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B7-0224/2012

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on maritime piracy  
(2011/2962(RSP))

**Roberts Zīle, Charles Tannock, Geoffrey Van Orden, Peter van Dalen,  
Oldřich Vlasák, Paweł Robert Kowal, Jacqueline Foster**  
on behalf of the ECR Group

**European Parliament resolution on maritime piracy  
(2011/2962(RSP))**

*The European Parliament,*

- having regard to its resolution of 20 May 2008 on an integrated maritime policy for the European Union<sup>1</sup>,
- having regard to its resolutions on piracy at sea, especially the resolution of 23 October 2008 on piracy at sea<sup>2</sup> and the resolution on 26 November 2009 on a political solution to the problem of piracy off the Somali coast<sup>3</sup>,
- having regard to the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982,
- having regard to the 1988 United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
- having regard to UN Security Council Resolutions 1814(2008) of 15 May 2008, 1816(2008) of 2 June 2008, 1838(2008) of 7 October 2008, 1851(2008) of 16 December 2008, 1863(2009) of 16 January 2009, 1897(2009) of 30 November 2009, 1918(2010) of 27 April 2010, 1950(2010) of 23 November 2010, 1976(2011) of 11 April 2011, 2010(2011) of 30 September 2011, 2015(2011) of 24 October 2011 and 2020(2011) of 22 November 2011, as well as 2036(2012) of 22 February 2012 on the situation in Somalia,
- having regard to the Council Joint Action 2008/749/CFSP of 19 September 2008 on the European Union military coordination action in support of UN Security Council Resolutions 1816(2008) (EU NAVCO)<sup>4</sup>,
- having regard to the Council Joint Action 2008/851/CFSP of 10 November 2008<sup>5</sup> and to the Council Decision 2010/766/CFSP of 7 December 2010 on a European Union military operation named ATALANTA<sup>6</sup>,
- having regard to the Council Decision of 23 March 2012 to prolong the mandate of EU-NAVFOR ATALANTA until December 2014 and to extend the force's area of operations,
- having regard to the Council Decision 2010/96/CFSP of 15 February 2010 and to the Council Decision 2010/197/CFSP of 31 March 2010 on the European Union military mission EUTM Somalia,

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<sup>1</sup> Texts adopted, P6\_TA(2008)0213.

<sup>2</sup> Texts adopted, P6\_TA(2008)0519.

<sup>3</sup> Texts adopted, P7\_TA(2009)0099.

<sup>4</sup> OJ L 252, 20.09.2008 p. 39.

<sup>5</sup> OJ L 301, 12.11.2008, p. 33.

<sup>6</sup> OJ L 327, 11.12.2010, p. 49.

- having regard to the Crisis Management Concept agreed by the Foreign Affairs Council on 16 December 2011 for the Council Regional Maritime Capacity Building (RMCB) mission,
  - having regard to a Strategic Framework for the Horn of Africa to guide the EU's engagement in the region adopted by the Council on 14 November 2011,
  - having regard to the power-sharing deal signed in Djibouti on 9 June 2008 aimed to initiate a broad-based national reconciliation and create a strong and inclusive political alliance capable of securing peace, reconciling the country and re-establishing a central state authority,
  - having regards to the conclusions of the London conference on Somalia, 23 February 2012,
  - having regard to Rules 110(2) of its Rules of Procedure,
- A. whereas maritime transport has been one of the key stepping stones to economic growth and prosperity in Europe throughout its history and over 80% of world trade is carried by sea;
  - B. whereas piracy and armed robbery at sea require a coordinated response under the overarching legal framework provided by UNCLOS; whereas article 100 of the Convention provides that all states have a duty to co-operate for the repression of piracy;
  - C. whereas piracy on the high seas still is not solved but is even rapidly spreading problem in the Western Indian Ocean, particularly in the seas off Somalia and the Horn of Africa, but also in some other areas, including south-east Asia and in West Africa, thus becoming a growing dangerous threat both to human life and safety of seafarers and other persons, as well as to regional development and stability, marine environment, world trade, all forms of maritime transport and shipping, including fishing vessels as well as to the delivery of humanitarian aid;
  - D. whereas every year 10 00 European ships go through dangerous maritime areas and therefore, apart from the human life and safety aspect the piracy also constitutes an economic problem as it threatens the international commercial maritime lines and leaves a significant negative impact on international trade;
  - E. whereas a number of attempted attacks to vessels is increasing, in 2011 it was reported that 28 hijackings were committed, 470 seafarers were kidnapped, 15 were murdered and currently more than 7 ships are held for ransom and around 190 seafarers and are held hostage in Somalia under horrible and inhuman conditions for increasing periods;
  - F. whereas pirates are constantly developing their tactics and methods, and have expanded the operational radius by use of larger hijacked ships as so-called 'motherships';
  - G. whereas ongoing political instability in Somalia is one of the causes of the problem of piracy and it contributes to the problem of it, and piracy continues to be seen by some Somalis as a profitable and viable source of income;

- H. whereas the fight against piracy cannot be won by military means alone, but depends mainly on success in promoting peace, development and state-building in Somalia;
- I. whereas the problem of piracy has also negative effects on the whole region where fishing operations have become a dangerous undertaking and not only EU vessels fishing e.g. in the waters of Seychelles on the basis of a Fisheries Partnership Agreement between the EU and the Republic of Seychelles, but also for the local fishermen to whom the EU grants sectoral support; bearing in mind that the local fishermen have not the same means, neither financially nor by human capacity, to protect themselves from piracy as have the EU trawlers;
- J. whereas EU is the biggest donor to Somalia, having committed EUR 215.4 million so far for development aid through the European Development Fund (EDF) for the period 2008 to 2013; whereas main focus of this funding is to lift the people from poverty into self-sustaining economic growth and provide lasting solution for stability in the country by addressing root causes of piracy by financing projects to improve governance, education, economic growth and to support to non-focal sectors (health, environment, water and sanitation);
- K. whereas many Member State are currently developing its own rules regarding the deployment of armed guards on board merchant ships;
1. Reiterates its grave concern over the ongoing increasing threat that piracy and armed robbery at sea against international and EU fishing, merchant and passenger vessels in the Indian Ocean near the African coasts, particularly in the seas off Somalia and the Horn of Africa pose to the safety of seafarers and other persons, regional stability, and all forms of maritime transport and shipping, including fishing activities;
  2. Calls on the European Commission and Member States to urgently consider ways of liberating the hundreds of seafarers currently being held hostage, thereby ending their extended and appalling imprisonment at the hands of their captors and allowing these seafarers to return to their homes and, at the same time, ending the detention of the hijacked vessels;
  3. Notes the contribution to maritime security off the coast of Somalia made by EU Member States', NATO and the USA international naval forces conducting three main counter-piracy naval missions in the region (EU NAVFOR, CTF-150/151 and TF-508 within NATO's operation Ocean Shield);
  4. Stresses the need for closer cooperation at all levels to avoid unnecessary duplication between the EU and NATO missions, since both organisations, the EU and NATO, on the basis of their respective decision- making autonomy operate in the same area, have the same interests and largely draw on the assets of the same European nations;
  5. Strongly welcomes the London conference on Somalia on 23 February 2012 at Lancaster House and the resulting Communiqué from the conference, which references among others the international community's determination to eradicate piracy, efforts of partners in industry against piracy and a call for greater take-up of Best Management Practices on ships, the affirmation that there will be no impunity for piracy; and a call for greater

development of judicial capacity to prosecute and detain those behind piracy both in Somalia and in the wider region;

6. Notes the decision by the Foreign Affairs Council on 27 February 2012 on extension of the mandate of EU-NAVFOR operation ATALANTA until December 2014;
7. Notes the decision by the Foreign Affairs Council on 12 December 2011 on the preparation of the Regional Maritime Capacity Building (RMCB) regional training mission which will train coastal police force and judges; is concerned by this mission given the shortcomings of previous EU training missions, particularly the EUPOL mission in Afghanistan;
8. Stresses that further piracy impunity runs counter to deterrence; deplores that despite the EU agreements with third countries (Kenya, Seychelles, Mauritius, Puntland, Somaliland, Somalia) and international legal frameworks, many pirates and other criminals are still not arrested at all or, when arrested often released due to a lack of solid legal evidence, also some EU Member States have inadequate criminal-law safeguards against piracy in the high seas;
9. In this regard calls for immediate and effective measures to prosecute and punish those suspected of acts of piracy and urges third countries and the EU Member States that have not yet done so to transpose in their national law all the provisions laid by the UN Convention on the Law of the Sea and the UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, in order to tackle impunity of pirates;
10. Urges the Member States, in cooperation with Europol and INTERPOL, to investigate and trace money flows and confiscate the money which is paid as ransom to the pirates, as there are indications that this money might be floated to bank accounts worldwide, including banks in Europe, as well as identify and dismantle the organised criminal networks that reap the profits of such acts;
11. Encourages international forces to effectively address the increased use of pirated merchant ships as 'Motherships' – a development which constitutes a significant increase in the pirates' operational capability and which enables them to launch their attacks with more strength, determination and flexibility across the whole of the Northwest Indian Ocean;
12. Notes that efforts to secure a land-based solution to the piracy problem should be intensified and that NATO and EU operations should be modified in order to allow shore-based missions against pirates to legally be able to attack shore facilities and berths for pirate vessels, thereby helping to effectively reduce the ability of pirates to launch attacks against ships;
13. Encourages the shipping companies to adhere and fully apply the 'Best Management Practices for protection against Somalia Based Piracy' (BMP-4) which provide sufficient information to all parties involved on ways how to assist ships to avoid, deter or delay piracy attacks off the coast of Somalia; reiterates its call on all vessels operating in the area to register with the relevant maritime security coordination bodies and follow EU-

NAVFOR ATALANTA recommendations; calls on the Member States to ensure that all their vessels are registered;

14. Stresses that fighting piracy successfully will only be possible if effective, well coordinated international action is taken, linking security with development, rule of law and respect for human rights and international humanitarian law; therefore greater attention should be paid to the unstable and often anarchic political situation onshore, compounded by the lack of economic development;
15. Urges the Council and the Commission in collaboration with the UN and the African Union, following the several requests by the Somalia's Transitional Federal Government (TFG) for international assistance to counter piracy off its coast, to continue to co-operate and support Somalia's TFG in the fight against piracy, Al Shabab and the perpetrators who must be brought to justice and to help Somalia and the region to strengthen its capacities;
16. Welcomes the recent liberation by Ethiopian troops of large territories of Somalia populations from Al Shabab control; notes recent military incursions by the Kenyan soldiers into Somalia in legitimate self defence against kidnappings of tourists, including from UK, committed by Al Shabab terrorists;
17. Welcomes the positive role played by Somaliland and the progress Somaliland has been made in fighting piracy; expresses gratitude to those countries who have provided material assistance and training to the Somaliland coast guard in order take a greater role in effectively tackling piracy by identifying suspect vessels to naval forces patrolling in the region;
18. Is concerned about still deteriorating humanitarian situation in the Horn of Africa and calls on the international community, and the EU in particular, to increase its provision of humanitarian assistance to people in need so as to meet the growing humanitarian needs and prevent any further worsening of the situation;
19. Welcomes the Commission's decision to provide further €50 million EU's financial support to the African Union Mission in Somalia (AMISOM) and calls on Member States and international community to help in promoting peace, economic development and building a stable democratic regime in Somalia that would facilitate security and the fight against piracy in the long term, welcomes the appointment of an EU special representative for the Horn of Africa;
20. Stresses the immediate need for the construction of detention facilities conforming to international standards in Somaliland, Somalia and Puntland for pirates; calls for a solution that would enable international financial assistance in this regard;
21. Welcomes the EU Marsic project under the 'Critical Maritime Routes Programme' of the Instrument for Stability with objective to enhance maritime security and safety in the Western Indian Ocean and the Gulf of Aden through information sharing and capacity building, highlighting regional cooperation among the countries of the region and expects its prolongation beyond 2013;

22. Encourages anti-piracy initiatives of Eastern and Southern Africa and Indian Ocean region countries like the new anti-piracy project MASE (Maritime and Security Programme), which benefited a start-up grant of €2 million from the EU;
23. Calls on the Member States to perform necessary security measures on board in accordance with their sovereign rights, underlines that the use of private armed guards transiting vessels is not a solution to the piracy problem but only a temporary measure which ship-owners have been forced to adopt in an effort to protect seafarers, also calls on the Commission and the Council to work towards shaping an EU approach concerning the use of certified armed personnel on board in order to ensure a good implementation of the IMO guidelines in this regard;
24. Instructs its President to forward this resolution to the Council and the Commission, Member States, the Secretaries-General of the African Union, the UN and the Intergovernmental Authority on Development (IGAD), the President of the Transitional Federal Government of Somalia and the Pan-African Parliament.