

# EUROPEAN PARLIAMENT

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5 September 2001

B5-0559/2001 }  
B5-0570/2001 }  
B5-0577/2001 }  
B5-0588/2001 }  
B5-0597/2001 }  
B5-0601/2001 }  
RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50(5) of the Rules of Procedure by

- Charles Tannock, on behalf of the PPE-DE Group
- Margrietus J. van den Berg, Anna Terrón i Cusí, Anne E.M. Van Lancker, Manuel Medina Ortega and Joke Swiebel, on behalf of the PSE Group
- Cecilia Malmström and Olle Schmidt, on behalf of the ELDR Group
- Alima Boumediene-Thiery, Caroline Lucas, Patricia McKenna, Patsy Sörensen, Kathalijne Maria Buitenweg, Jean Lambert and Johannes Voggenhuber, on behalf of the Verts/ALE Group
- Sylviane H. Ainardi, Giuseppe Di Lello Finuoli, Felekna Uca, Joaquim Miranda, Efstratios Korakas, and Armando Cossutta, on behalf of the GUE/NGL Group
- Cristiana Muscardini, and Francesco Turchi, on behalf of the UEN Group

replacing the motions by the following groups:

- ELDR (B5-0559/2001),
- Verts/ALE (B5-0570/2001),
- UEN (B5-0577/2001),
- GUE/NGL (B5-0588/2001),
- PSE (B5-0597/2001),
- PPE-DE (B5-0601/2001),

on the situation of 438 Afghan refugees off the coast of Australia

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PE 308.778}  
PE 308.789}  
PE 308.796}  
PE 308.807}  
PE 308.816}  
PE 308.820} RC1

## European Parliament resolution on the situation of 438 Afghan refugees off the coast of Australia

*The European Parliament,*

- having regard to its previous resolutions on asylum policy and on the situation in Afghanistan, in particular its resolution of 13 June 2001,
  - having regard to the 1951 UN Convention on the Status of Refugees, to which Australia was one of the very first contracting parties,
  - having regard to the International Maritime Organisation Convention for the Safety of Life at Sea and the relevant law of the sea provision,
- A. whereas the situation in Afghanistan continues to deteriorate, provoking a continuing exodus of its population and recognising the severe economic hardship the Afghan people are faced with, which has been to a large extent brought about by the action of the Taliban Regime,
  - B. considering that on 26 August Captain Arne Rinnan of the Norwegian freighter MS "Tampa" responded to the distress call from the Australian Search and Rescue Co-ordination Centre in Canberra and came to the aid of a sinking Indonesian boat with 438 mainly Afghan refugees and six Indonesian crew on board,
  - C. considering that the rescue area falls under Indonesian search-and-rescue jurisdiction, but that the nearest port was the Australian Territory of Christmas Island and considering that the MS Tampa was equipped to handle a limited number of people,
  - D. considering that the Australian Government refused to give permission to MS Tampa to land in any Australian territory and considered the matter to be an Indonesian responsibility,
  - E. recalling that, according to the 1951 UN Convention on the Status of Refugees, to which Australia is party, Australia has an international obligation to allow asylum seekers to apply for asylum once in Australia,
  - F. deploring the fact that Indonesia has declared that it shall and will not help,
  - G. considering that Australian Special Air Services (SAS) troops stormed the ship and demanded its return to international waters which the captain refused,
  - H. considering, however, that Australian troops provided food, sanitation and medical care for the refugees,
  - I. noting that a Melbourne federal court has ruled that the 438 asylum seekers could be transferred onto an Australian Navy troop ship that would take them to Papua New Guinea by sea and that they would then be flown to New Zealand and Nauru, where their asylum claims would be assessed,

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1. Deplores the fact that neighbouring States (Indonesia and Australia) did not take immediate steps to resolve the problem;
2. Welcomes the work of the Australian Search and Rescue Co-ordination Centre and the prompt reaction of Captain Arne Rinnan to come to the aid of the hundreds of Afghan refugees without hesitation;
3. Recalls the existence of international conventions on the protection of refugees and asylum procedures that must be observed by all States, and the need to take into consideration the humanitarian aspects involved in this kind of dramatic event;
4. Recalls that Australia in the meantime has negotiated that New Zealand agree to receive 150 of the refugees on board the Tampa and that Nauru take 183 until their requests for asylum have been processed;
5. Welcomes the fact that a solution could be found breaking the deadlock over the 438 refugees, which will enable those deemed to have valid claims to be resettled in neighbouring countries;
6. Welcomes the readiness of New Zealand and Nauru to temporarily accept them on their territories in order for their asylum claims to be assessed;
7. Is worried by the growing number of refugees and displaced people world-wide and by increasing tendencies to resort to inhumane refoulement measures;
8. Calls on the Taliban regime to facilitate the activities of non-governmental organisations in their provision of emergency humanitarian and food aid for the Afghan people;
9. Invites the Council and the Commission to address this issue in the framework of the United Nations by identifying solutions which may include some form of shared responsibilities between States at regional and international level;
10. Calls on the Council and the Commission to take the necessary measures to lay down an obligation for coastal states in the seas in which such situations arise to assist the stranded and ensure that they are treated in accordance with the procedures provided for in the International Convention on the Status of Refugees of 28 July 1951;
11. Instructs its President to forward this resolution to the Commission, the Council and the governments of Australia, Norway, Nauru, New Zealand and Indonesia and the UN Secretary-General.