

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.569/09/fin.

RESOLUTION¹

on Establishing and promoting peace, security, stability and governance in Somalia

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 6 to 9 April 2009,
- having regard to Article 17(2) of its Rules of Procedure,
- having regard to the UN Convention for the suppression of unlawful acts against the safety of maritime navigation, of 10 March 1988,
- having regard to the Declaration on Somalia by the EU Council Presidency on behalf of the European Union, of 3 February 2009,
- having regard to UN Security Council Resolutions 1814 (2008), 1816 (2008) and 1844 (2008) on Somalia,
- having regard to the statements made by the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union, Javier Solana, on 23 February and 4 April 2009, and by Louis Michel, Member of the European Commission, on 26 February 2008,
- having regard to the Decisions and Declaration adopted by the Executive Council of the African Union on 30 January 2009 in Addis Ababa (Ethiopia),
- having regard to the Communiqué issued by the African Union Summit of Heads of State and Government on 4 February 2009 in Addis Ababa (Ethiopia),
- having regard to the Declaration adopted at the 13th Extraordinary Session of the Intergovernmental Authority on Development (IGAD) Assembly of Heads of State and Government, held on 29 October 2008 in Nairobi (Kenya),
- having regard to the Communiqué of the 32nd Extraordinary Session of the IGAD Council of Ministers of 27 January 2009 in Addis Ababa (Ethiopia),
- having regard to the report by the ACP Committee of Ambassadors on the future of the ACP Group, adopted by the ACP Council of Ministers at its 86th session, held from 10 to 14 December 2007 in Brussels (Belgium),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague (Czech Republic)

- having regard to the ACP Secretariat’s project to develop indicators to measure and monitor regional integration processes in the six ACP regions,
 - having regard to the European Parliament resolutions of 19 June 2008 and 20 November 2008 on the situation in Somalia and to its previous resolutions on Somalia¹,
 - having regard to Resolution of the African Parliamentary Union on the situation in Somalia, adopted on 30 November 2008,
 - having regard to the African Union’s Declaration of 10 December 2008 and its communiqué of 22 December 2008,
 - having regard to the signing of the documents on Modalities for the Implementation of the Cessation of Armed Confrontation and a Joint Declaration on Common Political Aims by the Transitional Federal Government (TFG) and the Alliance for the Reliberation of Somalia (ARS) on 26 October 2008,
 - having regard to the Conclusions of the 14th meeting of the International Contact Group (ICG) on Somalia, held under the chairmanship of the UN Special Representative for Somalia, Ahmedou Ould-Abdallah, on 26–27 February 2009,
- A. affirming the importance of respecting Somalia’s territorial integrity, sovereignty, political independence and unity,
 - B. whereas Somalia has been a failing state for the last 17 years and the situation has deteriorated into one of the world's worst humanitarian and security crises,
 - C. whereas the TFG and the ARS signed a power-sharing deal in Djibouti on 9 June 2008; whereas the initial aim of the Djibouti peace process was to initiate a broad-based national reconciliation and create a strong and inclusive political alliance capable of securing the peace, reconciling the country and re-establishing central state authority,
 - D. whereas the peace process has been further complicated by splits within the ARS and TFG as well as by the advance of radical militias such as Al-Shabab, which are not yet party to the peace process and now control parts of Somalia, including Baidoa, the former seat of the parliament,
 - E. whereas widespread human rights abuses and violations of international humanitarian law by all parties in the conflict in Somalia, specifically torture and other ill-treatment, rape, extrajudicial executions, arbitrary detention and attacks on civilians, journalists and human rights defenders and civilian infrastructure continue to occur in Somalia,
 - F. whereas the number of grave human rights violations against children in Somalia, from acts of murder and rape to the recruitment of child soldiers and the denial of humanitarian access to those in need, have all increased in the past year,

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- G. whereas, since February 2007, some 340 000 Somalis have fled fighting in Mogadishu, while 2.6 million Somalis – about 35 per cent of the population – are in need of humanitarian assistance, and while there are 1.3 million displaced people; whereas many refugees were robbed, raped or beaten by freelance militias as they fled Somalia,
- H. expressing its appreciation that Kenya is hosting 250 000 refugees at the Daadab refugee camps; whereas hundreds of Somalis have drowned trying to cross the Gulf of Aden to Yemen, and many have been abandoned at sea by traffickers,
- I. whereas Ethiopia withdrew its troops from Somalia as part of a UN-backed peace deal between the fragile transitional government and the moderate wing of the main opposition; whereas the withdrawal of Ethiopian troops – though stoking fears of a volatile power vacuum – and the election of a new president open a window of opportunity for intra-Somali reconciliation; whereas the African Union Mission to Somalia (AMISOM), which has since March 2007 been essentially confined to Mogadishu, will now find itself alone on the ground,
- J. whereas acts of violence against civilians and humanitarian workers, in violation of international humanitarian law, as well as attacks on AMISOM personnel and positions and all acts and threats of violence perpetrated by those elements seeking to undermine the political process, hinder the operations of AMISOM and undermine regional peace and stability,
- K. whereas an estimated 10 000 refugees – with that number expected to reach 25 000 over the next few weeks – have arrived at the border town of Dolo Ado, in the Somali Region of Ethiopia since the beginning of the year; whereas they are mostly women and children fleeing following the withdrawal of Ethiopian troops,
- L. whereas there has been a significant increase in the number of successful pirate attacks in the last three years (10 in 2006, 35 in 2007, 43 in 2008 and 9 so far in 2009), and in the subsequent hostage-taking and seizure of vessels,
- M. whereas piracy on the high seas represents a growing threat to human life and safety and to the supply of humanitarian aid, particularly in the seas off Somalia and the other countries of the Horn of Africa; whereas these acts of piracy and armed robbery are due to the continuing conflict and political instability in Somalia,
- N. whereas the scale of illegal fishery in Somali waters also contributes to acts of piracy, and is destroying a food resource essential to Somalis and to the income of local fishermen,
- O. whereas, according to a report by the United Nations Environment Programme (UNEP), a vast number of illegal shipments of toxic waste, the contents of which are leaking, have been deposited along the coast of Somalia, in total disregard for the health of the local populace and conservation of the environment,

- P. whereas, according to the same report, the waste dumped at sea partly originated from the European Union, and that waste is irreversibly damaging human health and the environment in the region, in flagrant violation of human rights,
- Q. whereas, as a result of piracy, the World Food Programme (WFP) had to suspend delivery of food aid to Somalia, worsening an already precarious humanitarian situation,
- R. whereas on 8 December 2008, the EU launched its maritime operation EU NAVFOR Somalia (or Operation Atalanta), aimed at protecting maritime convoys of the WFP and other merchant ships sailing through the waters off Somalia,
- S. 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;

Recent political developments

1. Strongly supports the progress made since December 2008, specifically the creation of an enlarged and more inclusive Parliament, the extension of the transitional period, the election of Sheikh Sharif Sheikh Ahmed as President and the appointment of a prime minister and cabinet; acknowledges and supports this new process as a Somali-owned and -led peace and reconciliation process;
2. Particularly welcomes the relocation of the Government and Parliamentarians to Mogadishu and their commitment to continuing the Djibouti peace process; underlines the urgent need to provide tangible and coordinated support to address the agreed linked priorities of political, security, recovery, human rights and institution-building issues; sees this as an important step towards a functioning administration within Somalia;
3. Welcomes the truce reached in February 2009; calls upon all political actors and relevant stakeholders in Somalia to join the peace process and to refrain from new acts of violence;
4. Calls for the participation of civil society organisations, and in particular women's organisations, in the national dialogue and in the process of national reconciliation;
5. Underlines the urgent need to restore law and order, including respect for internationally-recognised human rights and international humanitarian law, throughout the country; notes that President Ahmed has agreed to the introduction of sharia law, stresses that sharia should be codified in order to prevent its misinterpretation in violation of human rights and stresses also that any legislative changes should respect human rights and, in particular, women's rights;

6. Calls for the new leadership to create and implement a plan that aims at establishing viable institutions without delay and within the timeframe provided for by the extension of the Transitional Federal Charter to August 2011;

Djibouti Agreement and the responsibility of the international community

7. Expresses its gratitude to the Republic of Djibouti for acting as an intermediary and mediator throughout the peace process in Somalia, and for working for stability and peace in order to restore calm in the region;
8. Pays tribute to the role played by Kenya in hosting and mediating the Somalia Reconciliation Conference under the auspices of IGAD, that led to the formation of the TFG; shares the AU's appreciation of the sacrifice made by Ethiopia and its commitment to the search for a lasting solution for the conflict in Somalia;
9. Calls on the international community to strengthen the UN arms embargo and to monitor airports and sea ports to ensure that illegal arms imports are not entering the country, in order to improve the overall security situation;
10. Calls on all sides in the conflict to stop attacks targeting civilians, cease all use of death threats, rape, unlawful arrest, kidnapping, intimidation and robbing of civilians, and to abide fully by the provisions of Common Article 3 of the Geneva Conventions; calls on the European Commission and Council to support the efforts to guarantee appropriate penalties for persons guilty of such offences;
11. Calls on the UN Security Council to strengthen the monitoring and reporting on human rights conditions, provide assistance and advice to the transitional federal institutions and support human rights defenders throughout Somalia;
12. Calls on the International Contact Group (ICG) on Somalia, the AU and donor states contributing to the TFG, including the EU, Norway and the United States, to support mechanisms to investigate violations of international human rights and humanitarian law committed in Somalia since 1991;
13. Welcomes the commitment made by the TFG to introduce effective and accountable governance based on the outline proposals presented at the ICG meeting in New York in December 2008; also welcomes the fact that the Somali transitional institutions have invited all Somali stakeholders from inside and outside Somalia to join the reconciliation process;
14. Welcomes the ICG's decision to provide regular updates relating to six-month action plans developed in partnership with the TFG; strongly supports the ICG's call to promote quick recovery initiatives, such as job creation, delivery of social services and livelihood activities, which would have an immediate impact on the well-being of Somalis, the security environment and future stability of Somalia, through additional resources, and to protect the political and financial investment already made by the international community;
15. Calls on the Council and the Commission to continue their support for institution-building in Somalia; urges the reinforcement of the African Union

Mission in Somalia (AMISOM) and the deployment of the UN stabilisation force in a timely manner as soon as political and security conditions allow;

Role of AMISOM

16. Requests the UN Secretary-General to create without any further delay a special fund to support AMISOM until such time as the UN deploys a peacekeeping mission;
17. Urges that, especially after the withdrawal of Ethiopian troops, AMISOM and any succeeding UN peacekeeping mission be given a mandate to protect civilians – including women, children and internally displaced persons – with a strong human rights component, with the capacity to monitor, investigate and report human rights violations;
18. Pays tribute to the African States, and particularly Uganda and Burundi, for the action they have taken, and condemns the recent attacks in which several Ugandan and Burundian soldiers from AMISOM, as well as many civilians, have been killed and injured; encourages the continued commitment of AMISOM and its troops, performing under extremely difficult conditions, and calls on all Somali parties to support those working to bring peace and stability to their country;

Humanitarian aspects and Human Rights

19. Urges the new government swiftly to take all requisite and appropriate measures to prevent a worsening of the current humanitarian crisis, and to bring security and peace by ending the fighting that has led to population displacement, civilian and material losses, malnutrition and disease;
20. Condemns the ever more frequent attacks on humanitarian workers over the last few months, which have gravely constrained aid operations and have worsened the humanitarian situation in Somalia; urges the new leadership to take all necessary steps to ensure humanitarian access and assistance to affected populations in that country, and to take effective measures to ensure the safety of local and international humanitarian workers;
21. Calls on the UN Humanitarian Coordinator for Somalia to negotiate humanitarian access separately from the Djibouti peace process, geographic area by geographic area, speed up food supplies and alleviate the dire humanitarian situation; calls on all governments concerned to grant full access for humanitarian aid to Somali refugees in the region, and calls on the international community to strengthen its support;
22. Calls on the new government to address the issue of justice as a matter of priority, in order to put an end to the culture of impunity, as the Somali people in general, and women in particular, are victims of human rights violations, including killings, rape and torture;

23. Calls on the EU to provide all necessary support in order to create a lasting democratic government in Somalia and to further aid the current leadership of Somalia to assert its control over the country and establish the rule of law in a manner compatible with its international human rights obligations;

Piracy

24. Strongly condemns any act of piracy or armed robbery, especially off the coast of Somalia;
25. Welcomes the deployment of EU ships under operation Atalanta to combat piracy, which has sharply reduced the number of attacks this year; calls for effective coordination with other naval formations in the region, and especially those of the USA, Russia and China; and requests that the Atalanta operations be extended to the western Indian Ocean, where the pirates are re-establishing themselves;
26. Calls on the Transitional Federal Parliament and the new TFG, 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, the perpetrators of which must be brought to justice under existing international law;
27. Welcomes the establishment of the UN Contact Group on Piracy off the Coast of Somalia on 14 January 2009;
28. Strongly recommends the EU to support the new Government of Somalia and all other parties concerned so as to improve basic infrastructures for fisheries activities, marine resource conservation and waste management, in order to encourage employment that will reduce the recruitment of youth in piracy and militia activities;

Illegal fishery, toxic waste and trafficking

29. Strongly condemns illegal fishery in Somali waters, and calls on the EU to address that illegal fishery by implementing rapidly the new rules adopted in 2009 concerning traceability, controls and penalties;
30. Calls on the United Nations and the European Commission to fully investigate toxic waste dumping along the Somali coast, to establish responsibilities at all levels, to support the efforts to bring to justice those responsible for this environmental crime and to ensure that environmental contamination is comprehensively dealt with;
31. Calls on UNEP to continue its investigation and provide an in-depth accurate assessment of the extent of the problem, as this is vital to Somalia's future;
32. Condemns all acts of human trafficking taking place off the coast of Somalia;

33. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council and the European Commission, the parliaments of the EU and ACP States, the President and the Parliament of Somalia, the Presidency and Commission of the African Union, the Pan-African Parliament and the UN Secretary-General.