



Security Council

Seventy-seventh year

9050th meeting
 Tuesday, 31 May 2022, 11 a.m.
 New York

Provisional

President: Mrs. Thomas-Greenfield (United States of America)

Members:

Albania	Ms. Dautllari
Brazil	Mr. Costa Filho
China	Mr. Dai Bing
France	Mrs. Broadhurst Estival
Gabon	Mrs. Koumba Pambo
Ghana	Mr. Agyeman
India	Mr. Raguttahalli
Ireland	Ms. Byrne Nason
Kenya	Mrs. Toroitich
Mexico	Mrs. Buenrostro Massieu
Norway	Ms. Juul
Russian Federation	Mr. Nebenzia
United Arab Emirates	Mrs. Alhefeiti
United Kingdom of Great Britain and Northern Ireland	Mr. Eckersely

Agenda

Peace and security in Africa

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).

22-36566 (E)



Accessible document

Please recycle



The meeting was called to order at 11.05 a.m.

Adoption of the agenda

The agenda was adopted.

Peace and security in Africa

The President: In accordance with rule 37 of the Security Council's provisional rules of procedure, I invite the representatives of Angola, Benin, Chad, Denmark, Djibouti, Egypt, Equatorial Guinea, Finland, the Gambia, Guinea, Japan, Lebanon, Liechtenstein, Luxembourg, Mauritius, Morocco, the Netherlands, Nigeria, Portugal, the Republic of Korea, Senegal, Seychelles, Slovakia, South Africa, Sweden, Switzerland, Togo and Tunisia to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2022/62, which contains the text of a draft resolution submitted by Albania, Angola, Benin, Brazil, Chad, Denmark, Djibouti, Egypt, Equatorial Guinea, Finland, France, Gabon, the Gambia, Ghana, Guinea, Japan, Kenya, Lebanon, Liechtenstein, Luxembourg, Mauritius, Morocco, the Netherlands, Nigeria, Norway, Portugal, the Republic of Korea, Senegal, Seychelles, Slovakia, South Africa, Sweden, Switzerland, Togo, Tunisia and the United States of America.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Agyeman (Ghana): On behalf of Norway and my own country, Ghana, the co-penholders of the draft resolution on maritime security in the Gulf of Guinea, contained in document S/2022/62, I wish to thank your delegation, Madam President, for convening this meeting under the agenda item entitled peace and security in Africa.

As members of the Security Council are aware, it has been 10 years since the Security Council adopted resolution 2039 (2012), on maritime piracy and armed robbery in the Gulf of Guinea. Despite the global nature of the threats, the region remains a global hotspot for maritime piracy. The region recorded 130 maritime kidnappings out of the 135 global incidents reported in 2020, in addition to the 40 kidnapped crew recorded globally in the first quarter of 2021.

In that regard, urgent attention is required to combat the menace, which is detrimental to the development of coastal economies in the region and risks compounding the multifaceted challenges facing the region, including a surge in terrorism, a return of coup d'états, a deepening of climate change and the worsening impact of the coronavirus disease pandemic.

It is for those reasons, and mindful of the fact that maritime piracy is one of the most pressing concerns on the African continent, that Ghana and Norway jointly initiated a draft resolution to refocus global attention and garner the necessary support to help address the situation in the Gulf of Guinea.

The draft resolution builds on existing frameworks, including resolutions 2018 (2011) and 2039 (2012) and existing comprehensive regional frameworks, notably, the Yaoundé Code of Conduct. Its operative core focuses on the need to criminalize and prosecute acts of piracy and armed robbery at sea, as well as some measures to further enhance and support national, regional and international efforts to deal with the situation.

The draft resolution requests the Secretary-General to report on current efforts, including assessing the possible links between piracy and armed robbery at sea in the Gulf of Guinea and terrorism in West Africa, as well as to provide recommendations for enhanced efforts and support for national and regional responses.

It is pertinent to underline that the negotiations commenced in early January with three rounds of formal negotiations, after which multiple bilateral engagements were held with delegations to address their respective concerns. Throughout the process, the co-penholders diligently engaged all delegations in an open and transparent manner to ensure that we had a good balance of the views of all members as an outcome. After the conclusion of negotiations in late January, 10 Council members and an overwhelming number of non-Council members co-sponsored the draft resolution, for which we are grateful.

However, the adoption of the draft resolution was deferred due to the last-minute objections raised by a delegation regarding the third preambular paragraph of the draft resolution, which relates to the United Nations Convention on the Law of the Sea (UNCLOS). True to our desire from the beginning until now to ensure that the concerns of all delegations are considered and out of respect for the negotiation process and the many delegations that co-sponsored the draft resolution, we

re-engaged with the concerned delegation to find text that ensured that the language in the draft resolution was acceptable to all.

After that long-haul process of re-engaging with delegations on the issue, we are pleased that delegations have been able to show flexibility and compromise, leading to a draft resolution that enjoys the consensus support of all delegations. The compromise reached has enabled us to maintain the agreed language on UNCLOS in the third preambular paragraph of the draft resolution, which is the most recently agreed language of December 2021, while at the same time linking it to other agreed language in what was originally the eighteenth preambular paragraph of the text.

The repositioning of what was originally the eighteenth preambular paragraph as the third preambular paragraph of the draft resolution underscores the point that has always been made — that the provisions of the draft resolution apply only with respect to the situation in the Gulf of Guinea.

In conclusion, I wish to remind the Council that the countries of the region cannot afford to have the already difficult situation they confront to be compounded by the activities of pirates. Any link between the pirates at sea and terrorist activities on land would have a devastating impact on the region. The fate of the draft resolution lies in our hands collectively.

On behalf of Ghana and Norway, in our capacity as co-penholders, as well as the Member States of the region, I thank all delegations and look forward to their support in adopting this much-awaited draft resolution. The draft resolution is critical and will do much to help galvanize global support against piracy and strengthen regional and national measures in combatting the menace of piracy and other crimes at sea in the region.

Mr. Dai Bing (China) (*spoke in Chinese*): In recent years, maritime security issues in the Gulf of Guinea have become acute, with rampant piracy, foreign ships being hijacked and crew members are being kidnapped frequently. That has seriously threatened the security and stability of coastal countries, affected people's lives and greatly affected international shipping and trade and the regional economy.

China attaches great importance to maritime security in the Gulf of Guinea and, to the best of its ability and through bilateral and multilateral channels, has provided support to the countries of the region in

order to enhance their capacity to maintain maritime security. We support increased attention and investment by the international community with respect to that issue.

China supported the original intent of Ghana and Norway in submitting the draft resolution on maritime security in the Gulf of Guinea (S/2022/62) and participated constructively throughout the relevant consultations. Based on respect for the sovereignty and leadership of coastal countries, we advocate helping the countries of the region to strengthen their anti-piracy capacity in order to eliminate the root causes of piracy.

During the consultations on the draft resolution, there was one question that aroused the interest of Security Council members — the relationship between the United Nations Convention on the Law of the Sea (UNCLOS) and international law.

The answer to that question is self-evident. The Convention is not the entirety of international law. The eighth preambular paragraph of the Convention clearly stipulates that matters not regulated by the Convention continue to be governed by the rules and principles of general international law. That shows clearly that the Convention itself recognizes that its scope of application is limited. It does not, and cannot possibly, regulate all maritime issues.

The Convention was established in 1982, when not all issues related to the law of the sea could be foreseen. With human activities increasing in the ocean, the international community needs to develop new rules for the law of the sea to fill that gap. The ongoing negotiations on the marine biodiversity agreement within the framework of the United Nations clearly demonstrates that the law of the sea is still undergoing dynamic development.

The relationship between UNCLOS and international law should not be a contentious issue and, even if it were, it should be discussed and clarified by the General Assembly rather than the Security Council. However, since that issue was mentioned in the consultations and some members seemed to have different views on it, China finds it necessary to state its position for the record.

The President: The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Albania, Brazil, China, France, Gabon, Ghana, India, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America.

The President: The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2634 (2022).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Ms. Juul (Norway): Let me start by thanking all Security Council members for their constructive engagement over the past months towards reaching an agreement on resolution 2634 (2022). In particular I want to thank our co-penholder, Ghana, for its excellent cooperation every step of the way. Our thanks also extend to the other two African members of the Security Council and regional countries for their support since the start of the process.

We have just adopted unanimously the first Council resolution on maritime security in the Gulf of Guinea in 10 years. At this difficult moment for the world, the resolution addresses an issue that is important for the relevant African regions themselves and beyond.

Every day, more than 1,000 boats and ships criss-cross the waters of the Gulf of Guinea. Their safety is crucial for the development and economic welfare of dozens of countries in West, Central and Southern Africa. According to a recent United Nations study, piracy in the Gulf of Guinea costs coastal States at least \$2 billion a year. Even with the encouraging progress being made, with the help of renewed efforts from countries like Nigeria, the Gulf of Guinea remains the world's most dangerous place for ships and seafarers.

That is why resolution 2634 (2022) is so important. It aims to increase security for ships and sailors in the Gulf and at the same time safeguard the economic potential of countries in the region. The resolution also reaffirms that UNCLOS sets out the legal framework for all ocean activities globally.

Next year marks the tenth anniversary of the Yaoundé Code of Conduct. Resolution 2634 (2022) will hopefully help make a strong push towards fully addressing the threat and cost of piracy and armed robbery in the Gulf of Guinea.

Mr. Raguttahalli (India): We were pleased to support the adoption of resolution 2634 (2022), on piracy and armed robbery at sea in the Gulf of Guinea, which will contribute to addressing the challenge in the region that affects the safety and security of international navigation there.

We feel that the resolution provides a sound framework for national efforts, cooperation through regional and subregional organizations and the support of the international community. We believe that it advances the wider objectives of enhancing maritime security internationally that were endorsed through the presidential statement issued under India's presidency of the Security Council last year (S/PRST/2021/15).

The recognition of the international legal framework through the United Nations Convention on the Law of the Sea is important in the context of traditional and non-traditional security challenges in the maritime domain, including piracy and armed robbery at sea. India has been engaged with the countries of the region on maritime matters and would be glad to contribute further to their efforts to strengthen maritime security, in due cooperation with them, as well as to assist with regional initiatives.

I would like to note that India is not a party to the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, as it diverges from the reality pertaining to India in the nuclear context. However, we feel that the overall objectives of resolution 2634 (2022) and its contribution to addressing maritime security are an important matter of wider concern globally that deserves our support.

Mr. Eckersley (United Kingdom): First of all, we would like to thank Ghana and Norway for their sterling efforts to secure an agreement on resolution 2634 (2022). We welcome its strong focus on tackling the scourge of piracy in the Gulf of Guinea, which is an important step forward. The resolution also rightly highlights the primacy of the United Nations Convention on the Law of the Sea, which has made a significant contribution to global peace, prosperity and security by providing a consistent and clear legal framework for all activities in the oceans and seas.

Mr. Costa Filho (Brazil): At the outset, let me thank the co-penholders of resolution 2634 (2022), Ghana and Norway, for their hard work during the negotiations. Brazil recognizes that both delegations made intense

efforts in trying to achieve a balanced and meaningful text on such a pressing issue. We are pleased to have joined as co-sponsors and support this process, which comes 10 years after the Security Council's adoption of resolution 2039 (2012), also on this issue. It is also gratifying to note that resolution 2634 (2022) was adopted by consensus, highlighting that, with open and frank negotiations, the Security Council can still fulfil its Charter-mandated responsibilities.

Brazil has been paying increased attention to the international security implications of piracy and armed robbery in the Gulf of Guinea. As a member of the Zone of Peace and Cooperation of the South Atlantic, it is our priority to strengthen the ongoing counter-piracy efforts in the region. The States of the Gulf of Guinea bear the leadership and primary responsibility to counter piracy and armed robbery in the region. Nonetheless, modalities for regional cooperation and naval capacity-building remain key in supporting their efforts to address that complex challenge.

We are pleased to see those elements reflected in the resolution. We also wish once again to highlight the centrality of the Yaoundé Architecture for maritime security in countering piracy in the Gulf of Guinea, which brings together key regional actors such as the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea Commission.

In addition to the impacts on the security of seafarers and fishers, piracy and armed robbery in the Gulf of Guinea continue to cause financial hardship for the whole region, mainly due to disruptions to shipping, trade, transportation and Government revenues. The costs of piracy and armed robbery at sea in the Gulf of Guinea shift resources that could otherwise be used in the development of the region. There is therefore a clear interdependence between maritime security, the rule of law and the development of coastal regions.

On that note, we regret that such issues were not taken up by the co-facilitators of the political declaration of the second United Nations Ocean Conference, despite the proposals presented by Brazil and the Group of 77 and China in that regard. We are convinced that a new report by the Secretary-General will be key in reassessing the situation of the Gulf of Guinea. We expect it to examine thoroughly the underlying causes of piracy and armed robbery in the region, as well as

any possible and potential linkages with terrorism in West and Central Africa and the Sahel.

As this year marks the fortieth anniversary of the adoption of the United Nations Convention on the Law of the Sea (UNCLOS), Brazil would like to reaffirm its full commitment to the objectives, purposes and principles enshrined in the Convention. Often described as the constitution of the seas, it remains clear to us that UNCLOS sets out the legal framework within which all activities in the oceans and seas must be carried out. That includes countering piracy and armed robbery at sea.

The President: I shall now make a statement in my capacity as representative of the United States of America.

The United States was pleased to co-sponsor resolution 2634 (2022), on maritime security in the Gulf of Guinea, the adoption of which marks 10 years since the Security Council last adopted a resolution on this concerning issue (resolution 2039 (2012)). Maritime security in the Gulf of Guinea is essential to maintaining an Atlantic that provides for the safety and prosperity of Atlantic nations and those who depend on its waters for their livelihoods. The United States is committed to the international navigation, security and sustainable development of the Gulf of Guinea and countries in the region, and indeed of the entire Atlantic Ocean basin.

In practice, that means working with partners in the region to hold accountable the perpetrators and facilitators of piracy and armed robbery at sea and criminal networks. It also means addressing other related destabilizing and illicit activities in the Gulf of Guinea. Those crimes have far-reaching consequences for the security, governance and livelihoods of Gulf of Guinea nations. It is estimated that the direct and indirect costs of maritime crime in the Gulf of Guinea amount to more than \$1 billion annually. We have all seen the impact of piracy on the free flow of commerce; however, let us not forget the human cost of maritime piracy attacks and hostage-taking.

The good news is that, through the collaborative efforts of many nations, the frequency of such incidents dramatically decreased in 2022. In just one example of what we can do together, in April a United States and West African team led by Cabo Verde, working in coordination with international law enforcement and maritime centres, seized approximately 6,000

kilograms of suspected cocaine, with an estimated street value of more than \$350 million.

Despite progress, we cannot let our guard down. We are therefore proud to stand with Ghana, Norway and many other countries today in bringing attention to, and integrated action around, these shared challenges. In that spirit, the United States welcomes the progress made by States bordering the Gulf of Guinea in their implementation of the Yaoundé Architecture on maritime security.

The United States also commends the efforts of regional and subregional organizations, namely, the African Union, the Economic Community of Central African States, the Economic Community of West African States, the Gulf of Guinea Commission and their partners, in their coordination to enhance cooperation

on maritime security and further operationalize the Yaoundé Architecture.

Finally, we want to recognize the importance of resolution 2634 (2022) in its request for a report to examine the root causes and potential linkages between piracy and armed robbery with terrorism in West and Central Africa, as well as in the Sahel. As we mark the tenth anniversary of the Yaoundé Code of Conduct, we welcome today's vote to strengthen and support that work.

I now resume my functions as President of the Council.

There are no more names inscribed on the list of speakers.

The meeting rose at 11.30 a.m.