



Security Council

Sixty-ninth year

Provisional

7286th meeting

Friday, 24 October 2014, 10 a.m.

New York

<i>President:</i>	Mrs. Perceval	(Argentina)
<i>Members:</i>	Australia	Mr. Quinlan
	Chad	Mr. Gombo
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	France	Mr. Delattre
	Jordan	Mr. Hmoud
	Lithuania	Ms. Murmokaitė
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland ...	Sir Mark Lyall Grant
	United States of America	Mr. Pressman

Agenda

The situation in Somalia

Report of the Secretary-General on Somalia (S/2014/699)

Letters dated 10 October 2014 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council (S/2014/726 and S/2014/727)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General on Somalia (S/2014/699)

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The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Somalia to participate in this meeting.

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

Members of the Council have before them document S/2014/757, which contains the text of a draft resolution submitted by Australia, France, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

I wish to draw the attention of Council members to document S/2014/699, which contains the report of the Secretary-General on Somalia. I also wish to draw the attention of Council members to documents S/2014/726 and S/2014/727, dated 10 October 2014, from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Chad, Chile, China, France, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America

Abstaining:

Jordan, Russian Federation

The President: There were 13 votes in favour, none against and two abstentions. The draft resolution has been adopted as resolution 2182 (2014).

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

Sir Mark Lyall Grant (United Kingdom): The United Kingdom welcomes the adoption of resolution 2182 (2014). We welcome the renewal of the mandate of the African Union Mission in Somalia (AMISOM). The Security Council is united in its praise for the achievements of AMISOM. The bravery and sacrifices of its personnel in the fight against Al-Shabaab will never be forgotten.

And it is the fight against Al-Shabaab terrorists that is at the heart of the naval authorization in the resolution. In February 2012, the Security Council banned the export of Somali charcoal. We took that step because of the clear links between the illegal charcoal trade and Al-Shabaab. But since that ban was imposed, the trade in charcoal from Somalia has actually increased. This year, the Somalia and Eritrea Monitoring Group has estimated that Al-Shabaab has kept up to one-third of the revenues of the \$250-million annual trade. Charcoal is giving Al-Shabaab a lifeline.

The Monitoring Group subsequently recommended maritime interdiction on the high seas. On 8 October, President Hassan Sheikh Mohamud wrote to the Council specifically requesting it to take that step. Today, we have responded to that call for help. The United Kingdom is confident that the provisions set out in the resolution will ensure that it is not abused. In particular, I would highlight the need for the Federal Government of Somalia to notify the Secretary-General of any Member State taking part in the naval interdiction of Somali charcoal and weapons, with a subsequent obligation for the Secretary-General to inform the wider United Nations membership.

The United Kingdom has every confidence that the Federal Government of Somalia and its international partners, including in the region, will work together constructively to ensure that the resolution delivers another blow to Al-Shabaab and its murderous ambitions. The adoption of the resolution demonstrates that the Council is determined to take practical steps in response to tackling the threat from terrorism that each and every one of us faces.

Mr. Hmoud (Jordan) (*spoke in Arabic*): Jordan wishes to explain its vote on resolution 2182 (2014), adopted a few moments ago.

At the outset, I wish to stress that Jordan supports the aim of achieving stability and security in Somalia, and the efforts of the Federal Government of Somalia to meet the challenges it faces, including the illegal trade in charcoal and illicit weapons by terrorist groups. Unless the international community acts to help Somalia to address these phenomena, it will not be able to tackle those challenges.

Jordan stresses that the authorization contained in paragraph 15 of the resolution for any State to inspect ships not only off the coast of Somalia but also on the high seas is subject to legal and political constraints and limitations. Although the resolution includes some of the limitations and conditions proposed by Jordan when it was being drafted, it may still be open to abuse and threaten the maritime trade on the high seas in one of the world's most sensitive regions. It could be exploited for political purposes that transcend its own aim to fight the illicit trade in charcoal and weapons.

The scope of the authorization for the naval forces in the area, as worded in paragraph 15, is broader than that requested by the President of Somalia in his letter to the President of the Security Council. The insistence on giving such authorization to any State raises many questions in that respect. Allowing any State to undertake such inspections on the basis of "reasonable grounds" is no guarantee against abuse of that authorization or obstruction of maritime navigation. It would have been better to base the authorization on such objective controls as reliable information, and not to open it to the subjective criteria that could be used by an interdicting State. We hope that the limitations set forth in paragraph 20 will be included in the report of the Somalia and Eritrea Monitoring Group.

The rules of international law should be respected by all States, including the provisions of the 1982 United Nations Convention on the Law of the Sea concerning freedom of navigation on the high seas. The Convention specifically addresses the matter of the interdiction of vessels on the high seas, yet the provisions of resolution 2182 (2014) go beyond those of the Convention. While the Charter of the United Nations, including in its Articles 25 and 103, grants the resolutions of the Security Council priority over the obligations of States under international agreements, the legal principle of

equal sovereignty should be respected, and Council resolutions should not be used as tools to manipulate the rules of international law.

Mr. Pressman (United States of America): The United States strongly supports resolution 2181 (2014), which targets many of the most serious causes of instability and insecurity in Somalia. This resolution reflects the Security Council's knowledge that the international response to the situation in Somalia must be comprehensive in order to be effective. That is why the United States strongly supported language in the resolution that reflects the Security Council's commitment to eliminating all sources of funding for Al-Shabaab, a group that continues to attack innocent civilians and threaten the peace and stability of both Somalia and the region.

The international market value of charcoal exported from Somalia in 2013 and 2014 is estimated to be \$250 million, of which 30 per cent is estimated to flow directly to Al-Shabaab and fund its operations. The export of Somali charcoal has long been a concern for the Council, and we are pleased that the Security Council is authorizing further means to enforce the ban on charcoal exports and illicit arms transfers that violate the arms embargo through maritime interdiction. The Federal Government of Somalia has called on the Security Council to take stronger action, and today we have answered that call.

By renewing the mandate for the African Union Mission in Somalia, a mission that has found success in the fight against Al-Shabaab, we will build on the momentum of the troop surge authorized by the Security Council last year (resolution 2125 (2013)). The resolution's renewal of the mandate of the Monitoring Group on Somalia and Eritrea as well as the extension of the limited arms embargo suspension will also help us monitor and stop illicit arms flows.

As Special Representative of the Secretary-General Kay told the Council 10 days ago, "Somalia's long night is not over, but the sky is at last getting lighter" (*S/PV.7278, p. 4*). After years of conflict, Somalia is on the path towards a stable, secure future, but it is essential that the international community and the Council remain engaged in Somalia's progress. Resolution 2182 (2014) reaffirms our commitment to a peaceful, stable and united future for Somalia, and we thank Council members for joining with us in sending that strong and important message.

Mr. Wang Min (China) (*spoke in Chinese*): The Chinese delegation voted in favour of resolution 2182 (2014), which was just adopted by the Security Council. At the same time, I wish to emphasize two points.

First, China always maintains that, in its consultations on relevant resolutions, the Security Council must extensively listen to the views of all sides and effectively respect the legitimate demands of States and regional organizations concerned. Arab States had concerns on parts of the text of the draft resolution. In its prior consultations on the draft, the Security Council should have heeded those concerns and, through full consultations, tried to reach maximum consensus and garner the widest support.

Secondly, resolution 2182 (2014) clearly stipulates that the resolution shall not be regarded as establishing customary international law. Measures taken by States under the resolution should not affect flag States' exclusive jurisdiction over their vessels on the high seas. Any inspection of such vessels needs the prior consent of the flag States concerned.

China maintains that resolution 2182 (2014) should be implemented fully and to the letter. In implementing the resolution, Member States should adhere to the principles of international law and effectively protect the legitimate rights and interests of the flag States and countries concerned.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian delegation abstained in the vote on the comprehensive Security Council resolution prepared by the delegation of the United Kingdom on Somalia and Eritrea (resolution 2182 (2014)).

Like all other members of the Council, we are aware of how important it is to find a prompt and peaceful solution on the Horn of Africa. We would have been ready to support the draft resolution if some of its provisions had not been based on statements from the last report of the Monitoring Group and the Security Council Committee established pursuant to resolutions 751 (1992) and 1907 (2009) that are not backed up by facts.

Once again we need to recall that, in drawing up their documents, experts should be guided exclusively by verified facts and not draw conclusions based on assumptions and rash accusations. We would like to once again underscore that sanctions are a measure of last resort. The true road to resolving the problems of the Horn of Africa lies in the establishment of a broad,

multifaceted dialogue between the countries of the region.

Yesterday we had an open debate in the course of which a lot was said about the need to democratize the working methods of the Security Council in order to give them a more open and fair character. However, the way in which the work on the draft resolution was conducted, especially in its final phase, when the sponsors made a point — and not for the first time — of disregarding the views of other members of the Council, definitely does not reflect well on the delegation of the United Kingdom. That is not the way to build consensus. We also think that more attention could have been paid to the request of the Arab Group and to the members of the Gulf Cooperation Council with regard to the need for more thorough preparatory work on certain provisions of the draft resolution that touch upon fundamental principles of international law and directly affect the interests of many members of the international community.

The President (*spoke in Spanish*): I shall now make a statement in my national capacity as representative of Argentina.

Argentina supported the adoption of resolution 2182 (2014) because it endorses the need to renew the mandate of the African Union Mission in Somalia and to reaffirm the arms embargo as well as the total ban on the export and import of Somali charcoal. The resolution contains an authorization to conduct inspections in the territorial sea of Somalia and on the high seas, with the aim of ensuring compliance with the arms embargo and with the total ban on the export and import of Somali charcoal.

By supporting the resolution, Argentina took into account the request for assistance from the international community made by the President of the Federal Government of Somalia in his note of 8 October. At the same time, I wish to highlight that the measure thus authorized is one of an exceptional nature with respect to the basic norm of the exclusive jurisdiction of the flag State over its ships on the high seas and with respect to the sovereignty of the coastal State over its territorial sea and to its sovereign rights and jurisdiction in the exclusive economic zone.

In that regard, it must be underlined that, as clearly stated in the text of the resolution, the authorization given is limited to this situation. It does not extend to any other situation. It must not affect the rights and

obligations or responsibilities of States in accordance with international law, including the 1982 United Nations Convention on the Law of the Sea, with respect to any other situation, and it does not constitute a basis for customary international law.

In accordance with the exceptional nature of this measure, the present authorization is limited to one year. We believe that, in the normal way of things, it should be superseded by some other kind of cooperation with Somalia that would allow the latter to respond appropriately to a situation that belongs essentially within a State's own sphere of action.

Finally, the authorization is framed within the powers of the Security Council, but it is also unavoidably framed within the international law in force.

I now resume my functions as President of the Council.

I now give the floor to the representative of Somalia.

Mr. Duale (Somalia): On behalf of my country, I would like to congratulate you, Madam President, on your assumption of the presidency of the Security Council for this month. I am grateful for this opportunity to speak to the Council.

The Federal Government of Somalia heartily welcomes the adoption this morning of resolution 2182 (2014), as well as the renewal of the mandate of the African Union Mission in Somalia. We are very grateful for the role the Mission's troops are playing in fighting side by side with their brothers and sisters from the Somali National Army, and now approaching the end of the process of crushing Al-Shabaab's strength in Somalia.

I have been here at the United Nations for almost 10 years, and I have always fully appreciated how seriously the Security Council has been seized of

Somalia's issues. We are grateful and glad now that we can finally see at least a glimmer of the light at the end of the tunnel, and we thank the Council. We also welcome the authorization of the maritime interdiction of charcoal exported from Somalia in breach of the Security Council ban, as well as the authorization permitting international naval forces to seize weapons destined for forces outside the Federal Government of Somalia's control. The continued illegal export of charcoal gives Al-Shabaab a financial lifeline, and the illegal weapons in the streets of Somalia hold back our transition to the peace and stability that everyone here desires. We thank the Council and those allies of Somalia who will help our Federal Government ensure that Al-Shabaab's days are numbered.

I would also like to take this opportunity to make it absolutely clear that the Federal Government of Somalia will ensure that today's resolution is implemented in a responsible manner. We note and appreciate that no Member State will be permitted to conduct interdictions without the express consent of the Federal Government of Somalia. We will work with all countries in the affected region to ensure that no country's sovereignty or legitimate commerce is disrupted by any abuse of the resolution. I believe we all hope that today's resolution will help to usher in a much better situation than Somalia is in at the moment.

The President (*spoke in Spanish*): For future reference on a point of procedure, while respecting the right of all Member States to make statements, we would like to remind everyone that speakers wishing to take the floor should inform the presidency beforehand through the Secretariat, so that the meeting can be conducted in an orderly way.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.35 a.m.