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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 a political solution with regard to piracy at sea
(2011/2962(RSP))

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on behalf of the S&D Group

European Parliament resolution on a political solution with regard to piracy at sea (2011/2962(RSP))

The European Parliament,

- having regard to its resolutions in particular on integrated maritime policy of the EU of 20 May 2008 and on piracy at sea of 23 October 2008 and on a political solution to the problem of piracy off the Somali coast, of 26 November 2009,
- 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 the UN Security Council Resolutions in particular 2020(2011) of 22 November 2011 on the situation in Somalia,
- having regard to the reports by the Secretary General of the United Nations to the Security Council in particular on Somalia of 9 December 2011,
- 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),
- having regard to the Council Joint Action 2008/851/CFSP of 10 November 2008 and to the Council Decision 2010/766/CFSP on a European Union military operation (EUNAFOR Atalanta),
- 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 to contribute to the training of Somali security forces (EUTM Somalia),
- having regard to the Council decisions of 23 March 2012 on EU Operations Centre to support CSDP mission in the Horn of Africa and to extend EU counter-piracy operation Atalanta,
- having regard to the Council Decision 2011/819/CFSP of 8 December 2011 appointing the European Union Special Representative for the Horn of Africa, who will contribute to developing and implementing a coherent EU approach to piracy, encompassing all strands of EU action,
- 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, as a civilian CSDP mission with military expertise under preparation,
- 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 in Somalia,
 - having regard to the statements by the EU High Representative for Foreign Affairs and Security Policy and in particular on behalf of the EU by H.E. Mr Thomas Mayr-Harting, Head of the Delegation of the EU to the UN, at the Security Council Open Debate on the situation in Somalia on 5 March 2012,
 - having regards to the conclusions of the London conference on Somalia, 23 February 2012,
 - having regard to Rule 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; whereas piracy represents a threat to international security and regional stability and fighting piracy and its root causes is a priority of EU action;
- B. whereas piracy on the high seas still is not solved but is even rapidly spreading problem in the Western Indian Ocean, particularly off the coast of 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 and all forms of maritime transport and shipping, including fishing vessels as well as to the delivery of humanitarian aid;
- C. whereas maritime piracy is a symptom of a much wider problem in Somalia and in the Horn of Africa, which stems from state failure, underdevelopment and poverty;
- D. 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 around more than 7 ships are held for ransom and around 191 seafarers held hostage in Somalia, sometimes under degrading and inhuman conditions for increasing periods;
- E. 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’;
- F. whereas the Council decided to prolong the EU’s counter-piracy operation Atalanta by two more years until December 2014, to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, the protections of vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia; the protection of the African Union Mission On Somalia (AMISON) shipping as well as the protection of vulnerable shipping off the coast; in addition, EU NAVFOR - Atalanta shall also contribute to the monitoring of fishing activities off the coast of

Somalia;

- G. whereas the Council activated the EU Operations Centre in support of the Common Security and Defence Policy (CSDP) missions in the Horn of Africa; whereas the Operation Centre will coordinate and increase synergies between the three CSDP actions in the Horn of Africa, namely EU NAVFOR Atalanta, EUTM Somalia and RMCB, the operational planning for a civilian mission to strengthen maritime capacities in the region;
- H. whereas EMSA has at its disposal instruments and data, which can help EU-NAVFOR Operation Atalanta to improve the safety of ships and seafarers in the area;
- I. whereas European fishing activities in the region are regulated by several bilateral and multilateral fishing agreements with the neighbouring countries;
- J. 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 we grant sectoral support and thus take over a social responsibility; 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;
- K. whereas the EU has signed a Memoranda of Understanding with the Seychelles and Mauritius to transfer pirates arrested by EUNAVFOR, and is currently negotiating such agreements with other countries of the region; whereas a Regional Anti-Piracy Prosecutions Intelligence Coordination Centre was established in the Seychelles;
- L. whereas the UN Secretary General has identified seven options for the Security Council to consider to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia;
- M. whereas the EU welcomes the progress that the 'Garowe principles' constitute in implementing the Kampala Agreement and the Roadmap to end the transition; whereas many of the deadlines for the completion of the tasks in the Roadmap have been missed which may delay the full implementation of the Roadmap;
- N. whereas the EU has a strategic interest in contributing to the stabilisation and governance in the Horn of Africa, in particular of Somalia;
- O. whereas the EU is the biggest worldwide development aid donor to Somalia, having committed EUR 215.4 million so far through the European Development Fund (EDF) for the period 2008 to 2013; whereas the 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 the root causes of piracy by financing projects in the areas of governance, education, economic growth and support to non-focal sectors (health, environment, water and sanitation); whereas none of that can materialise without governance institutions;
- P. whereas many Somalis turn to maritime piracy for lack of sustainable economic

alternatives, namely in the field of fisheries; whereas maritime piracy constitutes a factual economic activity for many of those practicing it and it continues to be seen by some Somalis as a profitable and viable source of income; whereas an effective approach to countering maritime piracy must encounter a wider and comprehensive strategy to lift Somalia, and the whole region of the Horn of Africa, from poverty and state failure; whereas the United Nations estimate that 40% of revenue from Somalia's piracy in 2010 was used to finance local employment and has contributed to better redistribution and infrastructure investment but the poor are no better off in absolute terms;

- Q. whereas many Member States are currently developing its own rules regarding the deployment of armed guards on board merchant ships;
- R. whereas while the EU's efforts to fight piracy have managed to protect all shipments of the World Food Programme (WFP), they risk to be undermined in future by the lack of naval forces and legal issues;
1. Reiterates its grave concern over the increasing threat of piracy and armed robbery at sea against international vessels delivering aid to Somalia 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;
 2. Calls on the High Representative and Member States to urgently consider ways of liberating the hundreds of seafarers currently being held hostage, allowing these seafarers to return to their homes and, at the same time, ending the detention of the 7 hijacked vessels;
 3. Welcomes the contribution made by EU-NAVFOR Operation Atalanta to maritime security off the coast of Somalia by protecting World Food Programme chartered vessels delivering aid to Somalia and other vulnerable vessels; as well as to ensure the effectiveness of the EU's response to maritime piracy which has negative effects on the humanitarian aid, maritime transport and equally on fishing operations carried out by EU vessels as well as local fishing in the region concerned;
 4. Strongly welcomes the decision by the Council to extend Operation Atalanta's area of operation to include Somali coastal territory as well as its territorial and international waters which will enable the Operation to work directly with the Transitional Federal Government and other Somali entities to support their fight against piracy from the coastal area;
 5. Calls on the HR/VP to provide the EUSR to the Horn of Africa with the adequate instruments and tools to deliver on its mandate, which entails participating in the efforts to stabilise the region;
 6. Deplores the fact that number of vessels the Member States have supplied to the EU-NAVFOR Atalanta operation has decreased in the beginning of 2012 and therefore appeals to the Member States to provide more navy ships to enable the Atalanta operation to succeed;
 7. Welcomes the results of the London Conference on Somalia on 23 February 2012 that

shows the international community's determination to eradicate piracy;

8. 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 and invites the Council and the Commission to work on a possible specialised court dedicated to piracy;
9. Supports the recommendations made by the UN Secretary General to the Security Council to facilitate the apprehension and prosecution of suspected pirates, namely the options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia, the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results;
10. Stresses, at the same time, the need to secure fair and efficient trials by local courts, as well as humane and secure imprisonment in regional centres;
11. Notes the consensus at the ninth plenary session of the CGPCS on 14 July 2011 to establish a formal Working Group 5 on 'illicit financial flows linked to piracy off the coast of Somalia'; In this sense, 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;
12. Encourages EUNAVFOR, NATO and Coalition Maritime Forces (CMF) 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;
13. Underlines at the same time the need to enhance strategic coordination among EU-NAVFOR Atalanta, EUTM Somalia and other CSDP actions, namely the RMCB as soon as it is deployed, in the wider Horn of Africa region; welcomes, in this regard, the decision of the Council of 23 March 2012 to activate an EU Operations Centre in support of the Common Security and Defence Policy (CSDP) missions in the Horn of Africa; calls in this regard to merge the command of NAVFOR Atalanta and EUTM Somalia into the EU Operation Centre;
14. Strongly urges the HR/VP to call for increased coordination and cooperation among all the international actors in Somalia and the wider Horn of Africa, namely the EU, NATO, the US, the UN and relevant countries, as means to achieving a real and purposeful comprehensive approach to the fight against piracy and, most importantly, its root causes and consequences at a multiplicity of levels; in this context strongly welcomes the London conference on Somalia on 23 February 2012;

15. Stresses that EMSA should continue cooperation with EU-NAVFOR Atalanta , where appropriate, by providing the operation, following the Flag State consent, with the detailed LRIT data and satellite images of EU-flag vessels transiting through the area; for this, Member States should be required to authorise to the Agency to provide these data and information to the EU-NAVFOR operation;
16. 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;
17. Welcomes 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 aim at strengthening the maritime capacity and training of coastal police force and judges in eight countries in the Horn of Africa and the Western Indian Ocean; thus calls on the Council and the EEAS that all efforts are employed so that the RMCB is deployed next summer to this region;
18. Strongly supports the Kampala process for peace and reconciliation; Calls for a comprehensive approach to the situation in Somalia, linking security with development, rule of law and respect for human rights and international humanitarian law;
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 and social 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. Is still concerned about the 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;
21. Reiterates that piracy off the coast of Somalia is an extension of the absence of law and order in that country and therefore, the international community should provide the necessary technical and financial support to assist the TFG in developing capacity to exercise control over its territorial waters and exclusive economic zone;
22. Reiterate that any anti-piracy strategy should have into account that a large part of the population in Somalia is benefiting from this practice and that any strong incentives for the Somali population to wean themselves off piracy need to be targeting youth employment;
23. 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;

24. 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 euros from the EU;
25. Advocates a more formal coordination of the comprehensive strategy against piracy between the different parties involved in the EU; encourages the establishment of a formal Task Force, possibly under the auspices of the European External Action Service (EEAS), with all authorities involved; suggests that the concept of an EU Task Force is promoted within the United Nations Security Council in view of establishing a Global Task Force that will work in close cooperation with IMO;
26. Underlines that the use of private armed guards aboard is a measure that cannot substitute for the needed comprehensive solution of the multifaceted piracy threat; takes into account that some Member States have introduced relevant legislation; in this context calls on the Member States to perform necessary security measures on board when it is possible, as well as 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 initiatives in this regard;
27. 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.