Resolution on piracy at sea

2008/2635(RSP) - 23/10/2008 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 23 September 2008, the European Parliament adopted a resolution tabled by the Committee on Transport and Tourism on piracy at sea, and noted that piracy on the high seas represents a growing threat to human life and safety, particularly in the seas off Somalia and the Horn of Africa. There have also been complaints concerning an increase in piracy in other parts of the world, such as the Mozambique Channel, some areas off the coast of India, and the Caribbean. In 2007 it was reported that 20 crew members were murdered, 153 wounded or assaulted and 194 kidnapped.

Parliament begins by calling on the Transitional Federal Government of Somalia, in collaboration with the UN and the African Union, to treat piracy and armed robbery committed from the Somali coast against vessels carrying humanitarian aid as criminal acts to be pursued by arresting the perpetrators under existing international law.

It takes note of Council Joint Action 2008/749/CFSP, which establishes a military coordination action in support of UN Security Council Resolution 1816(2008) named EU NAVCO. However, it regrets the lack of consultation by the Council of the European Parliament on the decision to launch this European Security and Defence Policy (ESDP) operation and urges the Council to provide information to the Parliament about the scope of this action and the exact tasks that the 'EU Coordination Cell' in the European Council will undertake in support of the ESDP maritime mission: **EU NAVCO**. The Council must clearly distinguish between the future ESDP mandate and the anti-piracy tasks performed by its Member States within the framework of Operation Enduring Freedom-Horn of Africa, aimed at countering terrorist activities. Parliament requests clear guidelines for detention and prosecution of captured pirates. The Council must a**void any involvement of EU NAVCO in the ongoing conflict in Somalia**. There should be effective coordination with other naval vessels in the region, especially those of the USA and Russia.

Parliament asks the Council and Member States to explain the objectives of the EU military naval operation within the framework of United Nations Security Council Resolution 1816(2008) to suppress armed robbery and piracy off the coasts of Somalia. It acknowledges that UN Security Council Resolution 1816(2008) and 1838(2008) were drafted under Chapter VII of the UN Charter as the only way to legitimatise the use of force. Members stress, nevertheless, that under no circumstances should acts of piracy or acts against piracy be considered to be acts of war. They urge the European Council to deal with **piracy as a criminal act** under existing international law.

The Council and the Commission are urged to seek to ensure that the International Maritime Organisation's (IMO) legal instruments dealing with piracy and armed robbery are reviewed and updated as soon as possible, with a view to prosecuting and passing sentence on the perpetrators of such crimes.

Parliament invites those Member States that have not yet done so to transpose into their domestic law the relevant provisions of 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, which enable jurisdiction to be clearly established and thus to ensure the absolute legal certainty of criminal proceedings following the capture of pirates or perpetrators of armed attacks at sea.

It welcomes the Commission's intention to improve coordination with the European agencies responsible for maritime surveillance, underlining especially the prevention of illegal activities (human and drug trafficking and illegal immigration) with a special focus on international waters. The Council is urged not to equate the challenge of terrorism with the issues of illegal immigration and human and drug trafficking.

Parliament calls on the Commission to do the following :

- provide information to the Parliament about any decisions it might take about funding projects relating to critical maritime routes in the Horn of Africa, the straits of the Bab al Mandab and the Gulf of Aden;
- consider how practical support might be given to the IMO's Sana'a/Dar es Salaam Agenda and in particular to the establishment of a Regional Maritime Information Centre or system in connection with this;
- seek ways to provide protection against piracy for EU-flagged and other fishing vessels that operate in international waters in the north-western Indian Ocean , possibly through cooperation with the Indian Ocean Tuna Commission;
- set up, in the framework of the new Integrated Maritime Policy, a Community system for mutual cooperation and coordination that would allow naval vessels flying the flag of a Member State deployed in international waters to protect fishing and merchant vessels from other Member States;
- support in the framework of the UN and the IMO, the initiative promoted by several Member States to extend the right of sea and air pursuit to the territorial waters of the coastal states, provided that the countries concerned agree, as well as to develop a mechanism for coordinated assistance against cases of maritime piracy;
- work actively to ensure the adoption of a new UN Security Council resolution, since UN Security Council Resolution 1816(2008) will expire on 2 December 2008.

Lastly, Parliament welcomes the adoption of an amendment at Parliament's first reading of the Union's general budget 2009 aimed at establishing a new budget line to finance a pilot project to examine the possibility of funding, managing and coordinating a Community action plan to protect Community vessels transiting through or operating in areas threatened by international piracy.