



7.5.2012

B7-0223/2012 }  
B7-0224/2012 }  
B7-0225/2012 }  
B7-0226/2012 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(2) and (4), of the Rules of Procedure

replacing the motions by the following groups:

ALDE (B7-0223/2012)

ECR (B7-0224/2012)

S&D (B7-0225/2012)

PPE (B7-0226/2012)

on maritime piracy

(2011/2962(RSP))

**Georgios Koumoutsakos, Mathieu Grosch, Michael Gahler, José Ignacio Salafranca Sánchez-Neyra, Roberta Angelilli, Arnaud Danjean, Carlo Fidanza, Marietta Giannakou, Anna Ibrisagic, Tunne Kelam, Krzysztof Lisek, Mario Mauro, Francisco José Millán Mon, Ria Oomen-Ruijten, Dominique Vlasto**

on behalf of the PPE Group

**Saïd El Khadraoui, Ana Gomes, Maria Eleni Koppa, Ricardo Cortés Lastra, Ulrike Rodust**

on behalf of the S&D Group

**Izaskun Bilbao Barandica, Marielle de Sarnez, Robert Rochefort, Gesine Meissner**

on behalf of the ALDE Group

**Peter van Dalen, Roberts Zīle, Charles Tannock, Paweł Robert Kowal, Jacqueline Foster**

on behalf of the ECR Group

RC\901170EN.doc

PE486.789v01-00 }  
PE486.790v01-00 }  
PE486.791v01-00 }  
PE486.800v01-00 } RC1

**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,
- having regard to its resolutions on piracy at sea, in particular its resolution of 23 October 2008 on piracy at sea and its resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast,
- 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 on the situation in Somalia, in particular Resolution 2036(2012) of 22 February 2012,
- having regard to Council Joint Action 2008/749/CFSP of 19 September 2008 on the European Union military coordination action in support of UN Security Council Resolution 1816(2008) (EU NAVCO),
- having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU NAVFOR ATALANTA), and to Council Decision 2010/766/CFSP amending Joint Action 2008/851/CFSP,
- having regard to the Council Decision of 23 March 2012 to extend the mandate of EU NAVFOR ATALANTA until December 2014 and to extend the force's area of operations,
- having regard to Council Decision 2010/96/CFSP of 15 February 2010 and to Council Decision 2010/197/CFSP of 31 March 2010 on a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia),
- having regard to the Crisis Management Concept agreed by the Foreign Affairs Council on 16 December 2011 for the Regional Maritime Capacity Building (RMCB) mission, a civilian CSDP mission with military expertise which is under preparation,
- having regard to the 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 intended to initiate a broad-based national reconciliation and create a strong and inclusive political

RC\901170EN.doc

PE486.789v01-00 }  
PE486.790v01-00 }  
PE486.791v01-00 }  
PE486.800v01-00 } RC1

alliance capable of securing peace, reconciling the country and re-establishing a central state authority,

- having regard to the conclusions of the London conference on Somalia on 23 February 2012,
  - having regard to Rule 110(2) and (4) 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 whereas over 80% of world trade is carried by sea; whereas piracy represents a threat to international security and regional stability and whereas, therefore, the EU has a genuine interest in contributing to international maritime security and fighting piracy and its root causes as a priority EU action;
- B. whereas piracy is to be considered an international crime; 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 in the repression of piracy;
- C. whereas piracy on the high seas remains a problem even though the number of successful attacks decreased significantly last year, mainly due to the activities of ATALANTA and the use of military and private Vessel Protection Detachments; whereas piracy continues to spread rapidly in the Indian Ocean, particularly off the coasts of Somalia and the Horn of Africa, but also in some other areas, including south-east Asia and west Africa, and is a growing threat both to human life and the safety of seafarers and other persons, as well as to regional development and stability, the marine environment, world trade, all forms of maritime transport and shipping, including fishing vessels, and to the delivery of humanitarian aid;
- D. whereas the Council decided to extend the EU's counter-piracy operation (EU NAVFOR ATALANTA) by a further two years until December 2014 to contribute to the protection of vessels of the World Food Programme (WFP) delivering food aid to displaced persons in Somalia, the protection of African Union Mission in Somalia (AMISOM) shipping, the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast and the protection of vulnerable shipping off the Somali coast on a case-by-case basis; whereas EU NAVFOR ATALANTA also contributes to the monitoring of fishing activities off the coast of Somalia;
- E. whereas every year 10 000 European ships sail through dangerous maritime areas and whereas, therefore, piracy not only has an impact on human life and safety but also constitutes an economic problem as it threatens international commercial maritime routes and has a significant negative impact on international trade;
- F. whereas 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;
- G. whereas pirates are constantly adapting their tactics and methods and have expanded their

operational radius by using larger hijacked ships as so-called ‘motherships’;

- H. whereas ongoing political instability in Somalia is one of the causes of piracy and contributes to the problem, and whereas piracy continues to be seen by some Somalis as a profitable and viable source of income;
- I. 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;
- J. whereas EMSA has at its disposal instruments and data which can help the EU NAVFOR ATALANTA operation improve the safety of ships and seafarers in the area;
- K. whereas the problem of piracy also has negative effects on the whole region, where fishing operations are regulated by a number of bilateral and multilateral fishing agreements and those operations have become a dangerous undertaking, not only for EU vessels fishing, for example, in the waters of Seychelles on the basis of a Fisheries Partnership Agreement between the EU and the Republic of Seychelles, but also for local fishermen to whom the EU grants sectoral support and thus assumes a social responsibility; whereas local fishermen do not have the same means, neither financial nor in terms of human capacity, to protect themselves from piracy;
- L. whereas the EU is the world’s biggest development aid donor to Somalia, having committed EUR 215.4 million so far through the European Development Fund (EDF) for the period 2008-2013; whereas the main focus of this funding is to lift people out of poverty into self-sustaining economic growth and provide a lasting solution for stability in the country by addressing the root causes of piracy by financing projects to improve governance and the rule of law, education and economic growth and to support non-focal sectors (health, environment, water and sanitation); whereas an additional EUR 175 million for the period 2011-2013 has been granted under the EDF to allow the EU to strengthen its commitment and support new activities in the abovementioned fields; whereas none of these targets can be achieved without effective governance institutions in Somalia;
- M. whereas an effective approach to countering maritime piracy must include a broader, comprehensive strategy to lift Somalia and the whole region of the Horn of Africa out of poverty and state failure, as at least part of Somalia benefits economically from acts of piracy and the ransom funds received;
- N. whereas while the EU’s efforts to fight piracy have managed to protect shipments of the World Food Programme (WFP) and the African Union Mission in Somalia (AMISOM), those missions need a sustained commitment to ensure adequate force levels, and whereas they risk being undermined in future through a lack of naval power;
- O. whereas many Member States are currently developing their own rules regarding the deployment of armed guards on board merchant ships;
- 1. Reiterates its grave concern over the ongoing and 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;

2. Calls on the High Representative and the Member States to urgently consider ways of liberating the 191 seafarers currently being held hostage so as to end their extended and appalling imprisonment at the hands of their captors and allow these seafarers to return to their homes, and, at the same time, secure the release of the seven hijacked vessels;
3. Welcomes the contribution made by EU NAVFOR's 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, to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast and to ensuring the effectiveness of the EU's response to maritime piracy;
4. Welcomes the Council Decision of 23 March 2012 to extend the mandate of EU NAVFOR ATALANTA until December 2014 and to extend the force's area of operations;
5. Deplores 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, and calls, therefore, on the Member States to provide more naval assets to enable the ATALANTA operation to succeed;
6. 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, since both organisations, the EU and NATO, operate in the same area on the basis of their respective decision-making autonomy yet have the same interests and largely comprise the same European nations;
7. Strongly urges the High Representative to call for increased coordination and 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;
8. Underlines, at the same time, the need to 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; welcomes, in this regard, the Council decision 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, for a review of the existing command arrangements of EU NAVFOR ATALANTA and EUTM Somalia;
9. Welcomes the London conference on Somalia on 23 February 2012, which showed the international community's determination to eradicate piracy, and calls for the development of greater judicial capacity to prosecute and detain those responsible for piracy;
10. Stresses that further piracy with impunity is an obstacle to deterrence; deplores the fact that despite EU transfer agreements with third countries (Kenya, Seychelles, Mauritius), bilateral

repatriation agreements for convicted pirates between Seychelles and both Puntland and Somaliland, and the various international legal frameworks, many pirates and other criminals 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; notes, too, that some EU Member States have inadequate criminal-law safeguards against piracy on the high seas;

11. 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 into their national law all the provisions laid down 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 the impunity of pirates, and calls 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;
12. Notes the recommendations by the UN Secretary-General to the Security Council to facilitate the apprehension and prosecution of suspected pirates; stresses, at the same time, the need to secure fair and efficient trials through existing local courts, as well as humane and secure imprisonment in regional facilities;
13. 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 pirates, as there are indications that this money might be being transferred to bank accounts worldwide, including banks in Europe, as well as to identify and dismantle the organised criminal networks that reap the profits of such acts; calls on the Council to facilitate further cooperation between EU NAVFOR on the one hand and Europol and Interpol on the other;
14. Encourages EU NAVFOR, 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 attacks with more strength, determination and flexibility across the whole of the Indian Ocean;
15. Stresses that EMSA should continue cooperation with EU NAVFOR ATALANTA, where appropriate, by providing the operation, following flag-state consent, with detailed LRIT data and satellite images of EU-flagged vessels transiting through the area; to that end, encourages the Member States to authorise the Agency to provide this data and information to the EU NAVFOR operation;
16. Considers that, given the proliferation of piracy, seafarers exposed to threats linked to piracy should be trained in order to reinforce their self-protection; stresses the need for shipping companies to adhere to 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 to help ships 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. 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;
18. Welcomes 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; calls on the Council and the EEAS to make every effort to ensure that the RMCB is deployed to this region next summer;
19. Acknowledges that training is only one part of maritime capacity building and calls, therefore, on the Member States to provide material assistance to the mission and region, and specifically Maritime Patrol Vessels;
20. Strongly supports the Djibouti process for peace and reconciliation; calls for a comprehensive approach to the situation in Somalia, linking security with development, the rule of law and respect for human rights and international humanitarian law;
21. Welcomes 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 calls on the 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; welcomes the appointment of an EU special representative for the Horn of Africa;
22. 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 so as to meet the growing humanitarian needs and prevent any further worsening of the situation;
23. Reiterates that 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;
24. Welcomes the EU Marsic project, part of the Critical Maritime Routes Programme under the Instrument for Stability, the objective of which is to enhance maritime security and safety in the western Indian Ocean and the Gulf of Aden through information sharing and capacity building, as it highlights regional cooperation among the countries of the region; expects that project to be extended beyond 2013;
25. Encourages 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; welcomes the intended complementarity of Commission-funded projects and the CSDP mission on RMCB;

26. 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, in accordance with international law, its exclusive economic zone;
27. Welcomes the work of the UN Contact Group on Piracy off the Coast of Somalia, which is an unprecedented forum for enhancing the level and quality of international cooperation in this field both between states and with all the major international organisations concerned;
28. Welcomes the close cooperation with the IMO in the field of maritime capacity building as well as the work towards the conclusion of an EU-IMO Strategic Partnership to counter piracy in the wider Horn of Africa region;
29. 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; takes into account the fact that some Member States have introduced relevant legislation; in this context calls on the 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;
30. 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; notes, moreover, that 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;
31. Instructs its President to forward this resolution to the Council and the Commission, the 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.