



# Security Council

Sixty-seventh year

*Provisional*

## 6865<sup>th</sup> meeting

Monday, 19 November 2012, 10 a.m.

New York

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*President:* Mr. Hardeep Singh Puri . . . . . (India)

*Members:*

Azerbaijan . . . . .	Mr. Mehdiyev
China . . . . .	Mr. Wang Min
Colombia . . . . .	Mr. Osorio
France . . . . .	Mr. Araud
Germany . . . . .	Mr. Wittig
Guatemala . . . . .	Mr. Rosenthal
Morocco . . . . .	Mr. Loulichki
Pakistan . . . . .	Mr. Masood Khan
Portugal . . . . .	Mr. Moraes Cabral
Russian Federation . . . . .	Mr. Churkin
South Africa . . . . .	Mr. Mashabane
Togo . . . . .	Mr. Menan
United Kingdom of Great Britain and Northern Ireland . . . . .	Sir Mark Lyall Grant
United States of America . . . . .	Ms. Rice

## Agenda

Maintenance of international peace and security

Piracy

Letter dated 6 November 2012 from the Permanent Representative of India to the United Nations addressed to the Secretary-General (S/2012/814)

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

### **Adoption of the agenda**

*The agenda was adopted.*

### **Maintenance of international peace and security**

#### **Piracy**

#### **Letter dated 6 November 2012 from the Permanent Representative of India to the United Nations addressed to the Secretary-General (S/2012/814)**

**The President:** Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Argentina, Australia, Bangladesh, Brazil, Egypt, Estonia, Indonesia, the Islamic Republic of Iran, Israel, Italy, Japan, Lithuania, Luxembourg, Malaysia, New Zealand, Norway, Panama, the Republic of Korea, Saudi Arabia, Singapore, Somalia, Thailand, Ukraine, the United Arab Emirates, the United Republic of Tanzania and Viet Nam to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Ioannis Vrailas, Deputy Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

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

I wish to draw the attention of Council members to document S/2012/783, which contains the report of the Secretary-General on the implementation of resolution 2020 (2011) and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia.

I also wish to draw the attention of Council members to document S/2012/814, which contains a letter dated 6 November 2012 from the Permanent Representative of India to the United Nations addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

I welcome the presence of the Deputy Secretary-General, His Excellency Mr. Jan Eliasson, and I give him the floor.

**The Deputy Secretary-General:** I welcome this opportunity to brief the Security Council on piracy and armed robbery at sea, and to introduce the annual report of the Secretary-General on piracy off the coast of Somalia (S/2012/783).

Piracy and armed robbery against ships are of global concern. They affect the freedom of shipping and the safety of shipping lanes that carry about 90 per cent of the world's trade. Pirate attacks also endanger the safety of seafarers, fishermen and passengers, and the delivery of humanitarian aid. They damage maritime industries such as ports, fisheries and tourism, thereby hindering sustainable development.

According to the latest reports of the International Maritime Organization (IMO), there were 291 attacks against ships in the first 10 months of 2012. Pirates are still holding 293 seafarers hostage. As in 2011 and 2010, the areas most affected are East Africa, West Africa and the Far East. The latest report of the Secretary-General notes a sharp decline in pirate attacks in waters off the coast of Somalia in 2012 compared to 2011. However, these gains can be easily reversed if we do not address the causes of piracy, including instability, lawlessness and problems of effective governance, notwithstanding recent important political progress in Somalia.

Although piracy is a global problem, it takes different forms. Off the coast of Somalia, pirates are well organized, hijacking ships and crews to hold them for ransom. In the Gulf of Guinea, piracy is related to the theft of oil and linked with the regional black market and organized crime. While hostages have been taken, ransoms do not appear to be the driving goal. There are also differences in the political and governance context that contributed to the rise of piracy in these areas.

Still, our response in the Gulf of Guinea and elsewhere can rely on the lessons learned from Somalia, including by focusing on modernizing counter-piracy laws, strengthening capacities for maritime law enforcement and crime investigation, supporting regional networks, and knowledge-sharing.

Combating piracy requires a multidimensional approach. In Somalia, this has meant stabilizing the country through a Somali-owned process. The new President of Somalia has made an impressive start, but challenges remain significant. We need to move swiftly to support the Government so that it can finally provide the security and peace dividends that Somalis deserve. We welcome the Government's commitment to combating piracy, as stated in the programme endorsed by Parliament last Tuesday.

Secondly, Somalia needs a comprehensive maritime security and economic strategy with a proper legal framework, including the proclamation of an exclusive

economic zone, in accordance with the provisions of the United Nations Convention on the Law of the Sea. We should translate the success at sea into progress on land.

Thirdly, we need to strengthen the capacity of States to prosecute individuals suspected of piracy and to imprison convicted pirates. That effort must include deterring and suppressing the financing of piracy and the laundering of ransom money. The United Nations Office on Drugs and Crime's counter-piracy programme is helping in this regard, including to ensure that prison conditions meet international standards.

Fourthly, the constructive engagement of Member States and international and regional organizations to build consensus on a joint response should continue. The Contact Group on Piracy off the Coast of Somalia now comprises over 70 participants with impressive expertise. Other initiatives complete these efforts, including the Djibouti Code of Conduct, under the auspices of the IMO, and the Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre recently established in Seychelles.

The United Nations Political Office for Somalia also plays a key role under resolution 1976 (2011) in coordinating the efforts of Somalia with those of United Nations agencies, regional organizations and the international community. Consistent with resolution 2039 (2012), the United Nations Offices for Central Africa and West Africa are assisting the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea Commission in the preparations for a regional summit on piracy in Cameroon in April 2013.

Fifthly, the shipping industry should be encouraged to take steps to protect itself. Twenty per cent of vessels transiting high-risk waters do not implement security measures, and those vessels account for the overwhelming number of successfully pirated ships. The IMO is working closely with the industry on a variety of measures and best practices that have prevented pirates from boarding vessels and enabled rescues.

Finally, the United Nations is grateful for the robust counter-piracy support provided by the naval presence established by NATO, the European Union, the Combined Maritime Task Force and individual Member States. Several Member States — including China, India, Japan, Malaysia, the Republic of Korea

and the Russian Federation — have deployed naval and military assets in the region as part of international counter-piracy efforts.

Let us also remember the seafarers themselves. Hostages endure the most horrendous conditions and are often threatened and tortured in an effort to extract a ransom. I welcome the recent approval by the Board of the Trust Fund to Support the Initiatives of States to Counter Piracy off the Coast of Somalia, chaired by the Department of Political Affairs, of a project to provide medical care, accommodation, food and clothes to hostages during the release phase, and to help them return home swiftly. Let us not forget that human dimension.

Looking ahead, three challenges require our immediate attention. First, we must have better coordination, information-sharing and trust-building among countries and agencies involved in counter-piracy operations. Secondly, capacity must be strengthened to prosecute piracy cases and imprison those convicted in accordance with international human rights standards. Thirdly, a framework must be established to govern the use of privately contracted armed security personnel on board vessels. The work being undertaken by the IMO should continue in order to ensure regulation and accountability.

In closing, piracy is a problem that the international community can address successfully if we continue to work together. The United Nations remains committed to working with its partners to consolidate international assistance, coordinate our activities, and deliver a comprehensive response to this threat.

**The President:** I thank the Deputy Secretary-General for his statement.

I now give the floor to the members of the Council.

**Ms. Rice** (United States of America): I thank Deputy Secretary-General Eliasson for his briefing. I should also like to thank the Secretary-General for his most recent report on piracy (S/2012/783).

The international community has made sustained efforts to combat piracy, and the integrated multidimensional approach we have pursued together, in partnership with the private sector, has borne fruit. The number of pirate attacks is dropping rapidly, and pirates are holding fewer hostages. The United Nations and the Contact Group on Piracy off the Coast of

Somalia deserve special thanks for building bridges among the key actors to facilitate this progress.

While the situation has improved dramatically, even one hostage is indeed too many. We express our deepest sympathy for kidnapped seafarers and the suffering of their families, and we call for their immediate release. We note in particular the crew of the *MV Iceberg*, who were long ago abandoned and have been in captivity for almost three years. We also support the shipping industry's provision of all necessary assistance to seafarers after their release.

Effectively countering piracy requires action on multiple fronts. Identifying and apprehending the criminal conspirators who lead, manage and finance the pirate enterprise is central to our efforts. Those individuals are ultimately responsible for hostage-taking and other piracy-related threats to seafarers. We are working in close coordination with our international partners to connect and promote information sharing among law enforcement communities, intelligence agencies and financial experts in order to prosecute pirate conspirators and disrupt their operations. In addition, specifically in the Somalia context, the international community can do more to enhance Somali capacity and encourage their active involvement in efforts to prosecute and incarcerate suspected pirates.

We continue to support the work of the United Nations-managed Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, which has funded, among other projects, the construction of prisons, the training of judicial officials and the purchase of equipment for law enforcement in Somalia. We appreciate the important work under way by the United Nations Office on Drugs and Crime, the United Nations Development Programme and others to assist Somalia and States of the region in conducting piracy prosecutions, as well as in building and responsibly operating suitable and sufficient prisons.

Among others, we thank the Government of Seychelles for its willingness to host a regional prosecution centre, contingent upon the establishment of an effective post-trial transfer framework. We welcome the opening, this year, of its regional anti-piracy prosecution and intelligence coordination centre. We also thank the Government of Kenya for its recent prosecutorial efforts, and we note its pioneering use of technology to cope with the logistical challenges such cases present.

Somalia must do its part as well. Having completed its transition, adopted a new provisional Constitution and elected a new Parliament and President, Somalia is poised to take greater action to counter piracy. In particular, we urge the new Somali authorities to adopt and enact appropriate anti-piracy legislation. The establishment of a Somali exclusive economic zone, consistent with the Convention on the Law of the Sea, is also needed.

As the international community works to put pirate financiers and facilitators out of business and help to bring them to justice on land, the shipping industry should continue to make merchant ships harder targets to attack at sea. Clearly, preventing pirate attacks is a more effective and efficient way to protect human life and property than interrupting attacks in progress or rescuing hostages after an attack. There are not enough naval forces to maintain a sufficient presence throughout the high-risk ocean areas to deter and defeat all pirate attacks.

The routine implementation of best management practices and the responsible use of armed security personnel are vital adjuncts to national and coalition naval patrols. We know that applying best management practices on vessels transiting high-risk waters greatly reduces the likelihood of a successful attack. Furthermore, to date not a single ship employing privately contracted armed security personnel has been successfully pirated. For certain ships determined to be at high risk, onboard armed security, including privately contracted personnel, can be a helpful and appropriate defensive measure, if so assessed by the vessel's operators.

The United States has mandated the deployment of best management practices on United States-flagged vessels sailing in high-risk waters. We have also established requirements and guidance for United States ships when the owner or operator determines that armed security is needed. We will continue to work with fellow International Maritime Organization member States, along with labour and industry representatives, on the development of appropriate standards.

The international community, in partnership with the private sector, has made impressive strides towards reducing the scourge of piracy. But our gains are not irreversible, and we cannot let up. We look forward to continued cooperation with, and support from, our international partners, action by private industry and a sustained commitment by the Security Council to

ensure that seafarers are protected, that international commerce is no longer threatened and that the guilty are brought to justice.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): We are grateful to the delegation of India for its initiative in holding a meeting of the Security Council on the issue of combating piracy in the context of maintaining international peace and security. We are also grateful to Mr. Eliasson for his briefing.

The Russian Federation is concerned about increasing piracy activity in recent years in a number of regions of the world's oceans. We favour finding a long-term solution to the problem.

Piracy threatens the safety of navigation, as well as other types of economic activity at sea. We are all familiar with the staggering statistics demonstrating the sheer scale of the losses inflicted by piracy on the global economy annually. Proceeds from hostage ransoms often go to fund other types of criminal activity, including that associated with extremists. Piracy is often a further destabilizing factor that serves to exacerbate situations in areas of conflict.

Piracy off the coast of Somalia has continued to be a major scourge in recent years, to such a degree that its negative impact has begun to affect the interests of virtually all States — effectively becoming global in character. The efforts of the international community under the auspices of the Security Council have led to positive changes in the region. In our view, a set of factors are at work in that regard, above all improving the situation on land. In that connection, stabilizing the situation in Somalia is playing a role. Coherent efforts by States have also proven to be effective, in particular efforts by Russia and regional organizations to patrol shipping lanes and fend off pirate attacks at sea. Self-defence measures by the maritime industry have also been helpful. We call on all international partners involved in anti-piracy efforts, including the International Maritime Organization, the United Nations Office on Drugs and Crime (UNODC), and the Contact Group on Piracy off the Coast of Somalia, to work together in that regard.

Nevertheless, in spite of the successes, Somali piracy remains robust. The situation could go awry at any point. Pirates are shifting their focus onto parts of the Indian Ocean that are more difficult to control. Many piracy groups have turned to new sources of criminal proceeds. Hostage-taking for ransom on land

has become more common. All of that indicates that it would be premature to scale back international efforts in this area. In that regard, Russia supports a one-year extension of the powers to implement all the necessary measures to combat piracy off the coast of Somalia, including in its territorial waters. We intend to continue to provide naval forces in the Gulf of Aden, working in close coordination with other States and regional organizations.

There is no doubt that tackling the problem of piracy must be comprehensive in nature. We share the conclusions of the London Conference on Piracy and Somalia and the Istanbul II Conference on Somalia, namely, that an approach is needed that brings together efforts in the areas of development, strengthening national anti-piracy capacity and establishing the rule of law. An important part of that work continues to be ensuring the effective prosecution of pirates and their accomplices. We have also noted some positive steps in that regard. It is important that the international community be fully aware of the fact that, without tackling the problem of impunity, it will be impossible to fully eradicate piracy.

We welcome the willingness of States in the region, including Seychelles, Mauritius, Kenya and Tanzania, to intensify cooperation in this area. Overall, we are satisfied by the work they have done on this issue with the support of the various United Nations structures, above all UNODC.

However, in spite of the importance of prosecuting the perpetrators of pirate attacks, the focus now is on identifying and neutralizing key actors in the pirate industry. Doing that would be a blow to the very heart of piracy. Without the masterminds and financial mediators, the piracy business model would collapse. In order to tackle that problem, we need to enhance legal mechanisms for combating corruption and financial malfeasance, including the legalization of criminal proceeds. In that regard, we favour the introduction of targeted sanctions against pirate leaders. However, that proposal still does not enjoy full support from some members of the Council. We trust that they will review their positions.

We are closely following the new hotbed of piracy in the Gulf of Guinea. In our opinion, the nature and scope of the problem is different. What we are seeing there are mainly acts of armed robbery close to the coastline. We hope that the mobilization we have seen of regional efforts with the necessary international

assistance will assist in preventing the escalation of the threat.

**Mr. Araud** (France) (*spoke in French*): I would like to thank the Indian presidency for having organized this debate and for the draft presidential statement. My thanks also go to the Deputy Secretary-General for his briefing.

It is important to remember that the scourge of piracy affects the entire international community. It threatens the stability of entire regions, disrupts trade networks and feeds other trafficking activities. Piracy must therefore be dealt with as a whole. As the Secretary-General has urged, we must also work to aid victims, in particular the seafarers who have been kidnapped and held hostage, in some cases for several years.

Since 2008, France has taken action to mobilize the international community and the Security Council to combat the threat of piracy off the coast of Somalia. The European Union has played a pivotal role in that respect, in particular via Operation Atalanta. Those efforts have borne fruit. Since the beginning of the year, the number of attacks has declined significantly, while the success rate has declined even further.

Even if the scale has tipped slightly in our favour, the situation will remain precarious, as long as no noticeable change occurs in the security, political and economic situations. Pirates continue to adapt themselves, improve their operations, seek new targets for their operations and often go unpunished owing to a perennial lack of jurisdiction.

The positive gains must therefore be strengthened. Developments in Somalia, including the conclusion of the transitional period, the election of President Hassan Sheikh Mohamud and the appointment of the new Government provide such an opportunity.

I believe that there are three essential avenues to follow in order to definitively resolve the scourge of piracy off the coast of Somali. First, a presence at sea has a deterrent role that remains crucial and must be continued. The protection of vulnerable vessels by private security forces cannot be considered to replace naval operations, as the presence of such forces alone is incapable of facing the threat. In that context, States and organizations must continue to mobilize so as to implement the authorizations of actions at sea provided for in the resolutions of the Council.

Secondly, combating the impunity of pirates impunity must be a priority. Eighty per cent of pirate suspects who have been captured continue to go free, which affects the effectiveness and credibility of the operations at sea. Despite the fact that 20 States, of which France is one, have started legal proceedings, the burden of action at this stage falls on the countries in the region. In that respect, particular tribute must be paid to Seychelles for its strenuous efforts in that context.

A judicial response will have little deterrent effect as long as Somalia and its regional bodies are not in a position to prosecute their nationals. Developments under way in Somalia will open new ways forward aimed at enabling durable control of the crisis.

President Hassan Sheikh Mohamud has said that establishing a new judicial system will be one of the pillars of his policy in Somalia. The adoption of a legal framework to criminalize piracy, as requested by successive resolutions of the Council and the outcome communiqué of the September mini-summit on Somalia (see SG/2187), will represent an essential step.

We must also strengthen our efforts against the backers who are at the heart of the piracy activities, as my Russian colleague mentioned. To that end, international cooperation will play a key role. The International Criminal Police Organization also plays a pivotal role, which must be encouraged. The adoption of individual sanctions pursuant to resolution 1844 (2008), targeted against those backing the pirates, would also contribute to those efforts and enable the gathering of intelligence to be used by States in undertaking legal proceedings. It would also send a strong signal about the Council's determination to continue its actions against piracy.

Thirdly, bolstering the maritime and judicial capacities of the States of the region is of fundamental importance in consolidating the gains achieved. In that context, the launching of the European Union mission EUCAP NESTOR in July, for an initial two-year period, marked a turning point. It is aimed at providing States with capacities to ensure the security of their shipping lanes, through advisory and training assistance aimed at coast guard and maritime administration staff, as well as the establishment of a coastal police for Somalia. France is playing an active role in that regard.

In relation to the Gulf of Guinea, the adoption of resolutions 2018 (2011) and 2039 (2012) signalled the mobilization of both the Security Council and

the international community in that effort. France is playing its full role in that connection, particularly through its implementation, in mid-2011, of a regional support programme aimed at training in the area of maritime security.

We encourage the States of the region and the relevant regional organizations, in particular the Economic Community of West African States and the Economic Community of Central African States, to strengthen their involvement. In that respect, France supports the initiative to organize a regional conference in 2013 on piracy in the Gulf of Guinea with a view to following up on resolutions 2018 (2011) and 2039 (2012).

**Mr. Wittig** (Germany): Let me join previous speakers in thanking the Indian presidency for organizing this important open debate, and Deputy Secretary-General Eliasson for his very insightful briefing.

Today I would like to make three points, first, on the lessons learned in dealing with piracy in various regions and the approach that follows from that; secondly, on the role of the various actors in counter-piracy activities; and thirdly, on the prosecution of convicted pirates.

At the outset, I would like to align myself with the statement to be made later on by the observer of the European Union, which will provide an overview of the activities of the European Union (EU) in combating piracy. Germany actively participates in those efforts.

On the first point, we welcome, as have others, the substantial progress made in the fight against piracy, reflected in the sharp decline in the hijacking of vessels, especially off the coast of Somalia, and the lower number of hostages currently held in Somali waters. That certainly reflects the success of the international naval forces jointly patrolling the waters off Somalia and better self-protection by the shipping industry.

Nevertheless, piracy continues to pose a serious threat, since seafarers and vessels continue to be held hostage and piracy attacks in other regions, particularly the Gulf of Guinea, have been on the rise.

We are convinced that, in the long term, the fight against piracy can only be won on land, by addressing the factors facilitating piracy in an integrated and strategic manner. Such a strategy needs to combine elements for building State capacities based on the rule of law and on functioning law enforcement structures,

as well as social and economic circumstances that provide for the livelihoods of the people on the ground. It is obvious that the international community is called upon to continue its support in that regard.

On my second point, the role of the division of labour, it is primarily the responsibility of the States concerned to prevent criminals from launching attacks on vessels off their coasts. It is therefore important that those States build the necessary police forces and coast guards, with international support where that is needed.

Furthermore, we welcome the joint political and military efforts undertaken by the international community to secure the waters off the States concerned. We also welcome the efforts of regional actors to define and implement regional policies and strategies in the fight against the scourge of piracy in Africa. In that regard, we commend the initiatives taken by the States in the Gulf of Guinea region, aimed at fostering cooperation with a view to enhancing maritime safety. We encourage the international community to support those efforts.

Concerning Somalia, the activities of the Contact Group on Piracy off the Coast of Somalia and the Trust Fund supporting the Group's initiatives are the most useful contributions in that regard. We have therefore decided to make a new contribution of \$2 million to the Trust Fund. We call on Member States, but especially on the shipping industry, to contribute to the Trust Fund, which finances critical projects in various sectors of counter-piracy, ranging from prosecution and detention efforts to projects that focus on hostages.

The private sector also has a role to play when it comes to the prevention of hijackings. The use of best management practices launched by the International Maritime Organization and developed by the shipping industry has been crucial to the decrease in successful attacks. We therefore reiterate our call on shipowners and shipowners' associations to further engage in the promotion and implementation of the best management practices.

My third and last point concerns the prosecution of convicted pirates. The effective prosecution and imprisonment of those responsible for piracy and armed robbery has made progress, but remains a challenge. It is the primary responsibility of the States concerned to prosecute, sentence and imprison pirates operating from their shores. As pointed out again in the most recent report of the Secretary-General (S/2012/783),

the Somali judicial system and its prisons still face a number of challenges. Capacities must be enlarged, and conditions further improved. Germany commends and actively supports all initiatives in that respect, especially those of the United Nations Office on Drugs and Crime and the United Nations Development Programme.

In conclusion, let me stress again that modern piracy remains a considerable challenge. In the past few years, however, the international community has achieved a lot with regard to the fight against piracy. It must continue to coordinate, operate jointly and support regional efforts to tackle the root causes and effects of piracy.

**Sir Mark Lyall Grant** (United Kingdom): Like others, I welcome the Indian initiative to convene this open debate on combating piracy, and I thank the Deputy Secretary-General for his briefing this morning.

The Security Council is central to the international community's response to piracy off the coast of Somalia. Multinational, multi-agency naval operations, the use of best management practices, vessel protection detachments and privately contracted armed personnel have all had an impact on reducing the number of hijackings and attacks in the high-risk area off the coast of Somalia. But despite the significant reduction in the number of successful hijackings in the last year, the threat of piracy remains serious, and we cannot be complacent.

The Council also follows developments in other parts of the world with growing concern, particularly with respect to the growing violence seen in attacks in West Africa, in the Gulf of Guinea, and the rise of attacks in South-East Asia. Innocent seafarers are still being held hostage in unacceptable conditions or subjected to ever more violent acts of armed robbery at sea.

The United Kingdom remains strongly committed to the fight against piracy. We believe that it is vital to break the piracy business model. The key to achieving that is a comprehensive approach that tackles piracy directly at sea and its root causes on land. Poverty, a lack of security and no job opportunities or prospects create an environment where some believe that crime pays. We must show those individuals that criminal activity does not pay and will not go unpunished. We therefore strongly support efforts to bolster investigation, prosecution and penal capacity in regional States.

Capacity should be built in a way that does not prevent facilities and expertise from being used in other areas of law enforcement.

Both the reward and the funding of the piracy business model lie in ransom payments. Recognizing that, my Prime Minister established an international piracy ransoms task force at the London conference with the ultimate ambition of stopping all ransom payments. Task force members reached a clear consensus on a number of substantive, practical steps towards the long-term goal of stopping pirate ransom payments. The task force's conclusions will be presented to the Contact Group on Piracy off the Coast of Somalia at its plenary meeting next month. We have heard how INTERPOL is leading international efforts to track ransom money to various parts of the world. It is vital that the beneficiaries of ransom payments be brought to justice.

Developing regional maritime capacity in order to enable littoral nations to manage their own waters is also essential. In West Africa for example, the United Kingdom is supporting the industry-led initiative to develop a maritime trade information sharing centre, and we welcome the kind offer from Ghana to host the centre. The centre will provide important real-time information, advice and warnings for commercial shipping travelling in West Africa, while allowing regional States to work in partnership to develop a better understanding of their own — and their region's — maritime domain.

In Somalia, the United Kingdom is implementing a multimillion-pound development programme focused on building institutions, creating jobs and opportunities, developing health care and providing humanitarian assistance. Across the Indian Ocean, we continue to support States in developing prosecutorial and penal capacity and maritime capabilities.

Piracy is organized crime. It thrives in places where the rule of law is weak or has broken down. It is therefore vital that we, the international community, tackle those drivers of crime on land in an integrated manner. We are starting to see results, so now is not the time to be complacent and step back, but to forge ahead with ambitious capacity-building and development programmes.

**Mr. Menan** (Togo) (*spoke in French*): I thank you, Sir, for taking the initiative to hold this debate, which allows us to voice our opinions and exchange views



on the recurring issue of piracy, which has become a genuine threat, around the world, to international peace and security. I thank the Deputy Secretary-General for his briefing on the matter.

The importance of this debate lies in the fact that, although the problem of piracy varies in its severity from region to region, it allows us to study the diversity of challenges that the international community faces in confronting that threat. That is particularly true since, as with any other form of crime, piracy is inevitably linked to other societal ills.

I would like to address the situation in the Gulf of Guinea. Since the most recent public debate on the subject, held on 29 February (see S/PV.6727), the scourge of piracy has remained a very worrisome reality in the region. It is true that the piracy that is developing in the Gulf of Guinea cannot be addressed in the same way as the piracy in the Gulf of Aden of recent years or off the coast of Somalia, since the manifestations and impact of that piracy are different in the Gulf of Guinea, in particular because there is no failed State or strategic maritime route there.

However, piracy still undoubtedly poses a threat to the security, stability and economic development of the States in the region, as recognized by resolutions 2018 (2011) and 2039 (2012). Since the adoption of those two resolutions and the recommendations they contain on supporting an effective struggle against the scourge, we must note that progress on the issue has been slim, despite the stated willingness and determination of the States and organizations concerned. Worse, piracy in the Gulf of Guinea is becoming even more worrisome, given the methods used by the pirates to bring their schemes to fruition and in particular when we look at piracy's relationship to the general situation in West Africa.

Indeed, according to the most recent report of the International Maritime Organization, while there was a decrease in the number of acts of maritime piracy off the coast of Somalia during the first nine months of the year, piracy in the Gulf of Guinea is making the area increasingly dangerous, with 34 documented attacks between January and September 2012, compared to just 30 last year. The report also states that the attacks are often violent and planned.

Given such reports, Togo's concerns can only increase, especially because it is becoming increasingly clear that there are links between piracy and other

forms of crime in the region, as was discussed at our debate on 21 February on the impact of transnational organized crime in West Africa and the Sahel (see S/PV.6717). Meanwhile, it has been established that the income from such illicit activities as the diversion of oil cargoes serve to finance networks that seek to challenge or diminish States' authority. Such networks can therefore be considered true mafia organizations that undermine the efforts of the States of the subregion to ensure good governance and respect for human rights.

The impact of piracy on State economies, especially in the Gulf of Guinea, is clear, particularly given that the port revenue of countries involved forms a major part of their national income. For example, the Republic of Benin, which continues to bear the brunt of the increase in pirate attacks, has experienced a catastrophic drop in activity in the port of Cotonou. The resulting major financial losses for that country clearly highlight the disastrous impact of piracy on the financial security of countries in the region.

As close as it is to Benin, Togo is obviously not immune to that impact. My country is therefore greatly involved in efforts to strengthen national capacities in the fight against piracy, with the help of such partners as France and the United States of America. That help made it possible, *inter alia*, for the Togolese navy to fend off a pirate attack by a ship under the Panamanian flag on 8 February.

At the regional level, beyond structures already in place, such as the Regional Centre for Maritime Security in Central Africa and the funding system created by the Economic Community of Central African States, we welcome the progress made towards the adoption of a comprehensive strategic plan for fighting piracy in the Gulf of Guinea, as called for in resolution 2039 (2012). Togo commends the convening in Libreville on 22 and 23 October of the first meeting of a steering committee to plan a summit of Heads of State and Government on maritime piracy and armed robbery in the Gulf of Guinea. The committee recommended that the summit take place in Cameroon in April 2013 to adopt the plan.

We encourage the Economic Community of Central African States, the Economic Community of West African States, the Gulf of Guinea Commission, the United Nations Regional Office for Central Africa and the United Nations Office for West Africa in their shared efforts to work for the critical adoption

of a strategy to combat piracy in the Gulf of Guinea, which would represent a major step forward towards implementing practical, targeted measures to eradicate that blight.

The Togolese delegation believes that the maintenance of international peace and security with respect to the threat of piracy, no matter in what region, is a primary challenge for the international community because piracy represents an attack on international law and human rights by reason of the impingement on the freedom of navigation and the many kinds of violence inflicted at sea by pirates on their victims. Such violence is an assault on human dignity. Togo therefore supports the idea of developing strategies to ensure the quick release of hostages and to support their families.

The fight against piracy requires an urgent collective response to prevent that scourge, once defeated in one country or subregion, from moving to another. Clearly, the international community's efforts can achieve significant results, as we have seen in the reduction of the number of attacks in the Gulf of Aden. At the same time, it is clear that the countries in question, despite their individual or bilateral concerted efforts to fight piracy, do not have the capacity effectively to prevent or diminish the threat on their own.

The fight against piracy must therefore be waged in the context of a coordinated juridical framework, based on recognized international standards, with States firmly resolved to effectively prevent impunity for perpetrators. It must also take into account, in an integrated manner, the various facets of the fight and the individual national efforts of States, especially flag States. We must also work collectively to exchange information and intelligence, given the tentacular networks that characterize this worldwide scourge.

Given the shifting realities from region to region, it is important for the United Nations to play a primary role in every aspect of the issue as the depository and clearing house for best practices. It must also take the measures necessary to protect the maritime environment in the course of support and protection operations at sea. Lastly, the United Nations should encourage affected States to seek international support for their national efforts, and coordinate international assistance, especially in the implementation of the global strategy called for in resolution 2039 (2012).

**Mr. Moraes Cabral (Portugal):** I thank Deputy Secretary-General Jan Eliasson for his briefing and for providing us with the main elements for our debate on what is clearly a very serious manifestation of organized crime in the twenty-first century and a challenge to international peace and security. Portugal naturally supports the position that will be presented later on behalf of the European Union.

As we well know, maritime piracy may have major human, economic and security consequences that go beyond the region directly affected. One should also keep in mind that most often piracy groups are part of larger transnational criminal organizations dedicated to other types of crime, such as drug trafficking, trafficking of human beings or trafficking in arms. The complexity of those activities and the way they may interlink and potentiate dangerous national effects require the international community to remain vigilant and prepared to act whenever the situation so requires. As Portugal has underlined before, there is a role for the Security Council in monitoring these new threats, given the potential they have to seriously endanger peace and security. It is thus important that the Council continue to play its preventive role in closely monitoring such situations.

The causes of piracy are often related to low-intensity conflict that devastates a given country, such as Somalia, to the unstable political situations in fragile States that create lawless zones, or to the socioeconomic context of local communities, particularly coastal ones. For those reasons, Portugal advocates a comprehensive approach to the piracy problem that includes structural transformations at the political, social and economic levels. With specific respect to law enforcement, such transformations include the need to diversify the mechanisms to fight impunity according to the principle of proximity to justice, building regional jurisdictional networks and building the capacity of local judicial systems. In that regard, we would like to underline that the prosecution of high-level suspects is decisive in disrupting piracy networks.

Portugal welcomes the fact that, on the subject of Somalia, the Secretary-General's report (S/2012/783) dedicates a significant part of its focus and recommendations to the need to strengthen the legal and judiciary capacities of the surrounding countries and regions of the country, including in particular Puntland and Somaliland. We fully support his efforts, and we

think that reinforcing those capacities has become part and parcel of the overall solution to piracy in the region.

The implementation of such measures, in our view, should respect the principle of national ownership, attributing the responsibility for concrete solutions to local authorities, with the support of the international community, as required. That is why we support the strong involvement of Somalia in all the efforts being undertaken, with appropriate Somali law and Somali courts and judiciary — in sum, a Somali solution to a problem that has its roots in Somalia.

In that sense, we encourage the new Somali authorities to adopt the necessary anti-piracy legislation and to establish the necessary judicial structures, with the participation of international assistance and relevant expertise as necessary. Extraterritorial Somali courts could also be useful tools, in our view, to be used as a transitory measure.

Piracy affects countries with very different levels of institutional capacity to deal with the problem and cannot be solved through isolated measures by each individual State. That is why regional initiatives are also key to the successful combat against piracy and its root causes.

The United Nations should have a central role in ensuring the coherence and overall coordination of those initiatives as well as in mobilizing international assistance to build the capacity of regional organizations in crucial areas, such as surveillance, patrolling and information-sharing.

In that regard, allow me to recall the important role that the United Nations Development Programme and the United Nations Office on Drugs and Crime are called to play in helping build the solution to the problem of piracy off the coast of Somalia.

The phenomenon of piracy in the Gulf of Guinea is a strong reminder of the need to develop regional mechanisms to counter the impact that such illegal activities have on the economy and security of States in the region. As an example, I would simply recall that West African economies have reportedly lost about \$2 billion in annual revenue as a result of piracy. Benin in particular has seen its shipping activities decline by 70 per cent as a result of attacks in the past two years.

It is very positive that the number of regional organizations in West and Central Africa are paying attention to and addressing the problem of piracy: the

Economic Community of West African States and the Economic Community of Central African States, as well as the Commission of the Gulf of Guinea and the Maritime Organization of West and Central Africa.

To be effective, those different efforts must be coordinated, respecting each organization's particular area of competence. We look forward to the summit of regional leaders on piracy, which should pave the way for a region-wide strategy that is also based on best practices from individual countries and bilateral assistance programmes already in place.

I should like to conclude by stating that piracy is a complex phenomenon requiring our regular and close attention. Encouraging better capacities, better knowledge and better coordination among actors in their fight against piracy will prove to be a decisive contribution of the Security Council to stability and development.

**Mr. Mashabane** (South Africa): Mr. President, we would like to thank you for having organized this very important debate on piracy and also for having prepared the comprehensive concept note (S/2012/814, annex). We thank Deputy Secretary-General Jan Eliasson for his useful and comprehensive briefing.

South Africa is concerned about the scourge of piracy and particularly its impact on the safety of navigation and the danger it poses to seafarers. More generally, piracy has a negative impact on the political, social, economic and humanitarian situation of affected States. We thus applaud the efforts of various States and entities such as the United Nations Development Programme and the United Nations Office on Drugs and Crime in combating piracy.

South Africa remains committed to doing its part to lend support by cooperating and coordinating with other stakeholders on anti-piracy initiatives pursuant to its international legal obligations. In the Southern African Development Community region, South Africa has deployed its naval assets and allocated 63 million rands for anti-piracy operations in the Mozambique Channel.

We recall that international law, as reflected in the United Nations Convention on the Law of the Sea, sets out a comprehensive legal framework applicable to piracy and armed robbery as well as other ocean activities. It is important that current efforts to combat piracy be fully consistent with that international legal framework. Article 100 of the Convention 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. Those provisions should guide all States in the fight against piracy. We should thus avoid seeking to create new norms, as the emphasis should be on the implementation of the existing framework.

The international community should also enhance efforts aimed at the sharing of information and the development of a strong network to alleviate the challenges related to piracy. Stronger international coordination could assist in addressing crucial issues such as money laundering associated with piracy, the involvement of international crime syndicates and other major challenges related to piracy.

Allow me to turn to the issue of piracy off the coast of Somalia, which in the view of my delegation is a case sui generis. South Africa continues to insist that piracy off the coast of Somalia must be seen in the context of the peace challenges facing Somalia. In our view, resolving the problem of piracy off the coast of Somalia will require holistic solutions and an end to the current conflict.

Piracy remains a symptom of a greater problem, which is the political, security and economic challenges on land. The international community should therefore direct more efforts and resources towards addressing the root causes of the Somali conflict while also maintaining the required pressure at sea against the perpetrators of piracy.

South Africa notes that the number of incidents of piracy has decreased significantly since the recent security and political gains in Somalia. In the light of that development, the new Somali Government needs to be equipped with its own mechanisms to combat piracy on land and sea. In that respect, international support for strengthening its maritime security ability and its judicial and correctional service infrastructure, as well as the provision of economic opportunities for coastal communities, will be crucial.

In that regard, the report of Mr. Jack Lang, Special Adviser to the Secretary-General on Legal Issues Related to Piracy off the Coast of Somalia, indicated that:

“New measures to enhance the effectiveness of counter-piracy efforts and successfully prosecute

alleged pirates will be crucial. The recommended solution is to implement, on an extremely urgent basis, a comprehensive multidimensional plan ... comprising three components — economic, security and jurisdictional/correctional — that would be brought to bear simultaneously.” (*S/2011/30, annex summary, p.3*)

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 the curbing of the illegal plundering of Somali resources, including the illegal fishing and dumping of waste off the coast of Somalia. Somali authorities must be assisted in their efforts to ensure that the benefits of Somali resources are enjoyed by Somalia and its people.

We note that the Secretary-General has reported that there is a lack of information regarding the illegal fishing and dumping of waste off the coast of Somalia. We hope that in the context of paragraph 24 of resolution 2020 (2011), 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 this matter further. 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. Conversely, any lethargy in acting against the plundering of Somali resources could be construed as indicating a lack of interest in the livelihoods of ordinary Somalis.

South Africa supports the call for Somalia to declare an exclusive economic zone. However, the absence of a declared exclusive economic zone 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 exclusive economic zone is subject to its declaration by the coastal State. Thus, even as we await the declaration of an exclusive economic zone by Somalia, fishing and dumping in the maritime zone 200 nautical miles from its coastline without the consent of its authorities is illegal.

Finally, I wish to conclude by stating that the Council’s mandate remains the maintenance of international peace and security. The Council can act in relation to piracy only to the extent that a specific situation, such as the piracy off the coast of Somalia, amounts to a threat to international peace and security.

**Mr. Masood Khan** (Pakistan): Mr. President, we thank you for having organized this Security Council open debate on piracy. This is a timely and important initiative. The concept paper (S/2012/814, annex) prepared by the Indian delegation and the presidential statement (S/PRST/2012/24) address piracy in a holistic manner, enrich our discourse and strengthen the decision-making process.

We also thank Deputy Secretary-General Jan Eliasson for his briefing.

In recent times, we have witnessed a resurgence of piracy. Pirates, once fabled in chronicles of adventure and crime, have re-emerged to haunt maritime traffic and international commerce. As the ranks of pirates swelled, the threat to the peace and stability and economies of coastal areas and hinterlands increased proportionately. The collusion of pirates with crime syndicates, drug traffickers and human smugglers grew stronger. In the old days, piracy flourished around archipelagoes primarily due to the failure or laxity of littoral Powers in patrolling trade routes. As the naval power and justice sectors of nation States developed, incidents of piracy decreased markedly.

Unlike medieval piracy, which was a global phenomenon, modern-day piracy is localized mostly off the coast of Somalia and the Gulf of Aden. An inadequate governance structure, a lack of economic opportunities and the exploitation of coastal areas in Somalia are major contributory factors. In other regions, such as the Gulf of Guinea, it can be attributed to the proliferation of armed groups and the inadequate preparedness of merchant ships. Elsewhere, piracy is an incident, not a pattern.

After a surge in the past decade, it is gratifying to note that incidents of piracy are not on the rise annually. The Secretary-General's latest report on piracy (S/2012/783) recorded a decline in pirate attacks and hijackings in 2012. The menace has only diminished; it has not yet been eradicated. The serious threats posed by pirates persist. Moreover, we are still dealing with the consequences of piracy, armed robbery and hostage-taking at sea. We have to take steps to ensure the safety and security of seafarers.

We strongly condemn acts of hostage-taking and violence against hostages. As we speak, pirates hold more than 200 seafarers hostage. Regrettably, the plight of hostages falls through the cracks of politics and commerce and of the responsibilities of the public

and private sectors. What is more, we lack unanimity of views on ways and means to address the issue.

Hostages are a professional hazard for seafarers. The issue merits our serious attention. The Security Council is right in designating the welfare of seafarers, in captivity and after release, as a priority. In that context, we welcome the proposal of the hostage-support programme developed by the United Nations Political Office for Somalia and the United Nations Office on Drugs and Crime. We hope that the proposal will crystallize into a concrete action programme that can be supported by the international community and shipping organizations.

Pakistan is of the view that the eradication of piracy requires a concerted and integrated approach that encompasses the political, security and justice sector tracks. We believe that such an integrated approach must be based on four pillars.

First, we must address the root causes of the piracy related to the political and security situation in Somalia. Building the State capacity of the Transitional Federal Government of Somalia and helping it in its economic reconstruction is imperative to reducing the proclivity of some segments of the local population to be lured to piracy. Piracy should be defeated from inside and outside Somalia. In that regard, adding the maritime component to the African Union Mission in Somalia is critical.

We welcome the formation of the Somali Government and the progress made in consolidating State institutions in Somalia following the successful end of the transition period. We are confident that the new Government will develop a comprehensive national counter-piracy strategy and work with neighbouring and regional States for its success.

Secondly, pirates must be deterred by active naval deployment. The operational preparedness of naval forces to undertake patrolling and surveillance is essential. International naval cooperation off the Horn of Africa, characterized by joint operations, is a significant deterrence and a leading factor in reducing piracy. For its part, Pakistan is contributing to a number of counter-piracy operations. We are participating in the two naval Combined Task Force (CTF) operations 150, for countering piracy in the Gulf of Aden, and 151, for countering piracy off the Coast of Somalia. Pakistan will reassume the command of CTF 151 next month.

Thirdly, judicial measures and justice sector development are essential elements of an integrated approach against piracy. In view of Somalia's unique location, tackling piracy has become a shared obligation of the States of the region. Resolution 2015 (2011) decides to consider the establishment of regional courts with international support in order to build capacity for the prosecution of pirates. Countries of the region, such as Seychelles, Kenya, Mauritius and Tanzania, are providing critical support for prosecuting pirates. Those countries should not be left alone in their efforts. Their views must be given due weight.

International assistance for the judicial sector of the countries of the region is important. An effective post-trial transfer framework must be in place for the regional prosecution centre to be effective. We value the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and its target-oriented projects in the justice sector. The prosecution and imprisonment of pirates must be accompanied by disrupting the systems and networks of the financial flows generated from piracy.

Fourthly, mercantile shipping companies need to be cognizant of piracy. Shipping companies have a responsibility to follow the guidelines for best management practices and use the adequate protective measures applicable under the law. In that regard, we appreciate the role of the International Maritime Organization. The presence of privately contracted armed security personnel (PCASP) aboard merchant ships is a matter that requires further clarity. Pakistan, in principle, does not object to the presence of PCASP, subject to prior indication on a case-to-case basis. It is important that ships notify coastal States about the presence of PCASP in advance and in a transparent manner. Elaborate standard operating procedures should be in place so that the security of coastal States, at sea and on land, is not compromised. On a broader plane, all legal and administrative questions associated with PCASP need to be addressed, with a view to developing an acceptable regulatory framework.

Pakistan is a willing and committed partner of the international community in its fight against piracy. In our national capacity, the Pakistan navy is vigilant against piracy. Last year, Pakistan organized the AMAN-11 multinational naval exercise, with the objective of promoting cooperative and collaborative efforts to combat crime in the maritime domain. We are maintaining active surveillance and patrols to

pre-empt any piracy or armed robbery. Our territorial and regional waters in the Arabian Sea are peaceful and safe for maritime traffic.

On the legal front, we are amending domestic legislation to further criminalize acts of piracy. The draft territorial sea and maritime zone act is being processed for parliamentary approval. No single country can counter piracy by itself. We need a multilateral effort. We need a cohesive United Nations role with inter-agency cooperation.

Today's draft presidential statement and the upcoming draft resolution demonstrate the resolve of the Security Council to eliminate piracy. With the resolve of the Council and the commitment of the international community, we are confident that credible and effective measures can be taken to rid the world of this scourge.

**Mr. Wang Min** (China) (*spoke in Chinese*): I would like to thank India for taking the initiative to hold today's open debate on piracy. I wish also to thank Deputy Secretary-General Eliasson for his briefing.

Piracy is a common scourge facing the international community. Over recent years, pirates have carried out rampant activities off the coast of Somalia, in the Gulf of Aden and in the Gulf of Guinea. They are increasingly taking to it as a business model. Their all-weather operational capacity has been further strengthened, the area of attacks has further expanded, and their activities are becoming more violent.

Acts of piracy have not only undermined the safety of international navigation but have also affected normal trade and economic activities. In addition, they have made more vulnerable the situation of certain areas that already pose threats to international peace and security. The international community must pay close attention and strengthen cooperation, and address the phenomenon accordingly. In that context, I would like to make the following comments.

First, it is important to strengthen international cooperation in our fight against piracy. Such international cooperation has achieved marked results, making piracy attacks less successful than they have been. We hope that the international community will continue to be guided by the United Nations Convention on the Law of the Sea and relevant international law and will persist in strengthening cooperation and coordination through coordinated actions designed to further combat piracy. In such activities the international community must fully respect the sovereignty and territorial integrity of

the countries concerned. We support the continued role of the United Nations in coordination in that regard. It is important to enrich and improve cooperation mechanisms, strengthen information-sharing and effectively prosecute and try those involved in piracy so as to forge synergies in our fight against it.

Secondly, it is important to strengthen the capacity-building of relevant countries and regional organizations in fighting piracy. We support the initiatives taken by the countries of the Gulf of Guinea, which include formulating national strategies, improving international legal regimes, strengthening good governance and enhancing naval, judicial and law-enforcement capacities. All of those efforts will enable them to play a better role in preventing and fighting piracy. We commend the Economic Community of West African States, the Economic Community of Central African States and the Commission of the Gulf of Guinea for having developed a regional strategy for fighting piracy and on the establishment of a regional centre for coordination. We call upon the international community to be more responsive to the capacity-building efforts of relevant countries and regional organizations by providing more financing and technical assistance.

Thirdly, it is important to take a holistic approach and address both the symptoms and root causes of piracy. Piracy comes about as a result of deeply rooted economic and social factors. Although piracy takes place at sea, its genesis lies on land. The international community must take into account considerations of specific conditions of specific areas and address the problem at its source so as to eliminate the conditions upon which piracy thrives. As far as Africa is concerned, poverty and economic and social underdevelopment are the root causes of piracy. We call on the international community to redouble its efforts to provide assistance to African countries and the least developed countries and to play a better, more active role in achieving stability, eliminating poverty and attaining sustainable economic and social development.

China has actively participated in the international fight against piracy. Since January 2009, the Chinese navy has dispatched escort convoys to the Gulf of Aden and the coastal areas off Somalia. By early November this year, China had dispatched in total 13 escort formation convoys, totalling 34 vessels. They have carried out 515 operations, providing escorts to 4,901 vessels, of which half were foreign vessels, and

they have achieved a 100 per cent success rate. China is willing, on a voluntary basis and with coordination on an equal footing, to continue strengthening coordination and information-sharing about military operations with the parties concerned.

China has also, within its capacity, provided assistance to the countries in the Gulf of Guinea in their fight against piracy. We are ready to continue to strengthen cooperation and coordination with the countries concerned in order to play a more active and constructive role in our fight against piracy.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): First, I wish to thank you, Mr. President, for convening this timely debate and for presenting the concept note that guides our discussions today (S/2012/814, annex). I also welcome the comments by the Deputy Secretary-General, Mr. Jan Eliasson.

Despite international efforts in the fight against piracy, that phenomenon continues to affect the safety of navigation, trade and the development of the countries on some of the major international shipping lanes, particularly in the Gulf of Aden and the Gulf of Guinea. Although the report of the Secretary-General (S/2012/783) refers, with respect to piracy off the coast of Somalia, to a significant drop in the number of attacks carried out over the past year, the total number of pirate attacks remains high. Also worrying is information about the presence and activities of pirates on land, the high number of hostages remaining in captivity, the cases of violence against crews and their use as human shields.

Piracy is yet another of the pernicious consequences of the institutional fragility and precarious economic conditions that obtain in Somalia. Although Somalia has taken important steps towards the goal of peace and stability and the efforts of the international community to provide safe navigation, forestall attacks and capture pirates have yielded some positive results, we believe that security off the coast of Somalia is formed on land. That is why Somalia, as the main source and victim of this crime, must fully participate in solving the problem.

Somali authorities bear the main responsibility in the fight against piracy off their coast and for re-establishing security, political stability, the rule of law and economic development. However, it is vital that the international community continue to lend support, assistance and capacity-building while acknowledging

the difficulties facing a State in the process of consolidation. Any stable and lasting solution to the problem of piracy must be founded on broad initiatives in which the economic, security, judicial and penitentiary components are implemented simultaneously.

An approach of that nature must be formulated with regard to the prevention and punishment of acts of piracy. It is vital that the Somali people perceive piracy as an illegal activity that limits their options for development. It is therefore essential to continue the efforts of the United Nations Political Office for Somalia through projects aimed at informing Somalis about the dangers of piracy and discouraging young people from joining networks dedicated to that criminal activity.

In order to improve security, the international community must continue to lend its support to the security forces of the Federal Government of Somalia so that they are able to deploy on land and in their coastal waters. It is also essential to optimize the monitoring and identification of violations of the general and total embargo on arms and to impose sanctions as necessary, given the devastating effects that the constant flow of weapons has in the context of Somalia.

The Federal Government must give priority to reforming the criminal and procedural framework so that the legislation is consistent with the United Nations Convention on the Law of the Sea. Equally, it is important to re-establish Somalia's sovereignty over its maritime waters and resources. That means that one of the fundamental areas where the international community and particularly the United Nations are called upon to provide technical assistance to Somalia is that of the legal issue of the delimitation of maritime areas so that they can be in line with international law and make it possible to clearly establish its territorial sea, the exclusive economic zone and the maritime borders with Kenya, Djibouti and Yemen.

All of that will contribute to strengthening Somalia's capacity to exercise sovereignty over its maritime waters and resources and protect the marine environment and its resources, and will facilitate the development of fishing and port-linked activities as viable economic alternatives for the people, as opposed to piracy and ancillary criminal activities.

The international community must apply the lessons learned in other regions that have been affected by this phenomenon in the past. Indeed, in the Strait

of Malacca, the incidence of piracy has decreased thanks to the commitment of national authorities and to regional and international cooperation, which included coordinated maritime patrols, overflights, the exchange of intelligence and joint actions against pirates and those who gave them support and shelter on land.

In the regions afflicted by this criminal activity there also happens to be an extremely high level of transit in goods and resources under particular geographic conditions, coupled with politically and economically unstable situations, so that a stable and lasting solution to the problem of piracy requires that preventive action at sea be accompanied by action on land, including strengthening the rule of law and building capacity and institutions that can ensure governability, development and the creation of economic alternatives for the people.

**Mr. Mehdiyev** (Azerbaijan): At the outset, Mr. President, I would like to thank you for convening this open debate and for submitting a concept note on the topic (S/2012/814, annex). We are also grateful to the Deputy Secretary-General, Mr. Jan Eliasson, for his briefing.

Maritime piracy and armed robbery at sea have risen significantly in recent times, and, along with transnational organized crime, including the trafficking of illicit weapons and drugs, constitute a serious threat to peace, security and the economic development of the countries and regions concerned. We fully support and commend recent efforts and initiatives undertaken at the national, regional and international levels to focus international attention on the problem and to enhance maritime safety and security.

The Security Council has also dealt with the problem, focusing primarily on piracy in Somalia and the Gulf of Guinea. It is encouraging that over the past two years a combination of measures has contributed to a decline in the number of attacks and to a reduction in successful attacks at sea off the coast of Somalia. The problem and capabilities of criminal networks still remain, however, and require constant attention and resolute measures. It is important that efforts be continued to develop and implement appropriate legal frameworks and national maritime security strategies and mechanisms, as well as to strengthen law enforcement and judicial capacity for preventing, combating and suppressing piracy and armed robbery at sea.

Pirates are able to operate successfully in environments characterized by political, security,



social and economic instability. A sustainable response to piracy therefore requires full and effective control on the part of the Governments concerned over their territories, their social and economic development, their establishment of the rule of law and the implementation of effective measures against impunity. Obviously, most States cannot prevent or effectively manage threats to maritime security in their coastal waters on their own. It is essential that countries in regions affected by piracy continue to emphasize interaction, cooperation and coordination among themselves and with international partners.

At the same time, while the primary responsibility for eradicating piracy rests with the States concerned, part of dealing successfully with piracy proceeds from a concept of collective commitment to fighting this form of criminality, which affects the interests of the international community as a whole. As a complement to national efforts, international assistance remains crucial in that regard. It is therefore important that the relevant States and regional organizations continue to receive all the necessary support from the international community. Such support should also contribute to the development of early-warning mechanisms for effective and timely information-sharing with States that may potentially be affected by incidents of piracy or armed robbery at sea. Any measures undertaken to fight piracy or prevent potential piracy attacks should be in full accordance with the standards and principles of international law, particularly those relating to the sovereignty of the States concerned.

The United Nations plays an important coordinating role in mobilizing international support and developing global and regional anti-piracy strategies to help affected States and regions in this area. We look forward to future reports of the Secretary-General on the implementation of the Security Council draft presidential statement to be made on this topic today, including discussion of possible ways to promote international efforts to combat piracy and armed robbery at sea.

**Mr. Rosenthal** (Guatemala) (*spoke in Spanish*): We would first like to thank the delegation of India for its initiative in convening this timely open debate on maritime piracy, which is a major challenge for the international community. We also express our appreciation to the delegation of India for presenting a concept note on the subject (S/2012/814, annex). And we thank Deputy Secretary-General Jan Eliasson

for his introductory remarks on the issue before the Council today.

It is interesting that the international community must not only face new challenges to international security, but also has to deal with one of the challenges that have plagued our ancestors for centuries, namely, piracy. Piracy and armed robbery at sea are a serious threat to the lives of the personnel and passengers aboard ships. They make navigation unsafe, hinder the supply of international humanitarian assistance to countries such as Somalia, and harm international trade, causing substantial economic losses to many States. It therefore becomes imperative for us to act decisively to combat this worrisome trend.

For the past few years this issue has been on the agenda of the Security Council, which has already taken steps to address the challenge. Its decisions, consistent with the United Nations Convention on the Law of the Sea, create a legal basis for safety measures for navigation in various regions and send a powerful signal to Member States on the importance of a committed response to piracy. It is important that Security Council resolutions respect existing international law.

That is why the fight against piracy must become a truly concerted effort, wide-ranging and transnational in nature. We are certain that only full cooperation between the United Nations, the countries affected, the relevant international organizations and the private sector will bring about successful results. We are well aware that no country can tackle piracy by itself and that in recent years the phenomenon has reached a global scale, particularly affecting the Gulf of Aden and more recently the Gulf of Guinea.

The United Nations should help mobilize resources. The United Nations agencies in the region, in particular the United Nations Office for West Africa, the United Nations Regional Office for Central Africa, the United Nations Office on Drugs and Crime and the International Maritime Organization, should play an important role in regional efforts to combat piracy and address issues related to terrorism, illicit drug trafficking and arms proliferation, which together conspire to destabilize the region.

It is regrettable that most cases of piracy and armed robbery go unpunished, due in large part to the inadequate legal and practical processes in place for their prosecution. We support the more active use of international legal instruments to ensure the safety of

navigation and the improvement of legal regulation in this area, taking into account the unique characteristics of the situation.

Achieving the swift and appropriate prosecution of those suspected of acts of piracy and ensuring their imprisonment following trial is essential to preventing impunity and deterring further attacks. We fully support the strengthening of United Nations assistance to the States of the region to build their capacities to prosecute and imprison pirates. The United Nations should focus its efforts on the following key elements: legislative reform, capacity-building in prosecuting and processing piracy cases, effective law enforcement, and improving prison infrastructure in the States of the region, in particular Somalia.

We share the view expressed in the concept note prepared for this debate that a comprehensive approach is needed to combat piracy, and that we must address the underlying causes of this phenomenon to eradicate it. We are concerned, for instance, that a significant gap still exists in land-based programmes in Somalia to address piracy, as noted in the Secretary-General's report (S/2012/783). In the specific case of Somalia, we believe that the time has come to strengthen the capacities of both Somalia and neighbouring countries in funding and capacity-building. We also believe it is important for Somalia to proclaim an exclusive economic zone off its coast, as provided for by the United Nations Convention on the Law of the Sea.

Finally, although the attacks and kidnappings committed by pirates have decreased, as has their income, we are deeply concerned that parallel illegal activities sponsored by pirate financing continue to threaten the stability and security of States. The Security Council would have a greater impact on the fight against piracy if it could succeed in adopting forceful measures to limit the capacity of leaders who finance and instigate piracy.

**Mr. Loulichki** (Morocco) (*spoke in French*): At the outset, I thank India for its initiative to organize this open debate on piracy, a historic challenge that has resurged in recent years to become a significant and direct threat to the stability and security of many States, especially in Africa. Our consideration of this topic today has been aided by the concept note prepared by the presidency of the Council (S/2012/814, annex) and by the briefing of Deputy Secretary-General Eliasson, for which we thank him.

Piracy is a source of concern to the international community due to the high human cost it exacts in terms of hostage-taking, the threat it poses to the security and economic development of countries, and the havoc it wreaks on international navigation and trade. Acts of piracy are on the increase, especially in regions where countries in fragile political situations face major challenges in enforcing respect for and application of the rule of law, and in ensuring the security of national territory. As a result, tackling piracy at sea must begin with a focus on the internal challenges on land.

While primary responsibility for the fight against piracy falls to the States concerned, shouldering that responsibility requires the means and capacity to face the scourge, with the support of international partners. Clearly, a legislative framework that penalizes acts of piracy in line with international law, the United Nations Convention on the Law of the Sea of 1982 and international standards for the protection of human rights is indispensable for ensuring effectiveness in meeting these challenges.

The building of national capacities — whether in enacting legislation, prosecuting and incarcerating pirates, or monitoring national waters — is of crucial importance for any strategy for combating piracy. Stepping up international and regional cooperation and coordination, in particular involving the United Nations and the International Maritime Organization, as well as exchange of information among all actors and services engaged in combating piracy, are further indispensable elements if this scourge is to be combated effectively. Finally, counter-piracy activities must also target the persons who finance, plan and organize acts of piracy given the major role they play in this continuing problem.

Despite the substantial reduction in acts of piracy noted in the report of the Secretary-General (S/2012/783) and their reduced success rate off the Somali coast in 2012, the scourge remains cause for concern due to the number of hostages still being held, the threats posed to stability and safe navigation in the region, and the destabilizing consequences thereof on Somalia's society and economy. With the assumption of power by legitimate authorities in Somalia, the liberation of many areas of the country from Al-Shabaab control, and the gradual extension of State authority to other parts of Somali territory, conditions are now in place to combat piracy more effectively, with the adequate support of the international community. The political stabilization

under way in Somalia should promote respect for the rule of law and more effective national action for the pursuit and imprisonment of pirates in order to end impunity. That stabilization will also allow for the extension of Somali State authority and its application throughout its maritime zone, in accordance with the Convention on the Law of the Sea.

I take this opportunity to commend the assistance provided by the United Nations Office on Drugs and Crime and the United Nations Development Programme to support the efforts of Somalia and other States of the region in their work in the legislative, judicial and penal spheres. Efforts to improve economic development in Somali society, the creation of job opportunities for young people and the provision of basic services to the population will all help to mitigate the intensity of this scourge.

Coordination and cooperation at the international and regional levels to combat piracy off the coast of Somalia have produced encouraging results and should be stepped up. In that respect, we welcome the efforts of the Contact Group on Piracy off the Coast of Somalia and its working groups, which have worked tirelessly to find a coordinated and comprehensive solution to this problem.

In recent years, the international community has been alerted to the developments and dangers posed by piracy in the Gulf of Guinea and to the danger that the phenomenon could spread throughout the African Atlantic region. My country has striven to establish and strengthen cooperation at the cross-regional and interregional levels among the Atlantic coastal States of Africa, in particular to confront the challenge of piracy in the Gulf of Guinea and transnational organized smuggling. Indeed, those two themes were at the origin of the establishment of the Ministerial Conference of African Atlantic States in Rabat in 2009, and are the pillars of its plan of action on security, adopted in 2010.

That African Atlantic spirit was bolstered by the decision taken by the countries of the region to hold a summit among the leaders of the Economic Community of West African States, the Economic Community of Central African States and the Gulf of Guinea Commission in order to forge a mechanism for heightened interregional dialogue and cooperation.

In order to extend this dynamic of action-oriented cooperation and coordination, in the coming weeks Morocco will host a conference of security ministers of

African States bordering the Atlantic Ocean at which we will discuss, *inter alia*, piracy in the Gulf of Guinea and ways to enhance synergies with a view to ensuring the stability of that shared space and to strengthening regional cooperation and coordination. All these efforts seek to enhance sustained and vigorous international cooperation to end piracy and its multidimensional consequences.

**The President:** I shall now make a statement in my capacity as representative of India.

Let me begin by thanking Deputy Secretary-General Jan Eliasson for his briefing on piracy and armed robbery at sea and on the annual report of the Secretary-General on piracy off of the coast of Somalia (S/2012/783).

Even though the problem of piracy is as old as the history of maritime navigation, the international community is today facing it in unprecedented and growing dimensions. Having started off the coast of Somalia, the threat now looms over an area of more than 2.8 million square miles, posing a formidable task to patrolling naval forces. Not only is piracy a threat to the freedom of maritime navigation; it is having destabilizing effects on global and regional trade and security. The negative humanitarian impact of the threat on seafarers, who are the lifeline of maritime shipping, can no longer be ignored.

The Secretary-General's successive reports present an alarming picture. Despite increased naval presence, pirate attacks off the coast of Somalia have continued with little change in the level of violence employed by the pirates against seafarers and others. As of 22 August, Somali pirates still held 11 ships and 188 hostages, including 43 Indian seafarers. The problem is also intensifying in the Gulf of Guinea.

Given the adverse impact of acts of piracy and armed robbery at sea on maritime trade, seafarers and security, India attaches high priority to combating piracy, including in waters off the coast of Somalia and in the Gulf of Guinea. India has actively supported international efforts at the operational level, including by participating in anti-piracy patrols in the Gulf of Aden since 2008, and has also deployed its ships in the eastern and north-eastern Arabian Sea. Operations of the Indian Navy have helped to neutralize several attempts of piracy.

While we will continue the counter-piracy operations, there is also an urgent need for the

international community to address the serious problem of seafarers who are taken hostage and the consequent humanitarian problems faced by them and their families. That will require active cooperation in sharing information, evidence and intelligence related to the investigation, prosecution and sentencing of suspected pirates, as well as efforts to achieve an early release of seafarers being held by pirates.

Although naval ships deployed in the Gulf of Aden pursuant to the establishment of the Contact Group on Piracy off the Coast of Somalia have successfully thwarted several piracy attempts and provided security escorts to merchant marines in those waters, the growing scope and expanding coverage of the problem indicates that naval operations alone may be insufficient, and that there is a need to adopt a comprehensive counter-piracy strategy that includes efforts to deter pirates and ensure their effective prosecution.

No effort to prosecute and imprison pirates can succeed without the effective involvement of the States of the region. Capacity-building not only of Somalia, but also of other States of the region, is an essential component of that strategy. We commend the efforts of the United Nations Political Office for Somalia, the United Nations Office on Drugs and Crime and the United Nations Development Programme in that regard, and urge them to continue their efforts. Their assistance to the States of the region should focus on four main areas: legal reforms to criminalize piracy, capacity-building for the prosecution and trial of piracy cases, effective law enforcement, and improvement of prison infrastructure in Somalia and safe States in the region.

India is of the firm view that steps to disrupt land-based pirate activities and associated financial flows are absolutely necessary to a multidimensional counter-piracy approach. Therefore, it is essential to investigate and prosecute individuals and networks that provide the leadership, support and financial flows for the sustenance of piracy. That would require broader criminal legislation covering the crimes of extortion, kidnapping, conspiracy, money-laundering and financing of pirate activities, as well as active collaboration and sharing of information and intelligence among the private sector, States and relevant international organizations. It should also be kept in mind that combating maritime piracy is an important issue that is intrinsically linked with the

security situation in Somalia and in the States bordering the Gulf of Guinea.

We hope that the new Government of Somalia will fully implement the counter-piracy measures delineated in the road map and will be supported by the United Nations and the international community. We also encourage States on the Gulf of Guinea and in the region to continue making all collaborative efforts, including through regional organizations, in combating piracy and armed robbery in the Gulf of Guinea.

In conclusion, we would like to note that the increased presence of international and national naval forces has had a variable impact on the success rates of piracy attempts in different areas. For example, action by the Indian navy has ensured that there has been no successful act of piracy in the area just off the western coast of India in the past year. Such trends require the high-risk area for piracy to be regularly reviewed in a transparent manner, based on confirmed incidents of piracy. That is an absolute necessity for coastal States in the region and should be given due priority.

In addition, we fully endorse the conclusion of the Deputy Secretary-General that three challenges require our immediate attention: better information-sharing and trust-building among countries and agencies involved in counter-piracy efforts, stronger capacity to prosecute piracy-related cases, and the establishment of a framework governing the use of privately contracted, armed security personnel on board vessels to ensure appropriate regulation and accountability. We look forward to the Secretary-General's next report, including on measures for the implementation of the draft presidential statement that the Council will adopt today.

I now resume my functions as President of the Council.

The Council has before it the text of a draft presidential statement on behalf of the Council on the subject of today's meeting. I thank the Council members for their valuable contributions to the draft statement.

In accordance with the understanding reached among the members of the Council, I shall take it that the members of the Security Council agree to the statement, which will be issued as a document of the Security Council under the symbol S/PRST/2012/24.

It is so decided.

Since the Council has some urgent business to attend to, I will, with the concurrence of the members of the Council, suspend the meeting until 3 p.m.

*The meeting was suspended at noon.*