A political solution with regard to the piracy off the Somali coast

European Parliament resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast

The European Parliament,

– having regard to its previous resolutions on the situation in Somalia,
– having regard to its resolution of 23 October 2008 on piracy at sea¹,
– having regard to its resolution of 19 June 2008 on the routine killing of civilians in Somalia²,
– having regard to the conclusions of the External Relations Council (meetings of 27 July 2009 (12354/2009) and of 17 November 2009 (15914/2009),
– having regard to Council Decision 2008/918/CFSP of 8 December 2008 on the launch of a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)³, named Operation Atalanta,
– having regard to the exchange of letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by European Naval Force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer,
– having regard to an exchange of letters concluded on 30 October 2009 between the EU and the Republic of the Seychelles, allowing the transfer to the Seychelles of suspected pirates and armed robbers apprehended by EUNAVFOR in the operation area,
– having regard to the guiding principles agreed by the parties to the Djibouti Peace Agreement on 25 November 2008, in particular the establishment of a unity government and an inclusive parliament in Somalia,
– having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the recent renewed fighting between Union of Islamic Courts (UIC) insurgents and the Transitional Federal Government (TFG) and African Union (AU) Mission in Somalia (AMISOM) troops has led to increased instability and loss of life in Somalia,
B. whereas the international community respects Somalia’s sovereignty, territorial integrity, political independence and unity,

C. whereas Somalia has not had a functioning government since the Siad Barre regime was overturned in 1991, and whereas the political situation since then has been one of anarchy, marked by inter-clan fighting and banditry,

D. whereas the worsening security situation in the Somali capital, Mogadishu, has made it impossible for national and international non-governmental organisations (NGOs) to cope with an unfolding humanitarian catastrophe and respond to emergencies,

E. whereas widespread human rights abuses and violations of international humanitarian law by all parties to the conflict in Somalia – specifically torture and other ill-treatment, rape, extrajudicial executions, arbitrary detention and attacks on civilians, journalists, human rights defenders and civilian infrastructure – continue to occur in Somalia,

F. whereas there is concern about the prolonged civil war in Somalia and its implications for the peace and reconciliation process in that country as well as for the security and stability of the Horn of Africa as a whole,

G. whereas, until very recently, pirate attacks have targeted not only merchant ships but also World Food Programme (WFP) vessels, fishing boats and tourist ships,

H. whereas such piracy in part results from but also contributes to violence and political instability in Somalia, has a knock-on effect on the rest of the Horn region, and has concomitant consequences for the civilian population of Somalia in terms of exposure to threats, lack of development and interruptions to food aid and other humanitarian efforts,

I. whereas on 8 December 2008 the Council decided to launch, as part of the comprehensive action taken by the EU in the Horn of Africa, the above-mentioned EU’s first-ever naval operation, EUNAVFOR Atalanta, with a mandate to repress, deter and prevent acts of piracy and armed robbery off the coast of Somalia and to contribute to the protection of merchant vessels and in particular WFP vessels delivering food aid to displaced persons in Somalia,

J. whereas, since December 2008, Operation EUNAVFOR Atalanta has provided crucial protection for 50 WFP ships that have delivered roughly 300 000 tonnes of food, ultimately benefiting 1.6 million Somalis directly,

K. whereas at the above-mentioned meeting of the External Relations Council on 27 July 2009 the Council decided to step up the EU’s involvement in promoting peace and development in Somalia, in close cooperation with all relevant actors, particularly the UN and the AU, and to this end examined possible ways for the EU to contribute to international efforts, including in the security field,

L. whereas at the above-mentioned meeting of the External Relations Council on 17 November 2009 the Council approved a Crisis Management Concept on a possible ESDP (European Security and Defence Policy) mission to contribute to the training of 2 000 Somali TFG security force personnel,
M. whereas piracy has become a lucrative business, with huge ransoms being demanded for individuals, and whereas modern-day pirates use more sophisticated methods, are very well armed, have a clear strategy in place and are able to adapt quickly to new tactics,

N. whereas such long-term assistance from international partners cannot be effective unless the security situation is stabilised,

O. whereas UIC insurgents have ruled out all political contact and reconciliation with a view to peace as part of the Djibouti Peace Process, which provides a framework for reaching a lasting political solution in Somalia,

P. whereas military personnel involved in the operation EUNAVFOR Atalanta can arrest, detain and transfer persons who are suspected of having committed acts of piracy or armed robbery in the areas where they are present; whereas the suspects can also be prosecuted by an EU Member State or by Kenya under the agreement signed with the EU on 6 March 2009 giving the Kenyan authorities the right to prosecute,

Q. whereas, according to a report by the United Nations Environment Programme (UNEP), a vast number of illegal shipments of toxic waste, the contents of which are leaking, have been deposited along the coast of Somalia with total disregard for the health of the local population and conservation of the environment,

1. Strongly condemns the serious violations of international humanitarian law and human rights law committed by all parties to the conflict in Somalia; calls for an immediate end to hostilities and asks all armed groups to lay down their weapons as a matter of urgency and join in genuine broad-based dialogue with the TFG; demands that all warring factions refrain from indiscriminate attacks on civilians and calls for an independent panel to investigate war crimes and human rights violations;

2. Reaffirms its support for the TFG under the leadership of President Sheikh Sharif Sheikh Ahmed, and for the President’s commitment to honour the principles laid down in the Djibouti Peace Agreement, including the spirit of reconciliation and the search for an inclusive political process; condemns the armed attacks against Somalia’s TFG and against the UN and NGOs;

3. Recalls that the international community and all parties to the present conflict have a responsibility to protect civilians, to allow delivery of aid and to respect humanitarian space and the safety of humanitarian workers; demands therefore that the right conditions for an adequate response to the humanitarian catastrophe in Somalia be created immediately;

4. Notes with great satisfaction that EUNAVFOR Atalanta continues to make a successful contribution to maritime security off the coast of Somalia by protecting WFP-chartered vessels delivering aid to Somalia, vessels supplying critical shipments to the AU peace support operation in Somalia and other vulnerable vessels; calls upon the Council to extend the operation for another year when the current mandate comes to an end on 12 December 2009; expresses its support for a possible southward extension of the operation zone depending on pirate activity, but underlines that such an extension should not affect the mission’s essential goal, namely the protection of WFP convoys and other vulnerable vessels such as the merchant fleet and fishing vessels;
5. Emphasises that piracy on the high seas is gravely undermining the security situation and severely affecting the supply of food aid in what is an already critical humanitarian situation;

6. Stresses that fighting piracy successfully will be made possible only by addressing the root causes of the problem, which are land-based, which include poverty and a failed state, and can be eradicated only by means of peace, development and state-building in Somalia;

7. Takes the view that, until such time as a political solution has been found by the international community to the problem of Somalia’s trustworthiness as a state, the security strategy implemented by means of Operation EUNAVFOR Atalanta must continue to prevail and even be strengthened in terms of the resources available to the forces deployed by the operation itself;

8. Calls upon the Council, therefore, to examine the possibility of setting up a new, small-scale ESDP operation in parallel to Operation EUNAVFOR Atalanta to contribute to the training of TFG security forces, thereby bringing existing initiatives – including the French initiative in Djibouti and the Ugandan initiative as part of the training programme set up by AMISOM – into line with one another by ensuring that they take the same type of action; welcomes, in this regard, the approval by the Member States on 17 November 2009 of the Crisis Management Concept for a possible new ESDP operation for Somalia but insists that the adoption of this concept should in no way prejudice the decision on launching a mission, which can be taken only after a more detailed examination of the situation on the ground, making sure that human rights are respected, salaries are paid and equipment is provided and that the trained security forces are integrated into state and command structures so that, once they return, they will not turn against the government they are supposed to be protecting;

9. Regrets that 35-40% of vessels in the area are not registered with the central maritime security coordination body and that, as a result, these vessels are not aware of the specific security threats; calls, therefore, on the Member States to ensure that all their boats are registered; calls on all vessels to follow EU NAVFOR – Operation Atalanta recommendations so as to ensure the highest possible level of security and thus reduce the risk of attack or capture;

10. Regrets that a weak attitude towards the demands of the Somali pirates, without application of the necessary coercive measures, could produce counter-productive and undesirable effects in the future by contributing to new cases of piracy in the zone;

11. Expresses its continued support for AMISOM, given its pivotal role in the peace process; insists that further involvement with the AU and AMISOM should identify the most urgent needs and possible forms of additional EU support to help AMISOM develop capabilities commensurate with its mandate;

12. Calls on the international community, and the EU in particular, to increase its provision of humanitarian assistance to internally displaced persons and people in need;

13. Takes the view that the involvement of Somali women’s organisations and civil society could play a positive role in the national reconciliation process;
14. Calls on Member States to study the possibility of training crew members and fishermen in order to prepare them for the eventuality of hostage taking;

15. Urges strict and renewed application and monitoring of the arms embargo against Somalia imposed by the UN in 1992, to which scant respect is paid; calls for those who violate the Somalia arms embargo to be held accountable;

16. Calls on the UN and the Commission to carry out a full investigation of toxic waste dumping and illegal fishing along the Somali coast, to establish responsibilities at all levels, to support the efforts to bring to justice those responsible for these crimes and to ensure that environmental contamination is comprehensively dealt with;

17. Instructs its President to forward this resolution to the Council, the Commission, the Secretaries-General of the AU, the UN and the Intergovernmental Authority on Development, the President of the TFG, the Government of Ethiopia and the Pan-African Parliament.