



Security Council

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Signatories:
China
France
Russia
United Kingdom
United States

Resolution 1 (2009)

Proposed before the Security Council on 20 June 2009

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1838 (2008), 1846 (2008), 1851 (2008), 1863 (2009) and 1872 (2009);

Emphasizing the importance of the United Nations Convention on the Law of the Sea (UNCLOS) and the General Assembly Resolutions A/RES/57/141 (2002) and A/RES/54/33 (1999);

Alarmed by current developments with regard to the ongoing violations of the Law of the Sea;

Deeply concerned about the situation of ongoing acts of piracy and armed robbery off the coast of Somalia, in the Strait of Malacca and other affected regions;

Recognizing the need for immediate support for the Transitional Federal Government of Somalia in its fight against the threat posed by piracy and *following* the request of the TFG for such support due to a lack of capacities of the TFG to ensure its international obligations;

Declaring its continuous support to all measures to secure the respect of the United Nations Convention on the Law of the Sea in order to protect human rights, and secure peace and stability in international waters;

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* all acts of piracy and crime in international and territorial waters that harm third countries' merchant ships, WHO and WFP vessels and their crews;
2. *Emphasizes* the need to create mechanisms assuring the lawful prosecution of captured pirates that shall be established by the concerned government and with the help of the international community;
 - a) In case of a functioning judicial system in the country of origin of the captured pirates, prosecution shall take place within the country of origin under the respective national law by national judges of the alleged criminals' country of origin;
 - b) Only in case that the country of origin is found by decision of the Security Council to be not disposing of a functioning judicial system, prosecution shall take place in international premises under the respective national law by national judges of the alleged criminals' country of origin;
 - c) In the latter case, the United Nations shall deploy an observer mission to the trial and observe the further detainment of the prisoners; the selection of the judiciary panel shall reflect the variety of the views in the society of the alleged criminals' country of origin;
The observer mission shall have a veto right backed by a Security Council decision on the selection of the judiciary panel in case of controversy;
3. *Emphasizes* that coastal states enjoy the sovereignty and complete jurisdiction over the Exclusive

Economic Zones and the Continental Shelf, implying the responsibility for securing the proper conduct of the rule of law within these boundaries with special regards to UNCLOS, and *further emphasizes* the responsibility of the international community to assist Member States in fulfilling their duties;

4. *Draws attention* to the importance of the Exclusive Economic Zones (EEZs) for the development of developing and emerging countries;

5. *Emphasizes* that military forces used in counter-piracy missions under the umbrella of the UN shall be commanded by the intervening forces autonomously in accordance with the rules laid out in the respective UN Security Council resolutions;.

6. *Expresses its appreciation* for the efforts undertaken by the members of the United Nations to install a counter-piracy mission under the umbrella of the UN, such as the EU Mission Atalanta and *encourages* other Member States to undertake similar measures;

7. *Recommends* that disputes over national boundaries and the EEZs shall not underlie the decisions of international settlement mechanisms, solutions shall be found through consultation among the respective coastal states in order to strengthen regional integration;

8. *Affirms* that the decisions taken in this resolution shall not translate into customary law in order to secure the functioning of the system of international law and especially the UNCLOS regime;

9. *Calls upon* the world community to take all actions necessary to reduce any incentives for future piracy activities by securing sustainable economic and social development and to build up systems of good governance;

10. *Decides* to remain actively seized of the matter.
