



Svenskt deltagande i EU:s marina insats utanför Somalias kust

Sammanfattning

Det sammansatta utrikes- och försvarsutskottet behandlar i detta betänkande regeringens proposition 2008/09:108 Svenskt deltagande i Europeiska unionens marina insats utanför Somalias kust.

Utskottet konstaterar i betänkandet att Förenta nationernas säkerhetsråd i resolution 1816 och i den uppföljande resolution 1846, som antogs den 2 december 2008, bemyndigar, under FN-stadgans kapitel VII, de stater som samarbetar med Somalias övergångsregering (TFG) att inom Somalias territorialhav använda alla nödvändiga medel för att stävja sjöröveri och väpnade rån till havs i enlighet med de regler som gäller på det fria havet. FN:s säkerhetsråds bemyndigande sträcker sig fram till den 2 december 2009.

Utskottet konstaterar vidare att FN:s säkerhetsråd i resolutionerna 1838, 1846 och 1851, samtliga antagna under 2008, välkomnar EU:s marina insats utanför Somalias kust.

Utskottet föreslår i betänkandet att riksdagen bemyndigar regeringen att under högst fyra månader ställa en svensk väpnad styrka bestående av högst 450 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd.

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Utskottets förslag till riksdagsbeslut

Svenskt deltagande i Europeiska unionens insats utanför Somalias kust

Riksdagen bemyndigar regeringen att under högst fyra månader ställa en svensk väpnad styrka bestående av högst 450 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd. Därmed bifaller riksdagen proposition 2008/09:108 och avslår motion 2008/09:U12 yrkandena 1 och 2.

Stockholm den 26 februari 2009

På sammansatta utrikes- och försvarsutskottets vägnar

Rolf Gunnarsson

Följande ledamöter har deltagit i beslutet: Rolf Gunnarsson (m), Göran Lennmarker (m), Anders Karlsson (s), Gustav Blix (m), Staffan Danielsson (c), Michael Hagberg (s), Allan Widman (fp), Karin Enström (m), Åsa Lindestam (s), Holger Gustafsson (kd), Nils Oskar Nilsson (m), Hans Linde (v), Else-Marie Lindgren (kd), Peter Rådberg (mp), Kerstin Engle (s), Tommy Waidelich (s) och Carin Runeson (s).

Redogörelse för ärendet

Ärendet och dess beredning

Regeringen föreslår i proposition 2008/09:108 Svenskt deltagande i Europeiska unionens marina insats utanför Somalias kust att riksdagen bemyndigar regeringen att under högst fyra månader ställa en svensk väpnad styrka bestående av högst 450 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd.

Propositionen har remitterats till utrikesutskottet. Utrikes- och försvarsutskotten har därefter beslutat – med stöd av 4 kap. 8 § riksdagsordningen – att bereda propositionen i ett sammansatt utrikes- och försvarsutskott.

Inom ramen för ärendets beredning har en föredragning ägt rum inför utskottet med deltagande av dels kabinetssekreterare Frank Belfrage (Utrikesdepartementet) och statssekreterare Håkan Jevrell (Försvarsdepartementet), dels generallöjtnant Anders Lindström (Försvarsmakten) med medarbetare.

Bakgrund

FN:s världslivsmedelsprogram (WFP)¹ och Internationella sjöfartsorganisationen gick i juli 2007 ut med en internationell förfrågan om assistans med eskort av humanitära hjälpsändningar som sjövägen transporterades till Somalia i WFP:s regi.

FN:s säkerhetsråd uppmanade den 15 maj 2008, genom antagandet av resolution 1814, stater och regionala organisationer att vidta åtgärder för att skydda fartyg som deltar i transport och tillhandahållande av humanitära hjälpsändningar till Somalia.

I resolution 1816 och i den uppföljande resolution 1846, som antogs av FN:s säkerhetsråd den 2 december 2008, bemyndigar rådet, under FN-stadgans kapitel VII, de stater som samarbetar med Somalias övergångsregering (TFG)² att inom Somalias territorialhav använda alla nödvändiga medel för att stävja sjöröveri och väpnade rån till havs i enlighet med de regler som gäller på det fria havet. FN:s säkerhetsråds bemyndigande sträcker sig fram till den 2 december 2009.

¹ World Food Program (WFP).

² Transitional Federal Government (TFG).

I resolutionerna 1838, 1846 och 1851 välkomnar FN:s säkerhetsråd EU:s marina insats utanför Somalias kust samt andra internationella och nationella initiativ som tagits i syfte att genomföra resolutionerna 1814 och 1816. I resolution 1851, som antogs den 16 december 2008, utvidgar FN:s säkerhetsråd mandatet till att även omfatta det somaliska fastlandet.

I brev ställda till FN:s generalsekreterare, daterade den 1 september 2008 och den 20 november 2008, begärde Somalias dåvarande president det internationella samfundets stöd för att stävja sjöröveri utanför Somalias kust.

Den 5 augusti 2008 godkände Europeiska unionens råd ett krishanteringskoncept för att bidra till genomförandet av FN:s säkerhetsråds resolution 1816 och för fred och säkerhet i regionen. Den 19 september 2008 antog rådet den gemensamma åtgärden 2008/747/Gusp om EU:s militära samordningsåtgärd (EU Navco)³ till stöd för FN:s säkerhetsråds resolution 1816.

Inom ramen för den europeiska säkerhets- och försvarspolitiken (ESFP) antog Europeiska unionens råd den 10 november 2008 den gemensamma åtgärden 2008/851/Gusp om EU:s militära insats i syfte att bidra till avvärjande, förebyggande och bekämpande av sjöröveri och väpnade rån utanför Somalias kust. Insatsen, som går under beteckningen operation Atalanta, inleddes den 8 december 2008, och dess nuvarande mandat från Europeiska unionens råd löper fram till den 13 december 2009, med förbehåll för att mandat för styrkan fortsatt finns enligt beslut av FN:s säkerhetsråd.

Regeringskansliet (Försvarsdepartementet) uppmanade den 8 oktober 2008 Försvarsmakten att redovisa förutsättningarna för ett svenskt bidrag till operation Atalanta (Fö2008/3322/SI). Försvarsmakten svarade den 16 oktober 2008.

Regeringskansliet (Försvarsdepartementet) anvisade den 3 november 2008 Försvarsmakten att förbereda och planera placering av officerare vid EU:s operativa högkvarter och vid EU:s styrkehögkvarter för operation Atalanta (Fö2008/3271/MIL). Försvarsmakten svarade den 10 november 2008.

Vidare bemyndigade regeringen den 20 november 2008 Försvarsmakten att placera officerare vid insatsens operativa högkvarter och styrkehögkvarter (Fö2008/3271/MIL). Regeringskansliet (Försvarsdepartementet) anvisade den 20 november 2008 Försvarsmakten att påbörja planering och förhandling för att stödja operation Atalanta (Fö2008/3443/MIL). Försvarsmakten redovisade sitt svar den 2 december 2008. Regeringskansliet (Försvarsdepartementet) anvisade den 18 december 2008 Försvarsmakten att påbörja planering och vidta förberedelser för att delta i operation Atalanta (Fö2008/3443/MIL).

³ European Union Naval Coordination Cell (EU Navco).

Propositionens huvudsakliga innehåll

Regeringen föreslår i proposition 2008/09:108 Svenskt deltagande i Europeiska unionens marina insats utanför Somalias kust att riksdagen bemyndigar regeringen att under högst fyra månader ställa en svensk väpnad styrka bestående av högst 450 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd.

I propositionen redogörs för situationen i Somalia, internationella insatser i Somalia, Europeiska unionens marina insats utanför Somalias kust, Sveriges deltagande i densamma, det folkrättsliga mandatet för insatsen och regeringens överväganden.

Motionen

I flerpartinotion 2008/09:U12 (*s, v, mp*) yrkande 1 anför motionärerna att riksdagen ska godkänna regeringens förslag under den förutsättningen att problematiken med eventuella tillfångatagna pirater klagörs.

I samma motion (yrkande 2) kräver motionärerna att regeringen ger resolutionerna 1325 om kvinnor, fred och säkerhet och 1612 om barn i väpnad konflikt den uppmärksamhet som insatsen kräver.

Utskottets överväganden

Utskottet vill inledningsvis understryka att situationen i Somalia fortsätter att ge skäl till stor oro. Under de senaste 18 åren har landet saknat en fungerande centralregering och präglats av mer eller mindre permanent inbördeskrig. Den humanitära situationen bedöms i dagsläget vara en av de svåraste i Afrika, och den fortsätter att förvärras på grund av säkerhetsläget, torkan och de ökade livsmedelspriserna. Omkring 3,2 miljoner människor, eller 43 % av befolkningen, är i akut behov av nödhjälp.

Under de senaste tre till fyra åren har landet därtill kommit att bli en bas för sjöröveri. Antalet attacker och väpnade rån mot fartyg utanför Somalias kust har ökat kraftigt. Under 2008 noterades attacker mot över 80 fartyg, men mycket tyder på att detta antal i själva verket kan vara ännu större. Attackerna drabbar såväl kommersiell sjöfart som de hjälpsändningar till behövande i Somalia som genomförs av FN:s världslivsmedelsprogram (World Food Program).

Utöver den utbredda fattigdomen i landet kan flera anledningar urskiljas till att sjöröveriet har tilltagit i omfattning och styrka. Framför allt har den långvariga konflikten i landet inneburit att det inte funnits någon fungerande centralregering med kapacitet att skydda den långa kuststräckan eller bekämpa kriminella aktiviteter på land. Dessutom har det illegala fisket som pågått i många år reducerat fiskbeståndet och inkomstmöjligheterna för somaliska fiskare.

Det svenska utvecklingsbiståndet till Somalia uppgick 2008 till drygt 60 miljoner kronor. Ungefär hälften av detta belopp har gått till FN:s utvecklingsprogramms verksamhet i landet, som bl.a. innefattar kapacitetsuppbyggnad av övergångsinstitutionerna samt stöd till polis, rättsväsen och mänskliga rättigheter. Därutöver har Sida bl.a. bidragit med stöd till den danska frivilligorganisationen *Danish Demining Groups* minhanteringsprogram i Somalia.

Sverige har under 2008 även bidragit med drygt 140 miljoner kronor i humanitärt stöd till Somalia. Av dessa resurser har 82 miljoner kronor utbetalats som stöd till den av FN samordnade humanitära appellen för Somalia, och 31 miljoner kronor har kanaliserats genom rödakorsrörelsen. Närmare 5 miljoner kronor har tilldelats Räddningsverkets minhanteringsprogram i landet.

EU har mot bakgrund av det tilltagande sjöröveriet och med anledning av FN:s säkerhetsråds resolutioner 1814, 1816, 1838 och 1846 (samtliga antagna under 2008) beslutat att genomföra en militär insats – operation *Atalanta*.

Operation *Atalantas* uppgift är att avvärja, förebygga och bekämpa sjöröveri och väpnade rån utanför Somalias kust. Insatsen ska framför allt ge skydd åt FN:s världslivsmedelsprogramms humanitära hjälpsändningar, sär-

skilt när dessa trafikerar farvatten som i dag är utsatta för sjöröveri och väpnade rån. Insatsen ska vidare från fall till fall tillse att handelsfartyg som trafikerar området eskorteras samt vidta nödvändiga åtgärder, vilket inkluderar användning av våld, för att förebygga, avvärja och bekämpa sjöröveri och väpnade rån som kan komma att begås i de områden som insatsen genomförs i.

Operation Atalanta inleddes den 8 december 2008, och dess mandat från Europeiska unionens råd löper fram till den 13 december 2009, med förbehåll för att ett mandat för styrkan fortsatt finns enligt beslut av FN:s säkerhetsråd.

Insatsen genomförs längs hela Somalias kust, på internationellt vatten och på somaliskt territorialhav och inre vatten. En logistikbas har upprättats i Djibouti. Under insatsperioden beräknas upp till sex fregatter och andra fartyg med tillhörande helikoptrar tillsammans med stödfartyg och tre till fem havsövervakningsflygplan samtidigt vara operativa i insatsområdet. Ungefär 1 200 personer beräknas medverka i insatsen. Medlemsländernas fartyg leds från det europeiska operativa högkvarteret i Northwood i Storbritannien av en av EU utsedd brittisk operationsbefälhavare som får sedvanlig politisk och strategisk ledning av Kusp.¹

Regeringen söker riksdagens medgivande att ställa en väpnad styrka bestående av högst 540 personer till förfogande under högst fyra månader för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd.

Enligt 10 kap. 9 § regeringsformen får svensk väpnad styrka sändas till annat land om riksdagen medger det, om det är medgivet i lag som anger förutsättningarna för åtgärden eller om skyldighet att vidta åtgärden följer av internationell överenskommelse eller förpliktelse som har godkänts av riksdagen.

Utskottet konstaterar att FN:s säkerhetsråd, med stöd av FN-stadgans kapitel VII, har bemyndigat de stater som samarbetar med Somalias övergångsregering (TFG) att i Somalia och på dess territorialhav använda alla nödvändiga medel för att stävja sjöröveri och väpnade rån till havs. Detta innebär att insatsen får använda alla nödvändiga medel för att fullgöra sina uppgifter, inklusive användning av våld som går utöver självförsvar.

¹ Kommittén för utrikes- och säkerhetspolitik (Kusp), vilken omnämns i artikel 25 i EU-fördraget, är ett ständigt organ inom den gemensamma utrikes- och säkerhetspolitiken. Kommittén består av politiska chefstjänstemän vid medlemsstaternas utrikesdepartement och har till uppgift att a) övervaka den internationella situationen på de områden som omfattas av den gemensamma utrikes- och säkerhetspolitiken (Gusp), b) bidra till att utforma politiken och c) övervaka genomförandet av rådets beslut. Kusp utövar under rådets överinseende den politiska kontrollen och strategiska ledningen av krishanteringsinsatser. Kommittén kan alltså få i uppdrag av rådet att fatta beslut i fråga om konkret krishantering. Kommittén bistås av arbetsgruppen för politiska och militära frågor, kommittén för de civila aspekterna av krishantering samt den militära kommittén och den militära staben.

FN:s säkerhetsråds beslut tillsammans med internationell sedvanerätt och relevanta artiklar i FN:s havsrättskonvention ger en tydlig folkrättslig grund för insatsen. Utskottet konstaterar även att operation Atalanta verkar på somaliskt territorialhav med samtycke av TFG.

Den väpnade svenska sjöstyrkan i operation Atalanta kommer att bestå av två korvetter och ett stödfartyg. Personalstyrkan beräknas uppgå till ca 160 sjömän. Utöver denna styrka har regeringen den 20 november 2008 bemyndigat Försvarsmakten att placera högst sju officerare vid de staber som planerar och leder insatsen.

Utskottet har erfarit att det svenska deltagandet i insatsen väntas inledas i maj 2009 och att insatsen ska pågå under högst fyra månader. Under denna tid kommer det svenska förbandet att bidra till att lösa de uppgifter som EU har åtagit sig. Särskilt fokus kommer att ligga på uppgiften att skydda FN:s världslivsmedelsprogramms humanitära hjälpsändningar, vars betydelse för Somalias befolkning är central.

Avtal som reglerar bl.a. den rättsliga statusen för deltagande personal kommer att slutas med de länder i vilkas territorium EU-styrkan kommer att uppehålla sig under insatsen. För detta ändamål förutses EU komma att sluta avtal, efter rådsbeslut, med Djibouti, Kenya, Somalia och Tanzania.

Utskottet noterar att misstänkta sjörövare och kriminella som omhändertas av militär personal i EU-insatsen, enligt regeringen, ska lagföras i länder i omedelbar närhet till insatsområdet. Utskottet noterar vidare att EU för närvarande är inbegripet i förhandlingar med länder i regionen om ett avtal som ska säkerställa att berörda staters rättsvårdande myndigheter lagför misstänkta sjörövare i enlighet med folkrätten och de mänskliga rättigheterna. Avtalet avses säkerställa att misstänkta sjörövers eventuella skuld får en rättslig prövning och att straff utdöms och verkställs i enlighet med de principer för rättstillämpning som är rådande inom EU.

Utskottet vill betona att FN:s säkerhetsråd i resolution 1851 (artikel 7), vilken antogs den 16 december 2008, särskilt understryker att alla åtgärder som vidtas inom ramarna för rättsprocesser mot misstänkta pirater ska ske i enlighet med de mänskliga rättigheterna.²

Utskottet vill här understryka vikten av att de pågående förhandlingarna mellan EU och staterna i regionen resulterar i ett avtal, före den svenska insatsens igångsättande, som reglerar att omhändertagna misstänkta sjörövare, liksom eventuella flyktingar som söker kontakt med den svenska styrkan, behandlas i enlighet med gällande folkrätt och de mänskliga rättigheterna. Avtalet måste således så långt möjligt undanröja alla risker för att omhändertagna misstänkta sjörövare, liksom flyktingar, utsätts för tortyr, dödsstraff eller andra typer av kränkningar av de mänskliga rättigheterna.

² Artikel 7 behandlar endast eventuella rättsprocesser i Somalia. I artikel 8 i samma resolution uppmanar säkerhetsrådet FN:s medlemsstater att bistå "relevanta stater i regionen" med att förbättra deras rättsliga kapacitet ("to enhance the [...] judicial capacity"). Krav på att eventuella rättsförfaranden ska ske i enlighet med folkrätten och de mänskliga rättigheterna framförs även i FN-resolutionerna 1816, artikel 11 (vilken antogs den 2 juni 2008) och 1846, artikel 14 (antagen den 2 december 2008).

Utskottet förutsätter att regeringen fortlöpande håller riksdagen underrättad om hur förhandlingarna kring detta avtal fortskrider. Det ankommer vidare på regeringen att informera riksdagen vid viktigare händelser som kan inverka på insatsens genomförande.

Utskottet vill även framhålla betydelsen av att svensk militär personal som deltar i insatsen erhåller klara riktlinjer och insatsregler som kan säkerställa att omhändertagna misstänkta sjörövare, liksom eventuella skyddsökande flyktingar, får en rättssäker behandling i enlighet med folkrätten och de mänskliga rättigheterna. Utskottet vill erinra om att svenska militära enheter, liksom enskilda sjömän som är verksamma i insatsen, kan komma att ställas inför situationer där tydliga och klart formulerade insatsregler kan vara av avgörande betydelse.

Utskottet anser med det sagda att motion *2008/09:U12 (s, v, mp) yrkande 1* är tillgodosedd och kan avstyrkas.

Att riksdagen ger regeringen bemyndigande att sända en svensk trupp på uppdrag i annat land är ett beslut som innebär ett betydande ansvar. Som tragiska erfarenheter har visat kan förluster i människoliv inte uteslutas.

Utskottet konstaterar att hotbilden för den svenska personalen kommer att variera. Det åligger Försvarmakten att göra en hot- och riskbedömning för de insatser som utförs och vidta nödvändiga åtgärder med ledning av dessa bedömningar.

Utskottet vill understryka betydelsen av att styrkan har tillgång till kvalificerade sjukvårdsresurser och konstaterar att Försvarmakten har redovisat att förbandets tillgång till sjukvårdsresurser är tillfredsställande.

Utskottet delar regeringens uppfattning att det under försämrade säkerhetsförhållanden är viktigt att regeringen har möjlighet att snabbt och tillfälligt förstärka de militära insatser som Sverige genomför. En sådan förstärkning kan omfatta såväl tillförsel av personal och materiel som undsättnings- och evakueringsoperationer.

Utskottet vill i sammanhanget inskräpa betydelsen av att Sverige aktivt ska verka för att FN:s säkerhetsråds resolutioner 1325 (2000) om kvinnor, fred och säkerhet, 1612 (2005) om barn i väpnade konflikter och 1820 (2008) om sexuellt våld i väpnade konflikter utgör självklara beståndsdelar i det freds- och säkerhetsfrämjande arbetet inom operation Atalanta.

Utskottet har erfarit att en ingående utbildning i nämnda FN-resolutioner, i enlighet med gängse standardförfaranden inom Försvarmakten, numera utgör ett stående inslag när svensk militär personal förbereds inför deltagande i internationella fredsfrämjande insatser. Utskottet vill dock framhålla betydelsen av att dessa resolutioner genomsyrar verksamheten också i en insats av den typ som är föremål för behandling i detta betänkande, dvs. en insats som närmast uteslutande är tänkt att bedrivas till sjöss.

Det finns en mängd tänkbara situationer – från omhändertagande av underåriga personer som har deltagit i kriminell verksamhet och sjöröveri till givande av skydd åt eventuella flyktingar – där ingående kunskaper i resolutionerna 1325, 1612 och 1820 kan ge viktiga bidrag till den svenska personalens kompetens och förmåga att agera korrekt.

Utskottet anser även att svensk militär personal kan bidra till att kunskapen om nämnda resolutioner vinner spridning också bland de övriga deltagande ländernas militära enheter.

Utskottet anser att motion 2008/09:U12 (*s, v, mp*) yrkande 2 är tillgodosedd och därmed kan avstyrkas.

Riksdagen har för 2009 anvisat 2 480 000 000 kr under anslaget 1:2 Fredsfrämjande förbandsinsatser. Regeringen har inom anslaget bl.a. beräknat medel för fredsfrämjande insatser i Afghanistan och Kosovo. Regeringen beräknar kostnaden för det nu aktuella bidraget till operation Atalanta till 285 000 000 kr. Därmed är i dagsläget 1 976 000 000 kr in-tecknade för fredsfrämjande förbandsinsatser under 2009. Vidare bedömer regeringen att eventuella merkostnader för en förstärkning och/eller evakuering ryms inom i dag beräknade medel inom anslaget.

Enligt FN lider vart sjätte barn under fem år i södra och centrala Somalia av akut undernäring. Möjligheterna för humanitära organisationer att verka i landet har emellertid försämrats, delvis till följd av det omfattande sjöröveriet. Utskottet anser att det internationella samfundet har ett ansvar att så långt möjligt lindra nöden och fattigdomen för Somalias befolkning. Det är därför angeläget att operation Atalanta kan bidra till att säkerheten utanför Somalias kust höjs och att FN:s världslivsmedelsprogramms humanitära hjälpsändningar kan nå fram till det somaliska fastlandet. Om hjälpen på grund av sjöröveriet inte kan nå Somalia sjövägen riskerar de humanitära konsekvenserna att bli betydande.

Utskottet delar vidare regeringens ståndpunkt att ett svenskt deltagande i operation Atalanta kompletterar och förstärker Sveriges breda och långsiktiga engagemang i Somalia. Det svenska deltagandet bidrar även till att göra Sverige till en trovärdig och respekterad aktör inom EU:s krishantering.

Mot bakgrund av ovanstående föreslår det sammansatta utrikes- och försvarsutskottet att riksdagen bifaller proposition 2008/09:108 Svenskt deltagande i Europeiska unionens marina insats utanför Somalias kust och därmed, under förutsättning att det även fortsättningsvis finns ett mandat för insatsen enligt beslut av Förenta nationernas säkerhetsråd, bemyndigar regeringen att under högst fyra månader ställa en väpnad styrka bestående av högst 540 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust.

BILAGA 1

Förteckning över behandlade förslag

Propositionen

Proposition 2008/09:108 Svenskt deltagande i Europeiska unionens marina insats utanför Somalias kust:

Riksdagen medger regeringens förslag att regeringen under högst fyra månader ställer en svensk väpnad styrka bestående av högst 450 personer till förfogande för deltagande i Europeiska unionens marina insats utanför Somalias kust, under förutsättning att det även fortsättningsvis finns ett giltigt mandat för styrkan enligt beslut av Förenta nationernas säkerhetsråd.

Följdmotionen

2008/09:U12 av Urban Ahlin m.fl. (s, v, mp):

1. Riksdagen godkänner regeringens förslag under den ytterligare förutsättningen att klargörande av problematiken med eventuella tillfångatagna pirater kan göras enligt vad som anförs i motionen.
2. Riksdagen tillkännager för regeringen som sin mening vad som anförs i motionen om FN:s säkerhetsråds resolution 1325.

BILAGA 2

FN-resolutioner

FN-resolution 1814

United Nations

S/RES/1814 (2008)



Security Council

Distr.: General
15 May 2008**Resolution 1814 (2008)****Adopted by the Security Council at its 5893rd meeting, on
15 May 2008***The Security Council,*

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008) and resolution 1811 (2008), and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), 14 June 2007 (S/PRST/2007/19) and 19 December 2007 (S/PRST/2007/49),

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter (TFC), *stressing* the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all, as envisaged in the TFC, and *reiterating* its support for Somalia's Transitional Federal Institutions (TFIs) to take this forward,

Reiterating the need for agreement on a comprehensive and lasting cessation of hostilities and a roadmap for the remainder of the transitional process, including free and democratic elections in 2009 as set out in the TFC,

Welcoming the continued efforts by Prime Minister Nur "Adde" Hassan Hussein and his Cabinet, under the leadership of President Abdullahi Yusuf Ahmed and supported by the Transitional Federal Parliament, to advance the political process and implement the transitional period, as required by the TFC, in particular the agreement to prepare a timetable for the Constitutional Process leading to a referendum in 2009, the presentation of the Reconciliation Strategy of the Transitional Federal Government (TFG), engagement with clan and local leaders across the country, and efforts to implement the National Security and Stabilisation Plan and to improve public finance management including budgetary and fiscal processes, and *supporting* efforts to make further progress in all these areas,

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Welcoming the commitment of all Somali parties that have agreed to engage in dialogue with each other with a view to establishing peace and security in Somalia, *urging* all Somali parties to honour these commitments and to resort to peaceful means only to resolve their disputes, *further welcoming* the supporting role of the United Nations, in particular the practical support of the Special Representative of the Secretary-General (SRSG) and the United Nations Political Office for Somalia (UNPOS) to help progress this dialogue, and *supporting* in this regard the start on 12 May 2008 of discussions between the parties in Djibouti,

Welcoming the Secretary-General's report on Somalia of 14 March 2008 (S/2008/178), in particular its assessment that the political situation in Somalia currently provides a renewed opportunity for the international community to give practical support to domestic initiatives, including an increased presence of United Nations personnel and, subject to broad-based political and security agreements and conditions on the ground, the deployment of a United Nations peacekeeping operation to succeed the African Union Mission to Somalia (AMISOM),

Welcoming the Secretary-General's support for a comprehensive United Nations strategic approach for peace and stability in Somalia, aligning and integrating political, security and programmatic efforts in a sequenced and mutually reinforcing way, and *endorsing* ongoing work by the United Nations to support the political process in Somalia and to determine options for re-locating United Nations staff to Somalia,

Commending the work of the SRSG, Mr. Ahmedou Ould-Abdallah, and of UNPOS, *reaffirming* its strong support for his work, in particular his leading role in coordinating international efforts, and *requesting* that all parties, as well as international organizations, the United Nations country team and Member States support and work in close coordination with him at all times,

Reaffirming its condemnation of all acts of, and incitement to, violence inside Somalia, *expressing* its concern at all acts intended to prevent or block a peaceful political process, and *expressing* its further concern at such acts and incitement continuing,

Underlining the importance of providing and maintaining stability and security throughout Somalia, and *underscoring* the importance of disarmament, demobilization and reintegration of militia and ex-combatants in Somalia,

Emphasizing the contribution that AMISOM is making to lasting peace and stability in Somalia, *welcoming* in particular the continuing commitment of the Governments of Uganda and Burundi, *regretting* the recent loss of a Burundian soldier, *condemning* any hostility towards AMISOM, and *urging* all parties in Somalia and the region to support and cooperate with AMISOM,

Underlining that the full deployment of AMISOM will help facilitate the full withdrawal of other foreign forces from Somalia and help create the conditions for lasting peace and stability there,

Taking note of the letter dated 20 February 2008 from the Chairperson of the African Union (AU) Commission to the Secretary-General, which was annexed to the Secretary-General's report of 14 March 2008, and of the reply from the Secretary-General of 23 April 2008 (S/2008/309),

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Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and *reiterating* its demand that all Member States, in particular those in the region, comply fully with it,

Expressing deep concern at the human rights situation in Somalia, and *taking note* of the Resolution on Somalia adopted at the 7th Session of the Human Rights Council, and of the renewal by the Human Rights Council of the mandate for the Independent Expert on Somalia,

Expressing its serious concern at the worsening humanitarian situation in Somalia and the continuing difficulties for humanitarian organizations operating in Somalia, including humanitarian access and security for humanitarian personnel, and *reaffirming* the humanitarian principles of humanity, neutrality, impartiality and independence,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the Secretary-General to continue and intensify his efforts, working together with the international community, to promote an ongoing political process which is ultimately inclusive of all, including by assisting the TFIs in this regard and in delivering services to the Somali people;

2. *Strongly supports* the approach proposed by the Secretary-General's report of 14 March 2008, *welcomes* his intention to provide an updated comprehensive, integrated United Nations Strategy for peace and stability in Somalia, aligning and integrating political, security and programmatic efforts in a sequenced and mutually reinforcing way, and to include an assessment of the capacity of UNPOS to implement the Strategy, and requests that he submit the updated version to the Security Council within 60 days from the adoption of this resolution;

3. *Approves* the Secretary-General's proposal in his report of 14 March 2008 to establish a joint planning unit in the office of the SRSO to facilitate effective and efficient implementation of the integrated strategy;

4. *Welcomes* the Secretary-General's recommendation, as set out in his report of 14 March 2008, to relocate UNPOS and the country team headquarters from Nairobi to Mogadishu or an interim location in Somalia in order to help deliver the comprehensive, integrated United Nations strategy in Somalia, and *requests* the Secretary-General to establish the necessary security arrangements for such a relocation, and to update the Security Council when he submits the Strategy referred to in paragraph 2 above;

5. *Decides* that UNPOS and the United Nations country team shall, in promoting a comprehensive and lasting settlement in Somalia and through the promotion of the ongoing political process, enhance their support to the TFIs with the aim of developing a constitution and holding a constitutional referendum and free and democratic elections in 2009, as required by the TFC, and facilitating coordination of the international community's support to these efforts, and *requests*

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the Secretary-General within 60 days from the adoption of this resolution to report on progress with this work;

6. *Recalls* its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the TFIs or AMISOM by force, or take action that undermines stability in Somalia or the region, and *therefore requests* the Committee established pursuant to resolution 751 (1992) (herein after “the Committee”) to provide, within 60 days from the adoption of this resolution, recommendations on specific targeted measures to be imposed against such individuals or entities;

7. *Recalls* its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, *states* its intention to take measures against those who breach the arms embargo, and those who support them in doing so, and *therefore requests* the Committee to provide, within 60 days from the adoption of this resolution, recommendations on specific targeted measures to be imposed against such individuals or entities;

8. *Requests* the Secretary-General to continue his contingency planning for the possible deployment of a United Nations peacekeeping operation in Somalia to succeed AMISOM, including of possible additional scenarios, in close contact with UNPOS, the United Nations country team and other United Nations stakeholders, taking account of all relevant conditions on the ground, and considering additional options for the size, configuration, responsibility and proposed area of operation of the mission depending on different conditions on the ground, *requests* the Secretary-General to update on progress in his planning in the report referred to in paragraph 5 above, and *expresses* its willingness to consider, at an appropriate time, a peacekeeping operation to take over *from* AMISOM, subject to progress in the political process and improvement in the security situation on the ground;

9. *Welcomes* the Secretary-General’s undertaking, as set out in his letter of 23 April 2008 to the Chairperson of the AU Commission, to provide additional United Nations technical advisers to the AU’s Strategic Plans and Management Unit in Addis Ababa, and *encourages* the Secretary-General to continue to explore with the AU Commission Chairperson, in coordination with donors, ways and means to strengthen United Nations logistical, political and technical support for the AU, to build the AU’s institutional capacity to carry out its commitments in addressing the challenges it faces in supporting AMISOM, and to assist AMISOM’s full deployment, to the extent possible and as appropriate, with the goal of achieving United Nations standards, and to update the Council in the report referred to in paragraph 5 above;

10. *Reiterates* its call upon Member States to provide financial resources, personnel, equipment and services for the full deployment of AMISOM and upon Member States of the African Union to contribute to AMISOM in order to facilitate the withdrawal of other foreign forces from Somalia and help create the conditions for lasting peace and stability there, *urges* those Member States which have offered to contribute to AMISOM to fulfil such commitments, *recognizes* that more needs to be done to harness increased support for AMISOM, and *takes note* of the Secretary-General’s proposals for harnessing such support, as set out in his letter of 23 April 2008;

11. *Reiterates* its support for the contribution made by some States to protect the World Food Programme maritime convoys, *calls upon* States and regional organizations, in close coordination with each other and as notified in advance to the Secretary-General, and at the request of the TFG, to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and United Nations-authorized activities, *calls upon* AMISOM troop-contributing countries, as appropriate, to provide support to this end, and *requests* the Secretary-General to provide his support to this effect;

12. *Strongly supports and encourages* the ongoing humanitarian relief efforts in Somalia, *recalls* its resolution 1502 (2003) on the protection of humanitarian and United Nations personnel, *calls on* all parties and armed groups in Somalia to take appropriate steps to ensure the safety and security of AMISOM, United Nations and humanitarian personnel, *demands* that all parties ensure timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need, wherever they may be, and *urges* the countries in the region to facilitate the provision of humanitarian assistance, including the timely, safe and unhindered passage of essential relief goods into Somalia by land or via air and sea ports;

13. *Requests* the Secretary-General to strengthen ongoing efforts for establishing a United Nations-led mechanism for bringing together and facilitating consultations between humanitarian organizations operating in Somalia, the TFG, donors and other relevant parties in order to help resolve issues of access, security and provision of humanitarian relief throughout Somalia, and *further requests* him to report on progress in the report referred to in paragraph 5 above;

14. *Requests* the Secretary-General to establish an effective capacity within UNPOS to monitor and enhance the protection of human rights in Somalia, and to ensure coordination, as appropriate, between UNPOS, the Office of the High Commissioner for Human Rights and the Human Rights Council Independent Expert, and *further requests* the Secretary-General to report on progress in achieving this in the report referred to in paragraph 5 above;

15. *Supports* the ongoing efforts of the United Nations, the African Union and interested Member States, in close cooperation with the TFG, to develop security sector institutions in Somalia, and *requests* the SRSG to enhance his coordination role in this area, aligning relevant United Nations programmes and Member States' activities;

16. *Condemns* all and any violations of human rights and international humanitarian law, *calls upon* all parties in Somalia to respect fully their obligations in this regard, and *calls* for those responsible for such violations in Somalia to be brought to justice;

17. *Reaffirms* its previous resolutions 1325 (2000) on women, peace and security, and 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, and *stresses* the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas;

18. *Reaffirms* its previous resolution 1612 (2005) on children and armed conflict and *recalls* the subsequent conclusions of the Security Council Working

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Group on Children in Armed Conflict pertaining to parties to the armed conflict in Somalia (S/AC.51/2007/14);

19. *Recalls* that, pursuant to Article 65 of the United Nations Charter, the Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request;

20. *Decides* to remain actively seized of the matter.

FN-resolution 1816

United Nations

S/RES/1816 (2008)*



Security Council

Distr.: General
2 June 2008

Resolution 1816 (2008)**Adopted by the Security Council at its 5902nd meeting on
2 June 2008***The Security Council,**Recalling* its previous resolutions and the statements of its President concerning the situation in Somalia,*Gravely concerned* by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation,*Expressing* its concerns at the quarterly reports from the International Maritime Organization (IMO) since 2005, which provide evidence of continuing piracy and armed robbery in particular in the waters off the coast of Somalia,*Affirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery, as well as other ocean activities,*Reaffirming* the relevant provisions of international law with respect to the repression of piracy, including the Convention, and *recalling* that they provide guiding principles for cooperation to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state, including but not limited to boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy, and to apprehending persons engaged in such acts with a view to such persons being prosecuted,*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,*Taking into account* the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia’s territorial waters,

* Reissued for technical reasons.

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Deploing the recent incidents of attacks upon and hijacking of vessels in the territorial waters and on the high seas off the coast of Somalia including attacks upon and hijackings of vessels operated by the World Food Program and numerous commercial vessels and the serious adverse impact of these attacks on the prompt, safe and effective delivery of food aid and other humanitarian assistance to the people of Somalia, and the grave dangers they pose to vessels, crews, passengers, and cargo,

Noting the letters to the Secretary-General from the Secretary-General of the IMO dated 5 July 2007 and 18 September 2007 regarding the piracy problems off the coast of Somalia and the IMO Assembly resolution A.1002 (25), which strongly urged Governments to increase their efforts to prevent and repress, within the provisions of international law, acts of piracy and armed robbery against vessels irrespective of where such acts occur, and *recalling* the joint communiqué of the IMO and the World Food Programme of 10 July 2007,

Taking note of the Secretary-General's letter of 9 November 2007 to the President of the Security Council reporting that the Transitional Federal Government of Somalia (TFG) needs and would welcome international assistance to address the problem,

Taking further note of the letter from the Permanent Representative of the Somali Republic to the United Nations to the President of the Security Council dated 27 February 2008, conveying the consent of the TFG to the Security Council for urgent assistance in securing the territorial and international waters off the coast of Somalia for the safe conduct of shipping and navigation,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns and deplores* all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Urges* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, *encourages*, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the TFG;

3. *Urges* all States to cooperate with each other, with the IMO and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law;

4. *Further urges* States to work in cooperation with interested organizations, including the IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion, and defensive techniques and to avoid the area whenever possible;

5. *Calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines;

6. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

7. *Decides* that for a period of six months from the date of this resolution, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

8. *Requests* that cooperating states take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

9. *Affirms* that the authorization provided in this resolution applies only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member states under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that it shall not be considered as establishing customary international law, and affirms further that this authorization has been provided only following receipt of the letter from the Permanent Representative of the Somalia Republic to the United Nations to the President of the Security Council dated 27 February 2008 conveying the consent of the TFG;

10. *Calls upon* States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 above;

11. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

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12. *Requests* States cooperating with the TFG to inform the Security Council within 3 months of the progress of actions undertaken in the exercise of the authority provided in paragraph 7 above;

13. *Requests* the Secretary-General to report to the Security Council within 5 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

14. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal states, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

15. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 7 above for additional periods upon the request of the TFG;

16. *Decides* to remain seized of the matter.

FN-resolution 1838

United Nations

S/RES/1838 (2008)

**Security Council**Distr.: General
7 October 2008

Resolution 1838 (2008)**Adopted by the Security Council at its 5987th meeting, on
7 October 2008***The Security Council,**Recalling* its resolutions 1814 (2008) and 1816 (2008),

Gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

Noting with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Commending the contribution made by some States since November 2007 to protect the World Food Programme ("WFP") maritime convoys, and, the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Noting recent humanitarian reports that as many as three-and-a-half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the WFP will not deliver food aid to Somalia without naval warship escorts, *expressing its determination* to ensure long-term security of WFP deliveries to Somalia and *recalling* that it requested the Secretary-General in resolution 1814 (2008) to provide his support for efforts to protect WFP maritime convoys,

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Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking note of the letter dated 1 September 2008 of the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the Transitional Federal Government (“TFG”) to the Security Council for its assistance and expressing the TFG’s willingness to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

Recalling that in the statement of its President dated 4 September 2008 (S/PRST/2008/33) it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and *emphasizing* the importance of promoting a comprehensive and lasting settlement in Somalia,

Recalling also that in the statement of its President dated 4 September (S/PRST/2008/33) it took note of the parties’ request in the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force and *looking forward* to the Secretary-General’s report due 60 days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

Emphasizing that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates that it condemns and deplores* all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;
2. *Calls upon* States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;
3. *Calls upon* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;
4. *Urges* States that have the capacity to do so to cooperate with the TFG in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);
5. *Urges* also States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World

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Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. *Urges* States, as requested in particular by International Maritime Organization resolution (“IMO”) A-1002(25), to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. *Affirms* that the provisions in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member States under international law, including any rights or obligations under the Convention, with respect to any situation, and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and *expresses* its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

FN-resolution 1846

United Nations

S/RES/1846 (2008)



Security Council

Distr.: General
2 December 2008

Resolution 1846 (2008)**Adopted by the Security Council at its 6026th meeting, on
2 December 2008***The Security Council,**Recalling* its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),*Continuing* to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,*Reaffirming* its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,*Further reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,*Taking into account* the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government ("TFG") to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,*Taking note* of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,*Further taking note* of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in

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the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

Expressing again its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect (WFP) maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing of a peace and reconciliation Agreement (“the Djibouti Agreement”) between the TFG and the Alliance for the Re-Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, *noting* that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and *further noting* the Secretary-General’s report on Somalia of 17 November 2008, including his recommendations in this regard,

Commending the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and *recognizing* specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

Welcoming the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses* its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;

3. *Welcomes* the efforts of the International Maritime Organization (“IMO”) to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;

5. *Further calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;

6. *Welcomes* initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;

8. *Requests* the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. *Calls upon* States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;

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10. *Decides* that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Notes* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Convention”) provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; *urges* States parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the

successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.

FN-resolution 1851

United Nations

S/RES/1851 (2008)



Security Council

Distr.: General
16 December 2008

Resolution 1851 (2008)**Adopted by the Security Council at its 6046th meeting, on
16 December 2008***The Security Council,*

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), and 1846 (2008),

Continuing to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and *noting* that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographic scope, notably evidenced by the hijacking of the M/V Sirius Star 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of Tanzania,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 9 December 2008 from the President of Somalia requesting the international community to assist the TFG in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the 1 September 2008 letter from the President of Somalia to the Secretary-General of the UN expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other

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States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

Welcoming the launching of the EU operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts by the North Atlantic Treaty Organization, and other States acting in a national capacity in cooperation with the TFG to suppress piracy off the coast of Somalia,

Also welcoming the recent initiatives of the Governments of Egypt, Kenya, and the Secretary-General's Special Representative for Somalia, and the United Nations Office on Drugs and Crime (UNODC) to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia, and *emphasizing* the need for current and future counter-piracy operations to effectively coordinate their activities,

Noting with concern that the lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture, has hindered more robust international action against the pirates off the coast of Somalia and in some cases led to pirates being released without facing justice, and *reiterating* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Welcoming the report of the Monitoring Group on Somalia of 20 November 2008 (S/2008/769), and *noting* the role piracy may play in financing embargo violations by armed groups,

Determining that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. *Calls* upon States, regional and international organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution, resolution 1846 (2008), and international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the

exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

4. *Encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast; and *recalls* that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report by the Secretary-General no later than three months after the adoption of resolution 1846;

5. *Further encourages* all states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with assistance of UNODC to arrange effective shiprider agreements or arrangements consistent with UNCLOS and to implement the SUA Convention, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter from the TFG of 9 December 2008, *encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, *notes* the primary role of the TFG in rooting out piracy and armed robbery at sea, and *decides* that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. *Calls on* Member States to assist the TFG, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

8. *Welcomes* the communiqué issued by the International Conference on Piracy around Somalia held in Nairobi, Kenya, on 11 December 2008 and *encourages* Member States to work to enhance the capacity of relevant states in the region to combat piracy, including judicial capacity;

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9. *Notes* with concern the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;

10. *Affirms* that the authorization provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law, and *affirms further* that such authorizations have been provided only following the receipt of the 9 December 2008 letter conveying the consent of the TFG;

11. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. *Urges* States in collaboration with the shipping and insurance industries, and the IMO to continue to develop avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and *further urges* States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. *Decides* to remain seized of the matter.
