

Resolution on maritime piracy

2011/2962(RSP) - 10/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 434 votes to 100, with 5 abstentions, a resolution on maritime piracy. The resolution had been tabled by the ECR, ALDE, S&D and EPP groups. It notes that the number of attempted attacks on vessels is increasing: in 2011 it was reported that 28 hijackings were committed, 470 seafarers were kidnapped and 15 were murdered, and currently more than seven ships are being held for ransom and around 191 seafarers are being held hostage in Somalia, often under terrible and inhuman conditions and for increasing periods. Under these circumstances, Parliament reiterates its grave concern over the increasing threat posed by piracy and armed robbery at sea against international vessels delivering aid to Somalia and international and EU fishing, merchant and passenger vessels in the Indian Ocean, particularly in the seas off Somalia and the Horn of Africa, to the safety of seafarers and other persons and to regional stability. It calls on the High Representative and Member States **urgently to consider ways of liberating the 191 seafarers** and, at the same time, secure the release of the seven hijacked vessels.

Whilst welcoming the contribution made by EU NAVFOR's Operation ATALANTA to maritime security off the coast of Somalia and the Council Decision of 23 March 2012 to extend the mandate of EU NAVFOR ATALANTA until December 2014, Members deplore the fact that the number of vessels which the Member States have supplied to EU NAVFOR ATALANTA fell from eight to only two/three at the beginning of 2012. They call on Member States to provide more naval assets to enable the ATALANTA operation to succeed.

Parliament also calls for:

- enhanced coordination under the SHADE mechanism among the EU, NATO, the three main counter-piracy naval missions in the region (EU NAVFOR, CTF-150/151 and TF-508 within NATO's operation Ocean Shield) and the various international naval forces in order to avoid unnecessary duplication;
- increased cooperation among all international actors in Somalia and the wider Horn of Africa, namely the EU, NATO, the US, the UN and relevant countries, as means of achieving a real and purposeful comprehensive approach to the fight against piracy and, most important, addressing its root causes and consequences at all levels;
- enhance strategic coordination among EU NAVFOR ATALANTA, EUTM Somalia and other CSDP actions (e.g. the RMCB once it is deployed) in the wider Horn of Africa region.

Effective measures for punishment: Members deplore the fact that despite EU transfer agreements with third countries (Kenya, Seychelles, Mauritius), bilateral repatriation agreements for convicted pirates between Seychelles and the Somali regions of Puntland and Somaliland, and the various international legal frameworks, many pirates are still not arrested or, when arrested, are often released due to a lack of solid legal evidence or a lack of political will to prosecute them. They note, too, that some EU Member States have inadequate criminal-law safeguards against piracy on the high seas. They call for immediate and effective measures to prosecute and punish those suspected of acts of piracy, they call on the Council and the Commission to continue examining opportunities for trial in the countries of the region and to **work on the creation of specialised anti-piracy courts in Somalia** and in other states in the region as a sustainable judicial solution for prosecuting pirates in Somalia. They also stress the need to secure fair and efficient trials through existing local courts, as well as humane and secure imprisonment in regional facilities.

Furthermore, Member States in cooperation with Europol and INTERPOL, are asked to **trace money flows and confiscate the money which is paid as ransom to pirates**, as there are indications that this money might be being transferred to bank accounts worldwide, including banks in Europe, as well as to dismantle the organised criminal networks that reap the profits of such acts. The Council is asked to facilitate further cooperation between EU NAVFOR on the one hand and Europol and Interpol on the other.

Protection of vessels: Members consider that, given the proliferation of piracy, seafarers exposed to threats linked to piracy should be trained in order to reinforce their self-protection, and stress the need for shipping companies to apply the 'Best Management Practices for protection against Somalia Based Piracy' (BMP-4), which provide sufficient information to all parties involved on ways to help ships avoid, deter or delay piracy attacks off the coast of Somalia. Parliament urges the Council and the Commission, in collaboration with the UN and the African Union and following repeated requests by Somalia's Transitional Federal Government (TFG) for international assistance to protect humanitarian aid vessels and counter piracy off its coast, to continue to cooperate and support Somalia's TFG in the fight against piracy, bring the perpetrators to justice and help Somalia and the region strengthen its capacities;

The resolution underlines the fact that the **use of private armed guards is a measure that cannot substitute for the necessary comprehensive solution** to the multifaceted threat from piracy. Parliament calls on Member States to perform the necessary security measures on board when possible, and on the Commission and the Council to work towards shaping an EU approach to the use of certified armed personnel on board in order to ensure proper implementation of the IMO guidelines in this regard. It further notes that, on the high seas, according to international law, in all cases, including actions taken in the fight against piracy, the national jurisdiction of the flag state applies on the ships concerned, as well as to the military staff deployed on board. Moreover, no arrest or detention of a ship may be ordered, even as a measure of investigation, by any authorities other than those of the flag state.

Members welcome the decision by the Foreign Affairs Council on 12 December 2011 to launch the Regional Maritime Capacity Building (RMCB) 'EUCAP Nestor' mission, which will aim to strengthen maritime and judicial capabilities and the training of a coastal police force and judges in eight countries in the Horn of Africa and the western Indian Ocean. They call on the Council and the EEAS to make every effort to ensure that the RMCB is deployed to this region next summer;

Support for state-building in Somalia: Members note that 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. They welcome the Commission's decision to propose a further EUR 100 million in EU financial support under the African Peace Facility to the African Union Mission in Somalia (AMISOM), and call on Member States and the international community to help in **promoting peace, economic development and the building of a stable democratic regime in Somalia** that will facilitate security and fight piracy in the long term. Any anti-piracy strategy should take into account the fact that piracy serves illegal economic interests and that any incentives for the Somali population to wean themselves off piracy need to be **targeting youth employment** and aimed at providing the local population with alternative livelihoods through which they can properly sustain themselves.

Whilst welcoming the appointment of an **EU special representative for the Horn of Africa**, Parliament is 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**.

Lastly, Members encourage anti-piracy initiatives among the Eastern and Southern Africa and Indian Ocean region countries, such as the new anti-piracy project MASE (Maritime and Security programme), which received a start-up grant of EUR 2 million from the EU.

