, the International Labour Organization, IMO, INTERPOL, the International Organization for Migration, the Somalia Monitoring</p>

<sup>52</sup> IIS Policy Brief, “East Africa: Regional Security Organisations and Dynamics” (2012), [http://www.diis.dk/graphics/Publications/Policybriefs2012/PB2012-East-Africa-Security-JONO-KLJA\\_web.pdf](http://www.diis.dk/graphics/Publications/Policybriefs2012/PB2012-East-Africa-Security-JONO-KLJA_web.pdf)

<sup>53</sup> [http://www.consilium.europa.eu/media/1885784/eucap\\_nestor\\_fact\\_sheet\\_1-2013.pdf](http://www.consilium.europa.eu/media/1885784/eucap_nestor_fact_sheet_1-2013.pdf); see also: “EUCAP NESTOR: Bolstering the Rule of Law to Counter Piracy in the Horn of Africa – Interview with David Hammond”, 7 March 2013, <http://piracy-law.com/tag/seychelles/>.

<sup>54</sup> <http://oceansbeyondpiracy.org/matrix/activity/european-union-eu>

<sup>55</sup> <http://www.imo.org/mediacentre/pressbriefings/pages/15-capacitypartnerships.aspx>

<sup>56</sup> UN Doc S/2012/643, para 42.

<sup>57</sup> UN Doc S/2012/783, para 72.

	<p>Group, the United Nations Development Programme, the United Nations Office on Drugs and Crime and WFP.”<sup>58</sup></p>
<p>International Maritime Organization (IMO)</p>	<p>The IMO exists to provide a “mechanism for cooperation” among governments in regulatory and technical matters relating to commercial shipping – including in respect of questions of safety, pollution and the environment.<sup>59</sup></p> <p>In terms of counter-piracy it is active in the Djibouti Code of Conduct framework, as described above. A similar code for Central and West African States is expected to be concluded in Yaoundé, Cameroon in May 2013.<sup>60</sup></p> <p>These are both examples of IMO’s broader counter-piracy strategy. This has involved regional seminars and workshops for government representatives and subsequent evaluation and assessment missions to different regions as steps towards “the development of regional agreements on implementation of counter piracy measures”.<sup>61</sup></p> <p>The IMO is also active in counter-piracy in other ways, including:</p> <ul style="list-style-type: none"> <li>• collating and distributing reports of acts and attempted acts of piracy and armed robbery against shipping (the MSC/4 circular series);</li> <li>• the IMO Maritime Safety Committee has adopted guidance on the use of Privately Contracted Armed Security Personnel for both governments and ship-owners; and</li> <li>• it has urged the widespread adoption of the industry-developed Best Management Practices for Protection against Somali Based Piracy.</li> </ul> <p>In 2012, “IMO signed agreements with several United Nations agencies and missions (the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), UNODC and UNPOS) and with the European Union, reiterating their commitment to work effectively together” in counter-piracy.<sup>62</sup> The UNODC thus has a counter-piracy strategic partnership agreement with the IMO.</p>
<p>INTERPOL</p>	<p>In January 2010 Interpol set up a Maritime Piracy Task Force (MPTF) to co-ordinate the Organization’s response to piracy by: “Improving the global collection, preservation, analysis and dissemination of piracy-related evidence and intelligence in aid of criminal investigations and prosecutions by its member countries”; and “Developing police and judicial investigative and prosecution capabilities in Eastern Africa in partnership with key international actors and donors.”<sup>63</sup></p> <p>At the end of 2011 Interpol reported that it had created a Global Maritime Piracy Database containing “more than 4,000 records of personal information on pirates and financiers; pirates’ telephone</p>

<sup>58</sup> UN Doc S/2009/590, para 60.

<sup>59</sup> Article 1, Convention on the International Maritime Organization (1948), 289 UNTS 48.

<sup>60</sup> <http://www.imo.org/MediaCentre/PressBriefings/Pages/09-westcentralafricapiracycode.aspx>

<sup>61</sup> <http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Pages/Default.aspx>

<sup>62</sup> UN Doc S/2012/643, para 51; see also <http://www.imo.org/mediacentre/pressbriefings/pages/15-capacitypartnerships.aspx>

<sup>63</sup> See: Best Management Practices for Protection against Somalia Based Piracy, version 4 (2011), Annex, [http://www.mschoa.org/docs/public-documents/bmp4-low-res\\_sept\\_5\\_2011.pdf](http://www.mschoa.org/docs/public-documents/bmp4-low-res_sept_5_2011.pdf)

	<p>numbers and phone records; hijacking incidents; vessels and ransom payments, submitted by law enforcement and private industry partners.”<sup>64</sup> This database was established by the United States National Central Bureau of Interpol.<sup>65</sup> Interpol has also provided (jointly with UNODC) a “criminal intelligence analysis training course ... [for] 25 law enforcement officers from Seychelles and Mauritius”.<sup>66</sup></p> <p>In 2012, CGPCS Working Group 5 “identified INTERPOL as the main international single point of contact with the shipping industry for information-sharing to boost the international community’s ability to identify, locate and prosecute pirates and their organizers and financiers”.<sup>67</sup> Interpol, CGPCS Working Group 5 and the World Bank are also collaborating with the UNODC’s Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism which aims at increasing “global understanding of money flows linked to piracy through information exchange, capacity-building, coordination and technical assistance in the East Africa and Horn of Africa regions.”<sup>68</sup></p> <p>It was also reported in 2012 that Interpol:</p> <ul style="list-style-type: none"> <li>• deployed expert teams within the framework of the Evidence Exploitation Initiative in Madagascar, Maldives, Oman and the United Republic of Tanzania” in a project focussing “on such operational and practical issues as debriefings and biometrics of suspected pirates, crime-scene investigation on released vessels, criminal analysis and information-sharing”;</li> <li>• “continued with the implementation of a European Union-funded programme in East Africa to build the capacity of States to investigate cases of piracy”; and</li> <li>• “provided advice to the shipping industry on evidence preservation.”<sup>69</sup></li> </ul> <p>Interpol is also a co-sponsor of the Best Management Practices guide to preventing piracy attacks.</p>
Maritime Organization of West and Central Africa (MOWCA)	<p>MOWCA has 20 member States and a mandate to address maritime security, safety and environmental protection. It is, obviously, largely concerned with West African piracy and maritime security rather than Somali piracy. However, its steps towards coast guard cooperation and its training activities may have transferrable lessons.</p> <p>In 2008 MOWCA signed a memorandum of understanding with the IMO to found a sub-regional integrated Coast-Guard network. “The project aims to ... ensure the safety of ships, passengers and goods within the territorial waters of the sub- region against piracy, armed robbery and other unlawful/terrorist acts against maritime trade ... as</p>

<sup>64</sup> INTERPOL, Annual Report 2011, p. 20.

<sup>65</sup> UN Doc S/2012/783, para 46.

<sup>66</sup> INTERPOL, Annual Report 2011, p. 44.

<sup>67</sup> UN Doc S/2012/783, para 19.

<sup>68</sup> UN Doc S/2012/783, para 59.

<sup>69</sup> UN Doc S/2012/783, para 49.

	<p>well as against marine pollution and illegal exploitation of resources of member states of the organization.”<sup>70</sup></p> <p>As regards capacity building: “MOWCA is undertaking sea-law enforcement training activities with L'Académie Régionale des Sciences et Techniques de la Mer (ARSTM), MOWCA's Regional Maritime University (which is a branch of World Maritime University, Malmo, Sweden and an affiliate of the University of Ghana, Lego), and the Maritime Academy of Nigeria (MAN) to combat piracy.”<sup>71</sup></p>
<p>Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre (RAPPICC)</p>	<p>RAPPICC is intended as an information fusion centre for piracy prosecutions targeting the financiers, investors and ringleaders involved in piracy.<sup>72</sup> It is based in the Seychelles and formally opened in March 2013. It received £550,000 towards construction costs from the UK and one of its co-directors and staff members have been seconded from the UK Serious Organised Crime Agency. Other support has been provided by the Seychelles, Netherlands and INTERPOL. “UNODC is providing logistical and training support to the Director” of RAPPICC.<sup>73</sup></p> <p>It would appear to have the capacity to enhance counter-piracy prosecution strategies if successful as a mechanism for criminal intelligence gathering but it has no direct role in increasing maritime capacity, prison capacity, etc.</p>
<p>Training Awareness and Deconfliction mechanism (TRADE)</p>	<p>TRADE is a “voluntary coordination forum attended by governments and organizations involved in providing nations in the Western Indian Oceans Region affected by piracy with maritime tactical training ... The first TRADE meeting was held in March 2010 and TRADE has been held approximately every quarter since then. The TRADE is co-chaired by NATO (JFC Lisbon) and EUNAVFOR, participants [include]: NATO, EU, CMF/NAVCENT, IMO and others.” Trade: “also works to achieve efficiency by identifying initiatives stakeholders can collaboratively develop with partner nations”.<sup>74</sup></p> <p>TRADE is not widely documented in open-source material and the most recent reports I have seen date to 2011.</p>
<p>UN Department for Peacekeeping Operations (DPKO)</p>	<p>The DPKO has no present mission in Somalia. The idea of a peace-keeping mission is still regarded as premature by the Security Council (Security Council Resolution 2093, 6 March 2013).</p> <p>The DPKO was said in 2009 to have “a key role in the sharing of relevant naval information with Member States and international organizations”.<sup>75</sup> It is not obvious to me how this relates to the Shared Awareness and Deconfliction (SHADE) meetings in Djibouti.</p>

<sup>70</sup> <http://www.omaoc.org/EN/projets.php>

<sup>71</sup> <http://oceansbeyondpiracy.org/matrix/activity/maritime-organization-west-and-central-africa-mowca>

<sup>72</sup> See generally: Oceans Beyond Piracy: <http://oceansbeyondpiracy.org/matrix/activity/regional-anti-piracy-prosecutions-intelligence-co-ordination-centre-rappicc>; UK Foreign and Commonwealth office: <https://www.gov.uk/government/news/anti-piracy-centre-open-for-business>; CGPCS: [http://www.thecgpcs.org/about.do?action=news\\_sub&seq=159](http://www.thecgpcs.org/about.do?action=news_sub&seq=159).

<sup>73</sup> UN Doc S/2012/783, para 45.

<sup>74</sup> <http://oceansbeyondpiracy.org/matrix/activity/training-awareness-and-de-confliction-trade>

<sup>75</sup> [http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/SC%209793%20\(NOV09\).](http://unpos.unmissions.org/Portals/UNPOS/Repository%20UNPOS/SC%209793%20(NOV09).)

UN Development Programme (UNDP) in Somalia	<p>UNDP Somalia has a Governance and Rule of Law Programme. In a counter-piracy context this includes:<sup>76</sup></p> <ul style="list-style-type: none"> <li>• As part of the UNDP’s Youth at Risk programme, initiatives to divert Somali youth from becoming pirates and a social reintegration programme for former pirates. These aim at providing the skills needed for youth to find a job or start their own business.</li> <li>• A judicial training programme to provide more of Somalia’s judiciary with legal training (as very few of the country’s judges are or were qualified lawyers).</li> <li>• More specifically: “UNDP, in collaboration with UNODC, is implementing a piracy trials programme, with financial support from the Trust Fund of the Contact Group on Piracy off the Coast of Somalia, to build capacity across the criminal justice institutions in Somalia to enable police, the Attorney-General’s Office, courts and defence lawyers to ensure due process for those accused of piracy-related crimes”.<sup>77</sup></li> <li>• The Civilian Police Project which aims to create an effective and professional police force in all areas of Somalia.<sup>78</sup></li> </ul> <p>UNDP has also been active in prisoner literacy programmes in Puntland and has provided support to Gardo prison in Puntland and training to the Puntland custodial corps.<sup>79</sup></p> <p>It is also involved, with UNICEF and the International Labour Organisation, in a programme to “manage disengaging combatants from Al-Shabab.”<sup>80</sup></p>
UN Mine Action Service (UNMAS)	<p>UNMAS has a presence in Somalia conducting mine clearance operations in Somaliland in collaboration with UNICEF and AMISOM.<sup>81</sup> It has also been training Somali Police Force explosive ordnance disposal teams.<sup>82</sup> It has no obvious role in counter-piracy.</p>
UN Office for Project Services (UNOPS)	<p>UNOPS is involved in supporting some 17 UNODC projects in Somalia.<sup>83</sup> These include projects regarding: prosecutors, courthouse and prison infrastructure, piracy prisoner transfer (i.e. repatriation) arrangements, advocacy campaign requirements in Somalia. It also supports UNODC travel and presence in the region and programme management. The largest of these appears to be the US\$ 3.6 million allocated to prison infrastructure involving the construction or refurbishment of prisons in Somaliland and Puntland.</p>

pdf; citing UN Doc S/2009/590.

<sup>76</sup> <http://www.so.undp.org/index.php/G1Governance-Rule-of-Law-Security.html>

<sup>77</sup> UN Doc S/2012/783, para 53.

<sup>78</sup> E.g. it has conducted training and/or vetting programmes for up to 777 police in Mogadishu and Baidoa: Report of the UN Secretary General on Somalia, UN Doc. S/2013/69, para 25. It also pays police stipends with money from the EU and Japan: *ibid*, para 28.

<sup>79</sup> <http://oceansbeyondpiracy.org/matrix/activity/united-nations-development-programme-undp>

<sup>80</sup> UN Doc. S/2013/69, para 26.

<sup>81</sup> [http://www.mineaction.org/overview.asp?o=4592&status\\_flag=L&rand=0.6744959](http://www.mineaction.org/overview.asp?o=4592&status_flag=L&rand=0.6744959)

<sup>82</sup> UN Doc. S/2013/69, para 30.

<sup>83</sup> See the Somalia country overview at: <https://data.unops.org/>

<p>United Nations Political Office for Somalia (UNPOS)</p>	<p>UNPOS was created by the UN Secretary-General in 1995 with a mandate to “advance the cause of peace and reconciliation” in Somalia. It is headed by a Special Representative of the Secretary-General (SRSG). UN Security Council Resolution 2093 (6 March 2013) decided that UNPOS is to be dissolved and replaced with “a new expanded Special Political Mission as soon as possible” (para 18) and this is expected to happen by 3 June 2013 (para 24).</p> <p>As a special political mission UNPOS is supported and overseen by the United Nations Department of Political Affairs (DPA). The current UNPOS mandate is set out in UN Security Council Resolution 1863 (2009), under which: UNPOS and the UN country team (UNCT) are to promote peace and stability in Somalia; UNPOS is to coordinate all activities of the UN System in Somalia; a trust fund was established to support security in Somalia. The new mission is to work jointly with the UNCT and fulfil a similar mandate, especially through providing policy advice and support to the Federal Govt. of Somalia (UN Security Council Resolution 2093, para 22).</p> <p>UNPOS has a counter-piracy programme. It has established the “Somali Contact Group on Counter-Piracy”, known as the “Kampala Process”. Participants in the Kampala Process include the TFG, Somaliland, Puntland and Galmudug. It has been working to encourage the passage of counter-piracy legislation by the TFG and to promote the rule of law more generally. The Kampala Process generally stresses the need for a comprehensive and Somali-centred approach to counter-piracy and Somali maritime security more generally.<sup>84</sup> It has also supported the conclusion of prisoner transfer arrangements.</p> <p>As part of a national maritime strategy and jointly with the IMO and UNODC, UNPOS has been working towards the establishment of a new Somali coast guard.<sup>85</sup> In particular UNPOS has sought to ensure coordination between its counter-piracy projects and those of other actors in the region through both the UNPOS Maritime Security and Counter-Piracy Technical Working Group and development of the UN Cohesion Paper on Counter Piracy.<sup>86</sup> See further the UNPOS<sup>87</sup> and Oceans Beyond Piracy websites.<sup>88</sup></p>
<p>United Nations Support Office for AMISOM (UNSOA)</p>	<p>UNSOA is a field support operation within UNPOS. UN Security Council Resolution 1863 (2009) provided UNSOA with a mandate to support the African Union Military Observer Mission in Somalia (AMISOM) generally and “in preparation for a possible UN peacekeeping operation”.<sup>89</sup> UNSOA is to be integrated into the framework of the new Special Political Mission replacing UNPOS under UN Security Council Resolution 2093 (para 20).</p>

<sup>84</sup> See: Communiqué No. 1 of 14 March 2013:

<http://unpos.unmissions.org/LinkClick.aspx?fileticket=MLbR1KovAkA%3D&tabid=11461&language=en-US>

<sup>85</sup> UN Doc. S/2013/69, para 29.

<sup>86</sup> See: UN Doc S/2012/783, para 71; and

<http://www.imo.org/MediaCentre/HotTopics/piracy/Documents/UNPOS.pdf>.

<sup>87</sup> <http://unpos.unmissions.org/Default.aspx?tabid=9705&language=en-US>

<sup>88</sup> <http://oceansbeyondpiracy.org/matrix/activity/united-nations-political-office-somalia-unpos>

<sup>89</sup> <http://unpos.unmissions.org/Default.aspx?tabid=9731&language=en-US>