

SEMINAR
PIRACY AND ARMED ROBBERY AGAINST SHIPPING:
To Prevent, Deter, Protect and Fight against an ACTUAL Threat
21 JANUARY 2009

Key Note Address - The point of view of the European Parliament.

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In accordance with the IMO's statistic the number of act of piracy and armed robbery against ships, which were reported to have occurred or to have been attempted in 2007, was 282 which result in an increase of 41 (17%) over the figure for 2006. In the last year criminal assaults against Community fishing, merchant and passenger vessels, in international waters near the African coasts have increased in number and frequency, posing a great risk to the lives of the crew, and having a significant negative impact on international trade. The most worrying area is the Horn of Africa where an exceptional level of attacks has been reported. Amongst the 30 ships hijacked by Somali pirates this year, 6 of them have been conducted in August 2008.

This phenomenon of the maritime piracy has become a cause for concern at global level. In fact acts of piracy are no longer happening just along the coast but are tending to extend further out, to international waters, disrupting not only the activities of fishing and cargo vessels in transit, but also – and this is very serious – of vessels operating within the framework of humanitarian programmes, particularly the World Food Programme, which supplies essential aid to the very many displaced populations in Somalia.

Against this background the **UN Security Council** reacted to these cases in June 2008 (1816) and adopted a resolution giving permission, for a period of six months, to States cooperating with Somalia's Transitional Federal Government (TFG) to enter the country's territorial waters and use “all necessary means” to repress acts of piracy and armed robbery at sea, in a manner consistent with international law.

As regards the European Union's contribution to the implementation of UN Security Council Resolution 1816 on combating piracy off the Somali coast and to the protection, under Resolutions 1814 and 1816, of vessels chartered by the World Food Programme (WFP) and bound for Somalia, the **Council of the European Union** on 15 September of 2008 decided to establish a Coordination Unit in Brussels with the task of supporting the surveillance and protection activities carried out by some Member States off the Somali coast.

In this context, the Council also approved a plan for implementing a military coordination action and a strategic military option for a European Union naval operation in order to contribute to protect the of vessels cruising off the Somali coast and prevent acts of piracy and armed robbery off the Somali coast.

The Member of the **European Parliament** have been always worried about acts of piracy and several written questions or oral questions have been addressed for question time to the Commission or to the Council.

Following the debate which took place during the sitting of 23 September 2008, the European Parliament adopted on 23 October 2008 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.

MAIN ACTIONS IN EUROPEAN PARLIAMENT

1) EP resolution of 20 May 2008 on an integrated maritime policy for the European Union (rel. PIECYK).

The European Parliament called on the Commission and the Member States: to actively 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 the countries concerned agree, as well as to develop a mechanism of mutual assistance against cases of maritime piracy.

It was also urged to set up a **Community system for coordination and mutual assistance**, which 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.

2) Joint motion for a resolution on the routine killing of civilians in Somalia (19.06.2008)

The EP expresses its concern about the prolonged civil war and its consequences. It also calls on the Somali Transitional Government, in collaboration with the UN and the African Union, to use all available means to prevent, deter and suppress piracy and armed robbery committed from the Somali coast against vessels carrying humanitarian aid.

3) European Parliament resolution of 23 October 2008 on piracy at sea.

The European Parliament called 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.

The Council and the Commission have 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.

The Parliament highlighted 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 to ensure the absolute legal certainty of criminal proceedings following the capture of pirates or perpetrators of armed attacks at sea.

Furthermore the Council and the Commission have been called on to encourage coastal states and all Member States to ratify the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

Specifically the European Parliament called 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, 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.

The European Parliament welcomed the progress made by the European Council in the preparation of a European Union naval operation against piracy, aimed at guaranteeing the safety of cargo ships transiting a shipping channel in the Gulf of Aden.

In parallel to ensuring the safety of convoys and exercising the right of pursuit vis-à-vis their aggressors, **it is important not to neglect the path of political cooperation and normalisation** with the states of the region concerned, by re-establishing the legality in those Countries, in order to enable them to better prevent and combat crime at sea and its many root causes.

Finally, the European Parliament welcomed the adoption of an amendment at Parliament's first reading of the Union's general budget 2009 aimed at establishing a **new budget line** (1 million of euro) 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.