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NOTE

From : General Secretariat of the Council
To : Delegations

Subject : ATALANTA - Updated Public Master Messages

Delegations will find in annex the ATALANTA - Updated Public Master Messages as prepared by PMG during its meeting on 29 October 2009.

The document is placed under silence procedure ending on Tuesday 3 November 2009 at 12h00.

EUNAVFOR -Operation ATALANTA

Updated Public Master Messages¹

I. CORE MASTER MESSAGES

- As it approaches the end of its first year, European Naval Force - Somalia- Operation Atalanta (EUNAVFOR-Operation ATALANTA)² successfully performs its mission and contributes to improving maritime security off the coast of Somalia. EUNAVFOR-Operation ATALANTA's was launched in December 2008. In June 2009, the Council of the EU agreed in principle to extend the operation for another year until December 2010.
- EUNAVFOR – Operation ATALANTA has provided vital protection to the World Food Programme vessels delivering humanitarian aid to displaced personnel in Somalia. As of 1st October 2009, the operation has provided escort to 49 World Food Programme vessels and 307,000 tons of food for the direct benefit of more than 1,6 million Somalis. In addition, it has provided protection, on a case by case basis, to the most vulnerable vessels sailing in the Gulf of Aden and off the Somali Coast. Finally, EUNAVFOR – Operation ATALANTA has provided protection to AMISOM shipments, which are critical to the success of the AU operation in Somalia.
- EUNAVFOR- Operation ATALANTA conducts operations in accordance with Resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1846 (2008) and 1851 (2008) of the United Nations Security Council (UNSC). It is an EU autonomous operation conducted within the framework of the European Security and Defence Policy (ESDP). EUNAVFOR- Operation ATALANTA is the first maritime operation launched by the EU within the framework of ESDP.

¹ See "EU military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (operation ATALANTA): Information strategy", doc. 16878/08, 4 December 2008.

² www.eunavfor.eu

- EUNAVFOR-Operation ATALANTA has a leading role in the international counter-piracy efforts off the coast of Somalia by systematically liaising and co-operating with other military forces in the Horn of Africa including Combined Maritime Forces (TF 151), NATO and individual states engaged in the counter-piracy efforts. In this context, the work of the SHADE (Shared Awareness and Deconfliction) format in Bahrain has been especially important.
- In an area as large as the Mediterranean, and with a difficult security situation ashore, EUNAVFOR- Operation ATALANTA will not solve the problem of piracy although it is already providing, together with international partners, a tangible contribution to safer sea transit in the Gulf of Aden and the Indian Ocean.
- The eradication of piracy in the region will only be achievable through the stabilisation of Somalia. To this end, the EU supports the Transitional Federal Government of Somalia (TGF) and acts within a comprehensive approach to achieve a lasting settlement of the Somali crisis, covering its political, security, developmental and humanitarian aspects.
- In full transparency with the Transitional Federal Government of Somalia, EU NAVFOR- Operation ATALANTA has established contacts with Somali Coastal Communities and Authorities, including in the autonomous regions of Puntland and Somaliland.
- Efficient and credible trials of suspected pirates are essential in sustaining the operational effect of Operation Atalanta. The EU's agreements with Kenya and Seychelles are a key instrument to that end. Similar arrangements with other countries are being developed or explored.

II. DETAILED MASTER MESSAGES

A. The EU maritime operation: achievements and features

1. EUNAVFOR-Operation ATALANTA has up until now had a 100% success rate escorting World Food Programme (WFP) vessels with cargo to Somalia. EUNAVFOR-Operation ATALANTA has also ensured the protection of other vulnerable shipping, where appropriate by providing escorts. This has been the case for 6 AMISOM shipments. As the UN has decided to increase its logistical support to AMISOM it is expected to result in an increase in the number of shipments.
2. The Internationally Recommended Transit Corridor (IRTC), the system of Group Transits largely developed by the EU in the Gulf of Aden, is making a significant contribution to improving security in the busiest and most vulnerable areas close to the coast.
3. a). Each vessel wishing to transit through the Gulf of Aden or off the coast of Somalia is advised to register in advance on the website of the Operation ATALANTA's Maritime Security Center-Horn of Africa (MSCHOA, www.mschoa.eu), which was set up at the beginning of the operation to facilitate the coordination of maritime traffic. MSCHOA is now firmly established as a key asset to support for shipping transiting in the region. This initiative, which was welcomed by the whole community of ship owners and merchant navies, makes it possible for vessels that observe EUNAVFOR- Operation ATALANTA recommendations to improve their security, and thus reduce the risk of attacks or capture. Universally recognised, it provides information and guidance for the vessels on how to implement best management practices and self protection measures, which in most cases are crucial, and to enable, in some cases, vessels to receive close military protection, thus reducing the risk of attacks or capture³.

³ In June 2009, the MSCHOA website was awarded the Safety at Sea International award for Management and Operations at the Norwegian Shipping Conference in Oslo

b). The wider public and Media can access information about EUNAVFOR- Operation ATALANTA at the website: www.eunavfor.eu.

4. The military personnel involved in the operation EUNAVFOR- Operation ATALANTA can arrest, detain and transfer persons who are alleged to have committed or who have committed acts of piracy or armed robbery in the areas where they are present. They can seize the vessels of the pirates or the vessels captured following an act of piracy or an armed robbery and which are in the hands of the pirates, as well as the goods on board.
5. The suspects can be prosecuted, as appropriate, by an EU member state, by a Third State participating in Atalanta, or by Kenya. Under the agreement concluded with the EU on 6 March 2009, Kenya can accept suspected pirates transferred by EUNAVFOR with a view to prosecute them. A similar agreement has been concluded with the Republic of Seychelles and will enter into force in the coming weeks. Discussions continue with other regional countries so as to establish further arrangements to transfer and prosecute suspected pirates.
6. Since the launch of operation EUNAVFOR- Operation ATALANTA, 70 suspected pirates have been captured. By early October 2009, Kenya had agreed to detain and prosecute 68 of them (2 other suspected pirates have been transferred to the Spanish Judicial authorities).
7. 20 EU member States and two third countries participate in the operation and are represented at the Operation Headquarters (OHQ) at Northwood (UK), and at the Force Headquarters (FHQ) at sea. Since the launch of the operation, 10 EU member States⁴ have contributed to the operation with 33 warships, 4 tankers and 5 Maritime Patrol Reconnaissance Aircraft (MPRA). At the present time, EUNAVFOR- Operation ATALANTA has 9 warships in theatre. More than 2,000 personnel are deployed to theatre onboard EUNAVFOR-Operation ATALANTA's warships and MPRA's.

⁴ Belgium, France, Germany, Greece, Italy, Luxembourg, The Netherlands, Spain, Sweden and United Kingdom

8. The Operation Commander of EUNAVFOR- Operation ATALANTA is Rear Admiral Peter Hudson (UK)⁵. Commodore Pieter Bindt (NL) assumed Force Commander on 13 August 2009⁶ for a period of four months. On 9 December 2009 Rear Admiral Giovanni Gumiero (IT) will take over as Force Commander.
9. The European naval force operates in a zone comprising the Southern Red Sea, the Gulf of Aden and part of the Indian Ocean, including the Seychelles, which represents an area comparable to that of the Mediterranean. Several other naval forces also operate in this zone, including the Combined Maritime Forces (TF 151), NATO and individual states engaged in the counter-piracy efforts. EUNAVFOR-Operation ATALANTA has taken a leading role in the coordination between the multinational, national and regional naval forces operating in the area to ensure de-confliction, shared awareness and coordination in the disruption of piracy.
10. Given the unique nature of a maritime operation, EUNAVFOR-Operation ATALANTA has allowed the EU to work in cooperation some third States (notably China, Russia, Saudi Arabia, Japan, Malaysia, India, Yemen, Oman, Egypt and Seychelles), some for the first time in the framework of the ESDP .

B. Third States' participation to EUNAVFOR-ATALANTA

11. EUNAVFOR- Operation ATALANTA's participation goes beyond EU member States. Since August 2009, Norway is the first non-EU country to contribute to the Operation with one warship. Furthermore, another Third State, Croatia, has provided staff officers to the OHQ. Finally, Montenegro's offer to contribute has been accepted and a Participation Agreement is being negotiated. The EU has also sent an invitation to South Africa to participate in the Operation and further contacts have also been initiated with Australia and New Zealand.

⁵ Rear Admiral Peter Hudson succeeded Rear Admiral Philip Jones (UK).

⁶ He succeeded Commander Juan Garat Caramé (Spain) and Commodore Antonios Papaioannou (Greece).

C. Detention and prosecution of pirates in Kenya

12. The EU-Kenya agreement, concluded on 6 March 2009, guarantees the rights of the accused, assuring them that they will receive a fair trial and ruling out any death sentence. Under the agreement, the persons transferred, both prior to and following transfer, must be treated humanely and in accordance with international human rights obligations.
13. Boarding, arrests and detention at sea of suspected pirates ships are carried out on the basis of rules of engagement which regulate the use of force by EUNAVFOR. Very specific instructions have been given regarding the treatment of those detained on board. Once detained they are transferred to the appropriate Kenyan authorities if the Operation Commander so requests and Kenya accepts the transfer. It is then for the Kenyan judicial authorities to act under their own criminal law and criminal procedure.
14. When such transfers take place, the EU-Kenya agreement provides for regular monitoring and access to the transferred persons by representatives of the EU and EUNAVFOR and by national and international humanitarian Agencies. At the request of EUNAVFOR-Operation ATALANTA, the Kenyan Red Cross and a local NGO have visited the prisoners.
15. Under the European Community Instrument for Stability, EUR 1,750,000 have been allocated to assist the relevant Kenyan authorities in support of their judiciary sector. The joint EC-UNODC programme addresses capacity needs, including training and legislative review, in the areas of prosecution, police, judicial and prison services. It contributes to fair trials and decent treatment of suspected pirates in accordance with international standards.

D. EU and Somalia

16. Operation EUNAVFOR- Operation ATALANTA is part of the comprehensive action conducted by the EU in the Horn of Africa to deal with the Somali crisis, which has political, security, developmental and humanitarian aspects. The EU supports the Djibouti process for peace and reconciliation in Somalia, facilitated by the UN and has called on all parties in Somalia to ease the suffering of the population and to seize this opportunity to work towards the restoration of security, stability and development in Somalia. The EU recognises the importance of the engagement of the Somali diaspora.

17. The EU and its member states support the African Union's military mission to Somalia (AMISOM) through expertise and financial support, in terms of planning and capacity building, in order to increase, in particular, the efficiency of the Somali police force and to combat any abuse and serious violation of human rights.

18. The EU has decided to step up its engagement in Somalia within a comprehensive approach and with a view to being part of a broader, international answer, including in the area of security. The objective is to contribute to the renaissance of the Somali state and to the protection of the population by a legitimate government. The EU is currently exploring possible actions in support of the security sector, including support to the Somali security forces, the police and maritime capacity development in Somalia and the region. The Joint Strategy Paper for Somalia for 2008-2013 provides an allocation of EUR 215,8 million under the EC's 10th European Development Fund (EDF). It covers three main sectors of cooperation: governance, education and rural development. The issue of the security of maritime routes is also included in the European Commission's Instrument for Stability Indicative Programme 2009-2011.

19. The European Commission is one of the main sources of humanitarian funding for the victims of the crisis in Somalia. From 2004 to 2008, it provided more than EUR 93 million for relief activities (almost EUR 46 million in 2008). In 2009, a total of EUR 45 million are estimated to be allocated by the end of the year.
20. The EU recognises the contribution already made by neighbouring countries and will encourage further support and cooperation to counter piracy.
