



Security Council

Sixty-seventh year

*Provisional***6867**th meeting

Wednesday, 21 November 2012, 10 a.m.

New York

President: Mr. Hardeep Singh Puri. (India)

Members:

Azerbaijan	Mr. Mehdiyev
China	Mr. Tian Lin
Colombia	Mr. Osorio
France	Mr. Araud
Germany	Mr. Wittig
Guatemala	Mr. Rosenthal
Morocco	Mr. Bouchaara
Pakistan	Mr. Masood Khan
Portugal	Mr. Vaz Patto
Russian Federation	Mr. Ilichev
South Africa	Mr. Crowley
Togo	Mr. Menan
United Kingdom of Great Britain and Northern Ireland	Mr. Parham
United States of America	Mr. DeLaurentis

Agenda

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 2020 (2011) (S/2012/783)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 2020 (2011) (S/2012/783)

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Greece, Italy, Somalia, Spain and Ukraine 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/2012/861, which contains the text of a draft resolution submitted by France, Germany, Greece, India, Italy, Spain, Ukraine and the United States of America.

I wish to draw the attention of Council members to document S/2012/783, which contains the report of the Secretary-General pursuant to resolution 2020 (2011).

It is my understanding that 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:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2077 (2012).

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

Mr. Crowley (South Africa): South Africa welcomes the adoption of resolution 2077 (2012). South Africa remains concerned about the scourge of piracy and its negative impact on the political, social, economic and humanitarian situation in Somalia. We applaud the efforts of various States and organizations,

such as the United Nations Development Programme and the United Nations Office on Drugs and Crime, in combating piracy.

We recall that article 100 of the United Nations Convention on the Law of the Sea affirms the duty of all States to cooperate as far as possible in the repression of piracy on the high seas. Moreover, article 105 permits all States to seize a pirate ship and exercise universal jurisdiction over persons committing piracy. On its part, South Africa is a signatory to the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden. In the region of the Southern African Development Community, we have deployed naval assets for anti-piracy operations in the Mozambique Channel.

South Africa continues to insist that piracy off the coast of Somalia must be put in the context of the peace challenges facing Somalia. In our view, a solution to the problem of piracy off the coast of Somalia demands holistic solutions and an end to the current conflict. Piracy remains a symptom of a greater problem, namely, the political, security and economic challenges on land. The international community should therefore focus more closely on, and direct more resources towards, addressing the root causes of the Somali conflict, while also maintaining the required pressure at sea against perpetrators of piracy.

As stressed by the African Union Peace and Security Council, one of the many issues that have to be addressed in our search for solutions in Somalia must include curbing illegal dumping and the illegal plundering of Somali resources, including illegal fishing and the dumping of toxic waste off the coast of Somalia. Somali authorities must be assisted in ensuring that the benefits of Somali resources are enjoyed by Somalia and its people.

We note that the report of the Secretary-General on the protection of Somali natural resources and waters indicates that

“some observers claim that the international naval presence to suppress piracy, authorized by the Security Council, has in fact inadvertently facilitated a resurgence of illegal fishing in Somali waters”

and that “Due to a lack of a formal monitoring, these claims cannot be verified” (S/2011/661, para. 44).

Similarly, the report refers to unconfirmed allegations of illegal dumping off the coast of Somalia. In that regard, the report notes that “Robust investigations would be required as the security situation improves” (*ibid.*, para. 55). However, the report of the Secretary-General contained in document S/2012/783 states that there is no evidence of such activities currently in respect of illegal dumping and that there is little evidence to date to justify the claim that illegal fishing and dumping is one of the reasons for forcing Somali youth to resort to piracy.

My delegation finds it extremely difficult to reconcile the inferences drawn by the latter, given the lack of formal investigation or monitoring to fully examine the issue. It is difficult to accept that the 2012 report, with its obvious methodological limitations, could erase those historical claims and allegations in the absence of thorough investigation or monitoring. Those issues must be fully monitored and investigated, no matter how inconvenient the allegations may be if they are verified.

We hope that, in the context of paragraph 26 of resolution 2077 (2012), those States and organizations with a naval presence in the area will provide the Secretary-General with the information necessary to enable the Council to take that matter further. We look forward to receiving further updates by the Secretary-General on the issue of illegal fishing and dumping. If we fail to take decisive action in that regard, we risk creating the impression that the Council is willing to act to curb piracy only because the vital economic interests of some countries are threatened.

Finally, South Africa supports the call in paragraph 4 of resolution 2077 (2012) for Somalia to declare an exclusive economic zone (EEZ). However, the absence of a declared EEZ cannot be used to justify the illegal exploitation of Somali resources in the zone. There is nothing in the Convention on the Law of the Sea that suggests that the existence of an EEZ is subject to its declaration by the coastal State. Therefore, even as we await the declaration of an EEZ by Somalia, fishing and dumping in the maritime zone 200 nautical miles from its coastline without the consent of its authorities is illegal.

The international community must remain resolute in condemning both piracy and the illegal fishing and dumping of toxic waste off the coast of Somalia,

which are all reprehensible criminal activities under international law.

Mr. Menan (Togo) (*spoke in French*): Today’s adoption of resolution 2077 (2012), on piracy off the coast of Somalia, just two days after the holding of an open debate of the Security Council on piracy (see S/PV.6865), during which a presidential statement was delivered (S/PRST/2012/24), illustrates the degree to which the scourge of piracy is a major concern for the entire international community. My delegation would first of all like to express its deep appreciation to all the delegations, especially that of the United States of America, for the efforts that led to the adoption of the resolution.

Piracy off the coast of Somalia has for a long time jeopardized the stability of that country as well as that of the countries of the subregion. It has also disrupted commercial flows, fuelled criminal networks and contributed to illicit trafficking on a vast scale. Given the results achieved to date, the battle being waged on land and at sea to address the underlying causes of the scourge are proving to be increasingly effective. However, those efforts are being undertaken against the backdrop of certain allegations that are a source of concern to the delegation of Togo that have to do with illegal fishing and the illegal dumping of waste, in particular toxic waste, in the waters off the coast of Somalia. Togo views those allegations as serious on various levels, to the extent that they require action by the international community in order to investigate whether that is in fact taking place and, if so, stop it.

The Secretary-General has himself indicated, in his report on the protection of Somali natural resources and waters (S/2011/661), that while the dumping of toxic waste may have taken place in the past, there is no evidence that it is currently taking place. The Secretary-General also indicates that, without adequate monitoring or reporting systems, it is difficult to provide detailed information related to allegations of the dumping of waste and of illegal, unreported and unregulated fishing off Somalia’s coast. Since the absence of such mechanisms make investigations difficult, it therefore follows that adequate monitoring and reporting systems should be put in place in order to be able to expand those inquiries. In that regard, Togo believes that the sixth preambular paragraph and paragraph 28 of resolution 2077 (2012) are insufficient and do not go far enough, as they merely take note of the lack of ability to provide detailed information

about those allegations owing to the absence of such systems — instead of calling for them to be established in order to bridge that gap in combating poverty.

Togo urges the Security Council, not having done so in adopting resolution 2077 (2012), not to miss the next opportunity to call for the establishment of adequate mechanisms to determine whether or not the allegations are true. If they are in fact found to be accurate, the Council should ascertain the seriousness of the situation and respond in an appropriate manner.

We believe that to be the only way in which we can dispel any doubts about the issue and definitively clear up the matter of any potential future responsibilities of the Organization.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.25