



# Security Council

Seventy-seventh year

*Provisional*

**9167**<sup>th</sup> meeting

Wednesday, 26 October 2022, 4.45 p.m.

New York

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<i>President:</i>	Mr. Biang. . . . .	(Gabon)
<i>Members:</i>	Albania . . . . .	Mr. Hoxha
	Brazil. . . . .	Mr. Costa Filho
	China . . . . .	Mr. Geng Shuang
	France . . . . .	Mr. De Rivière
	Ghana . . . . .	Mrs. Hackman
	India . . . . .	Mr. Raguttahalli
	Ireland . . . . .	Ms. Moran
	Kenya. . . . .	Ms. Nyakoe
	Mexico . . . . .	Mr. De la Fuente Ramírez
	Norway . . . . .	Ms. Juul
	Russian Federation. . . . .	Mr. Nebenzia
	United Arab Emirates . . . . .	Mrs. Nusseibeh
	United Kingdom of Great Britain and Northern Ireland . .	Mr. Kariuki
	United States of America. . . . .	Mr. Wood

## Agenda

Maintenance of international peace and security

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*The meeting was called to order at 4.45 p.m.*

### Adoption of the agenda

*The agenda was adopted.*

### Maintenance of international peace and security

**The President** (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of the Islamic Republic of Iran and Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. João Miguel Ferreira de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, to participate in this meeting.

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

I now give the floor to Mr. De Serpa Soares.

**Mr. De Serpa Soares** (*spoke in French*): I would like to thank you, Mr. President, for giving me the opportunity to address the Security Council.

(*spoke in English*)

I have been requested to brief the Council on Article 100 of the Charter of the United Nations. I will do so and also address the context in which this request has come about by clarifying the nature of the work performed by the Secretary-General and the Secretariat with respect to resolution 2231 (2015).

Paragraph 1 of Article 7 of the Charter establishes the Secretariat as one of the six principal organs of the United Nations. Article 97 provides that "The Secretariat shall comprise a Secretary-General and such staff as the Organization may require". Article 100 sets out obligations for the Secretary-General and the staff of the Secretariat in the conduct of their work and corresponding obligations on the part of Member States vis-à-vis the Secretariat. The Article has been frequently described as the foundation of the idea of the Secretariat as an international civil service. Article 100 therefore defines the status of the Secretary-General and the staff and sets out their attendant legal obligations. Specifically, according to paragraph 1 of Article 100, the Secretary-General and the staff are "international officials responsible only to the Organization". They must not "seek or receive instructions from any

Government or from any other authority external to the Organization". And they must

"refrain from any action which might reflect on their position as international officials responsible only to the Organization".

With a view to safeguarding the international character and independence of the Secretariat, the General Assembly has laid down detailed standards of conduct for staff members based directly on paragraph 1 of Article 100 of the Charter.

Since they were first adopted by the General Assembly in 1951, the Staff Regulations, like the Provisional Staff Regulations before them, have affirmed in their very first provision four key ideas: that members of the Secretariat are international civil servants; that their responsibilities are not national but exclusively international; that they must discharge their functions and regulate their conduct with the interests of the United Nations only in view; and that they shall not seek or accept instructions in regard to the performance of their duties from any Government or other source external to the Organization. Paragraph 2 of Article 100 is the counterpart to paragraph 1. It sets out two corresponding obligations on the part of Member States:

"to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."

The General Assembly has not adopted any decisions specifically relating to this paragraph that would throw much light on its interpretation. The Assembly has referred to it in connection to appeals to all Member States to respect the privileges and immunities of officials of the United Nations and to allow the Secretary-General to exercise the Organization's right of functional protection in respect to staff placed under arrest or detention. Beyond that, however, the Assembly has not given any specific guidance on the application of the paragraph. On the other hand, the Secretary-General and the Legal Counsel — both my predecessors and I — have on a number of occasions taken the position that this or that action on the part of a Member State is or is not consistent with its obligations pursuant to Article 100 of the Charter.

They have thus have expressed the view that it would not, or might not, be consistent with paragraph 2 of the

Article for a State to attempt to make the recruitment, transfer or dismissal of staff of its own nationality subject to its approval; to limit the recruitment of locally recruited staff to individuals recommended by a Government agency; to impose conditions on the engagement of locally recruited staff members; to limit the appointment of staff of its nationality to fixed-term appointments; to pressure the Secretary-General to replace a qualified and competent staff member because of a change of Government in their home State; to require the Secretary-General to adapt the contracts of locally recruited staff to conform to its national labour laws; to cancel the work permits of staff members in an apparent attempt to force the Secretary-General to dismiss them; to withhold staff members' passports so that they could not return to their duty stations or to not issue passports to successful candidates so as to prevent them from taking up their posts; to require a staff member deployed to that State to leave the country; to demand the right to censor United Nations materials; to assume the power to dictate or control the activities of United Nations officials or United Nations operations; to inspect or control the award of United Nations contracts; and to refuse to recognize the Secretary-General as Secretary-General.

Conversely, the Secretary-General and the Legal Counsel have taken the position that it would not be inconsistent with paragraph 2 of Article 100 for a State to submit to the Secretary-General information on the characters and records of candidates of its nationality, provided that it was understood that it was left to the Secretary-General to assess that information and reach an independent decision on their recruitment; to investigate staff members of its nationality and provide information on the outcome of the investigation to the Secretary-General; and to provide the Secretary-General with its views on how the Secretary-General should exercise political discretion that he may enjoy in implementing a mandate from one of the Organization's political organs.

It is only natural, as a previous Secretary-General has remarked, that Member States should wish to exercise as much influence as they can over the activities of the Organization, including its Secretariat. Most days, permanent representatives contact the Secretary-General and other senior officials to inform them of the positions of their Governments and to seek to convince them of their rightness. I myself frequently receive visits from ambassadors who advance a particular view

of the law and try to convince me that it is correct or who remonstrate me over a particular action on the part of the Secretariat and seek to convince me that it is unlawful and needs to stop. Throughout my mandate, I have had exchanges with all the Ambassadors of the permanent five members of the Security Council. All of that is to be expected, and I do not think that anyone here would wish to maintain that such activities are in any way inconsistent with paragraph 2 of Article 100 of the Charter of the United Nations.

As a previous holder of the office once remarked, the Secretary-General knows very well that his effectiveness in most situations will depend to a large extent on the cooperation that he receives from Governments and, in turn, that the extent of that cooperation will frequently depend, at least to some degree, on how far what he does coincides with the positions of those Governments. But, as he also remarked, "the Secretary-General must also insist that his duty under the Charter requires him to draw a clear line between cooperation and pressure".

I will now turn to the work performed by the Secretary-General and the Secretariat with respect to resolution 2231 (2015). Without deviating in any way from the standards to which Article 100 requires the Secretariat and Member States to adhere, the Secretariat takes note of all information that is brought to its attention by Member States in order to ascertain and assess its relevance to the discharge of the mandates that are entrusted to it. It was in that spirit and in no other that Under-Secretary-General Rosemary DiCarlo noted in her remarks to the Council, during its informal consultations on 19 October, that the Secretariat was ready to assess information if so requested by Member States, as was also the case for the Spokesperson in his remarks on 20 October.

Following the adoption by the Security Council of resolution 2231 (2015) on 20 July 2015, the President of the Security Council issued a note dated 16 January 2016 under the symbol S/2016/44 that "sets forth practical arrangements and procedures for the Security Council for carrying out tasks related to the implementation of resolution 2231 (2015), particularly with respect to the provisions specified in paragraphs 2 to 7 of annex B to that resolution." (para. 1)

Paragraphs 6 and 7 of the note request the Secretary-General to appoint the Security Council Affairs Division of what is now the Department of Political and Peacebuilding Affairs to serve as a point of contact

and support the work of the Security Council and of its facilitator and, as envisaged by annex B to resolution 2231 (2015), to report to the Council every six months on the implementation of the resolution. Paragraph 7 of the note anticipates that the report will include findings and recommendations and that the Security Council will meet informally prior to the public release of the report to review the findings and recommendations it contains.

The Secretary-General duly acted on those requests and the Security Council Affairs Division has prepared the reports, starting with his first report, issued on 12 July 2016 under the symbol S/2016/589. The most recent, the thirteenth report, was issued on 23 June this year under the symbol S/2022/490. The structure of those reports and the topics addressed are well-known to the Council. In that regard, I note that, in his statement to the Council introducing the first report, Under-Secretary-General for Political Affairs Jeffrey Feltman pointed out that the report “strictly focuses on the restrictive measures in annex B of resolution 2231 (2015)” and “our mandate is neither to report on all aspects of the resolution or annex A of the JCPOA, nor touch upon the work of the Joint Commission established in the agreement.” (S/PV.7739, p. 2)

Consistent with that, the Secretariat has reported on the implementation of the restrictive measures in annex B that are in force during the reporting period, including on information voluntarily brought to its attention by Member States in writing and through meetings at United Nations Headquarters or in capitals. Also reflected are the positions of interested Member States on such information that have been brought to the attention of the Secretary-General.

As I just mentioned, the report includes findings and recommendations in line with paragraph 7 of the note. The Secretary-General is thus able to express his views on relevant developments during the reporting period and draw attention to matters of concern.

As intended, the report is entirely for the information of the Security Council in its consideration of the status of the implementation of resolution 2231 (2015), in particular annex B, and its determination of whether any action is required.

The Secretary-General has not received any request, pursuant to paragraph 6 (g) of the note or otherwise, that supplements or modifies the nature and scope of the work done by the Security Council Affairs Division in

the preparation of the Secretary-General’s six-monthly reports to the Council. Absent further guidance by the Security Council, the Secretary-General will continue to prepare those reports in the manner that they have been prepared to date.

**The President** (*spoke in French*): I thank Mr. De Serpa Soares for his briefing.

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

**Mr. Nebenzia** (Russian Federation) (*spoke in Russian*): We thank United Nations Legal Counsel De Serpa Soares for his briefing.

Given the desire of our Western colleagues to spin fake stories about drones that Iran is allegedly supplying to Russia, I would like to begin by setting the record straight. We convened this meeting on another issue. There is the format under resolution 2231 (2015), the corresponding biannual meetings of the Council to discuss the implementation of that resolution. The issue that we are discussing today is much broader. It has to do with the threats posed by the actions of some Council members to the integrity of the Charter of the United Nations and the ability of the Security Council to deliver on its core function of maintaining international peace and security.

I am referring to the documented attempts by the United States, the United Kingdom and France, in addition to Germany, to give an explicit, direct instruction to the Secretariat in violation of Article 100 of the Charter.

Letter S/2022/781, from the Permanent Representatives of the United Kingdom, France, and Germany, circulated to the Security Council on 21 October, in relation to the allegations made by those countries of violations of resolution 2231 (2015), says:

“We would welcome an investigation by the United Nations Secretariat team responsible for monitoring the implementation of resolution 2231 (2015) and stand ready to support the work of the Secretariat in conducting its technical and impartial investigation.”

Letter S/2022/782, from the Permanent Representative of the United States expressly demands that the Secretariat carry out such an investigation. That is not Russian propaganda, as our Western colleagues

like to say. Those are facts. Anyone who wishes to do so can read those letters.

Those letters are written proof that the delegations I mentioned are in breach of Article 100, paragraph 2, of the Charter of the United Nations, which requires every Member State to respect the exclusively international character of the responsibilities of the Secretariat and not to seek to influence its staff in the discharge of their responsibilities.

Moreover, the United States, the United Kingdom, France and Germany are in fact pushing the Secretariat towards a dual violation of, first, paragraph 1 of Article 100 of the Charter of the United Nations, according to which the Secretariat should not receive instructions from any Government, and, secondly, the Secretariat's mandate in the context of resolution 2231 (2015) by making it an *ultra vires* act.

I would like to elaborate on the second point. Time and again, we hear from Western delegations that the Secretariat is allegedly authorized to monitor the implementation of resolution 2231 (2015). That is not true. Paragraph 2 (a) of the note by the President of the Security Council contained in document S/2016/44, which is entitled "Security Council tasks under Security Council resolution 2231 (2015)", expressly states that the Security Council itself should monitor the implementation of the resolution. Subparagraphs (c) and (d) unambiguously stipulate that it is the Security Council that should answer enquiries from Member States regarding the implementation of the resolution and respond to information regarding alleged actions inconsistent with the resolution.

Paragraph 4 of note S/2016/44 states that the Security Council shall convene informal meetings at the expert level to carry out such functions, including those related to receiving information from Member States. It is therefore clear that any information coming from Member States should be considered by Council members at those informal meetings. I would like to point out that the note makes no mention of the role of the Secretariat in that process.

It is also important that, in accordance with paragraph 5 of note S/2016/44, the Security Council should seek to make decisions related to its functions in the context of resolution 2231 (2015) by consensus through a no-objection procedure of at least five working days.

That means that any action in relation to the functions listed in paragraph 2 of the note, be it monitoring of the implementation of the resolution or considering reports about its possible violations, requires a separate decision by the Security Council. The Council took no such decision in relation to the allegations of violations of resolution 2231 (2015) by Russia and Iran. Moreover, it is clear that there are principled differences among Council members in that regard.

I would now like to refer to paragraph 6 of note S/2016/44, which provides an extensive list of the Secretariat's functions in relation to resolution 2231 (2015):

"Assist the facilitator in the organization ... of informal meetings of the Security Council;

"Manage all incoming and outgoing communications related to implementation of the resolution and assist the facilitator in corresponding with Member States;

"Draft correspondence, speaking notes and briefings of the facilitator;

"Maintain and archive all information and documents relating to the Security Council's work related to the implementation of the resolution;

"Maintain and promote publicly available information on the restrictions imposed by the Security Council, including through the Council's website;

"Provide administrative support for the Security Council's review of recommendations from the Joint Commission."

As participants can see, there is not a single mention of investigations in that list.

Subparagraph 6 (g) clearly states that the Secretariat may perform other tasks only when requested by the Security Council. The Council did not give the Secretariat any such mandate, particularly in terms of conducting an investigation.

We saw attempts by our Western colleagues and representatives of the Secretariat to justify their authority to conduct such investigations by referring to paragraph 7 of note S/2016/44. In particular, they claim that the biannual report of the Secretary-General should include what in the English version of the note is termed "findings", from the English word "to find",



which seems to imply that some kind of research should be carried out. But that is another deliberate distortion. The text of the note does not refer to research, but analytical conclusions. That is how the word “findings” is translated in the note in all the other United Nations official languages — “les conclusions” in French, “выводы” in Russian, “las conclusiones” in Spanish, “调查结果” in Chinese and “جياتن” in Arabic.

The step by Western delegations demanding that the Secretariat investigate the drone issue sets an extremely dangerous precedent for the work of the United Nations. From the legal perspective, they are seeking to expand the Secretariat’s powers and give it inappropriate functions by infringing on the prerogatives of the Security Council.

Such an approach is not in line with the basic principles of the work of the United Nations, including the division of competences among its main organs and their respective designation. It also contradicts plain logic. If the Secretariat can unilaterally deal with substantive and policy matters upon receiving orders from certain Member States, then why do we need collective bodies like the Security Council and the General Assembly?

I want to stress the fact that the Secretary-General was tasked with preparing reports on the implementation of the resolution does not mean that the Secretariat was, by default, authorized to collect data and respond to reports from Member States about possible violations of the resolution. That is the mandate of the Security Council sanctions committees, with the support of their respective groups of experts, but not of the Secretariat. I hope that we all understand that the resolution 2231 (2015) team cannot, by definition, be considered a sanctions committee, since it is a division of the Secretariat.

I assume that everyone now understands that, in the context of resolution 2231 (2015), the Secretariat acts solely as a point of contact. We therefore believe that the only thing that it can do after receiving the letters from the United Kingdom, France, Germany and the United States is to transmit them to the Facilitator for the implementation of resolution 2231 (2015) for circulation among the Security Council members. The Secretary-General’s report can only reflect the fact that those letters were received.

We see in the behaviour of Western delegations yet another manifestation of flagrant hypocrisy and

double standards. They present themselves as the chief champions of respect for the Charter of the United Nations, they include calls for upholding the principles of the Charter in various non-core resolutions of the General Assembly and accuse other members of violating them. What are we actually seeing here? It turns out that when they need to, the same Council members who just two weeks ago were foaming at the mouth in this Chamber about the importance of defending the Charter are now themselves openly violating it and pushing the Secretariat to do the same. As for the United States — which itself has already been violating resolution 2231 (2015) for four years by withdrawing unilaterally from the Joint Comprehensive Programme of Action in 2018 — this is a completely new level of disregard for the Charter and the decisions of the Security Council that is unprecedented at the United Nations.

Unfortunately, the Secretariat is not demonstrating any particular resistance to such overt political pressure either. We heard the statements by the official representative of the Secretary-General about the readiness to act upon requests of individual Member States. Those statements run counter to the letter and spirit of Article 100 of the Charter of the United Nations and of resolution 2231 (2015) itself.

All of this poses serious risks to the integrity of the Charter, the effectiveness of the work of the Security Council and to our Organization as a whole. We call on the members of the Council to stand up for the Charter, to condemn the actions of those Western delegations undermining it and to speak out clearly in favour of ensuring that the Secretariat complies with Article 100 of the Charter and its mandate in accordance with the framework established by the Security Council in presidential note S/2016/44.

We would like to ask Mr. De Serpa Soares to confirm that the investigation proposed by individual delegations rather than the Security Council as a whole would constitute a violation of Article 100 of the Charter, as it would if the Secretariat consented to conduct such an investigation.

**Mr. Wood** (United States of America): I thank Under-Secretary-General De Serpa Soares for his briefing.

The claim that Russia is making is simply dumbfounding. Once again, Russia has wasted the Security Council’s time to deflect attention from its

own egregious wrongdoing. Russia claims that requests from the United States and other countries that the Secretary-General investigate violations of resolution 2231 (2015) by Russia and Iran are a supposed violation of Article 100 of the Charter of the United Nations. Article 100 provides that “the Secretary-General and the staff shall not seek or receive instructions from any Government”. The requests of the United States and other Council members were not instructions. Like countless other requests made to the Secretary-General by Member States, they were requests that he take appropriate action.

Many Member States, including Russia, make such requests to the Secretary-General. Indeed, as recently as August of this year, Russia requested that the Secretary-General investigate killings at a prison in eastern Ukraine. In response to that request, the Secretary-General decided to conduct a fact-finding mission. Far from constituting instructions to the Secretary-General, such requests for investigations are common, appropriate and by no means in violation of Article 100 of the Charter of the United Nations.

But this situation is even more clear-cut, given the unique language and mandate in resolution 2231 (2015). As our colleagues will recall, that important resolution was adopted in July 2015 as the Iranian nuclear deal was finalized. It established critical restrictions on Iran that would last for a period of years. All Council members, including Russia, voted for it. Russia was involved in negotiating its provisions. In this case, Russia and Iran teamed up to violate resolution 2231 (2015). Iran, in violation of resolution 2231 (2015), provided Russia with drones to wreak havoc and inflict destruction on Ukrainian civilians. Russia, in violation of resolution 2231 (2015), procured them. Iran has been open and vocal about its support and there is no doubt that the transfer occurred without approval by the Council and therefore in violation of resolution 2231 (2015). The Security Council itself asked the Secretary-General to play a vital role in reporting on violations of the resolution. It is therefore well within the authority of the Secretary-General to investigate Russia and Iran’s violations of resolution 2231 (2015).

The resolution explicitly asked the Secretary-General to report every six months on the implementation of the resolution’s provisions. At the time it was adopted and in the seven years since, Council members have understood the mandate to include investigations of alleged violations of the resolution, typically following

reports of concerns by Member States. In fact, there is ample precedent for the Secretariat to carry out independent investigations as part of that mandate to report on implementation. Over the past seven years, the Secretary-General has submitted to the Security Council 13 reports summarizing its investigations and findings on non-compliance. For example, in the report contained in document S/2017/1030, the Secretary-General reported on an investigation of allegations that Iranian-supplied ballistic missiles were used by the Houthis in attacks on Saudi Arabia. The Secretary-General reported on a visit to Saudi Arabia, where an examination of the weapons and debris, as well as other investigative actions, was undertaken by the Secretariat in response to the allegations.

More recently, in response to an invitation from the authorities of Saudi Arabia, the Secretariat travelled to Riyadh in October 2021 to examine the debris from six ballistic missiles tied to the Houthi attacks. The Secretariat’s team also went to Israel in 2021 to inspect Iranian unmanned aerial vehicles that had infiltrated Israeli airspace. In each of those cases, crucially, the Secretary-General’s reports did not just consist of the verbatim repetition of allegations of violations of resolution 2231 (2015) or assertions by Member States denying them. The Secretariat rather engaged in its own investigations in order to evaluate the allegations so that it could report, as it is mandated to do, on the extent to which the alleged violations affected the implementation of resolution 2231 (2015) by a Member State.

It is therefore well established that it is well within the authority of the Secretary-General to investigate allegations of violations of resolution 2231 (2015). Requests from the United States and other Member States that the Secretary-General investigate the latest violations by Iran and Russia were appropriate and urgently needed. Russia’s response, claiming that the Ukraine report should be treated differently and that the United Nations leadership should block the investigations typically undertaken in such cases, is deeply troubling and inconsistent with years of Council practice.

Now we see Russia making threats against the United Nations. For reasons that are obvious to all, Russia seeks to obstruct and confuse. But yielding to those threats and acceding to Russia’s demand that the Secretariat not carry out its mandate under resolution 2231 (2015) in this instance would be extremely

problematic. It would undermine the implementation of Security Council resolutions and give all countries, including Russia, a free pass to flout obligations imposed by the Council. The United States regrets that Russia has once again abused its position as a Council member to waste this organ's time and seek to hide its own violations of our resolutions.

**Mr. Raguttahalli (India):** I will be brief. Let me begin by thanking the Under-Secretary-General for Legal Affairs for his briefing.

India appreciates the important work of the Secretariat in supporting the Security Council. We value the Secretary-General's periodic reports to the Council and the professional work that goes into the preparation of such reports. In preparing them, the Secretariat should always be guided by the mandate provided in the Council's resolutions, presidential statements and notes by the President.

In the current context, paragraph 7 of presidential note S/2016/44 clearly requests the Secretary-General to report to the Security Council every six months on the implementation of resolution 2231 (2015). We hope that the Secretariat will continue to function objectively regarding such issues and undertake its activities in accordance with the mandate provided to it by the Council. Respect for the provisions of the Charter of the United Nations is an absolute must.

**Mr. Hoxha (Albania):** I thank Under-Secretary-General De Serpa Soares for his pertinent clarifications.

The *raison d'être* of the Secretariat is to execute its mandate with objectivity and impartiality and without fear or favour, and that involves also reminding States of their obligations and the degree to which they adhere to them. Impartiality does not mean indifference or detachment from reality when commitments are not upheld and the law is broken. That is why we strongly value and support the work of the Secretariat in its endeavour to ensure consistency and continuity in the application of the Charter of the United Nations, in the service of all Member States, without distinction. That is why we rightly expect all States to respect the Charter's prerogatives and cooperate in good faith with the Secretariat.

Threats against the Secretariat are unconscionable and further profess a total disregard for the rules that underpin our Organization. The Secretariat should not yield to them. Equally, Member States should not

heed any demands that could prevent the Secretariat from carrying out its duties and discharging its obligations, including regarding the matter at hand, a monitoring mandate for resolution 2231 (2015). Doing so would create a dangerous precedent, undermine the implementation of Security Council resolutions and create the impression that some countries can disregard obligations at will and with impunity.

We all know to read the rules, the Charter and what we have adopted. But that is not the key issue. Let us look at the core issue, which is the denial that Russia has deployed Iranian-made unmanned aerial vehicles (UAVs) against civilian infrastructure in Ukraine that we know are wreaking havoc and killing civilians. If what Russia says is the truth, if it has nothing to hide and if it is implementing the resolutions of the Security Council, upholding the Charter and respecting international law — although the General Assembly does not think that is the case — then in the interests of truth and clarity, Russia should be the first to welcome an independent and impartial verification to bring the truth to light and not to threaten the mandate holders, especially the Secretary-General.

In 2015, the Council adopted resolution 2231 (2015) to endorse the Iran nuclear deal and keep in place certain critical restrictions on Iran for a period of years. The resolution asked the Secretary-General to "report to the Security Council on the implementation of these provisions every six months." And that was amply mentioned by the Legal Counsel. With its adoption of the resolution, the Council fully supported the Secretariat in establishing a team and a process for monitoring its implementation. And Member States have supported the Secretariat's resolution 2231 (2015) team for years by providing information and analysis. As the Legal Counsel mentioned, for the past seven years the Secretariat has done that, submitting 13 reports summarizing its investigations and findings on reported non-compliance, based on many visits and inspections by the resolution 2231 (2015) team. I also want to echo something that other delegations have mentioned, which is that in December 2021 the Secretary-General's report (S/2021/995) mentioned the Secretariat's visit to Saudi Arabia to examine debris from six ballistic missiles fired by the Houthis. A team from the Secretariat also went to Israel in 2021 to inspect Iranian UAVs that had infiltrated Israeli airspace. How are those cases different from the Iranian-produced UAVs that are being used today by Russia in Ukraine?



Ukraine, a Member State, has submitted a request to the President of the Security Council based on its own evidence that Russia has used UAVs of Iranian production and origin, whose transfer is clearly prohibited in resolution 2231 (2015). Reliable sources have shown that Russia is using those UAVs, including against civilian infrastructure in Ukraine. Such procurements and transfers are a clear violation of paragraph 4 of annex B of the resolution, and two Member States — Russia and Iran — are in clear breach of it. That is why we reiterate our call to the Secretariat to do its job and not get lost in intentionally confusing semantics when its mandate is clear. It should organize visits to sites, which Ukraine has offered to facilitate, collect evidence and report on its findings. Following its well-established procedures, the resolution 2231 (2015) team should analyse the available evidence impartially and report the findings to the Security Council. And we look forward to that report.

**Mr. De Rivière** (France) (*spoke in French*): France deeply deplores the cynicism that Russia has demonstrated in convening a meeting on the integrity of the Charter of the United Nations. Because it is clear that it is Russia that has been continually violating the Charter and trampling on its principles by invading its neighbour and annexing its territories. It was Russia that voted, in total isolation, against General Assembly resolution ES-11/4, entitled “Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations”, which was supported by 143 countries (see A/ES-11/PV.14).

I would like to thank the Secretariat for clarifying the provisions of resolution 2231 (2015) and the role of the Secretariat in its implementation. The facts are very clear. Iran provided drones to Russia, which has used them in its war of aggression in indiscriminate bombings of civilian targets. Those facts, which may constitute war crimes, are well documented. The provision of those drones by Iran to Russia without the prior approval of the Council represents a violation of paragraph 4 of annex B of resolution 2231 (2015), which, I would like to remind everyone, the members of the Council adopted unanimously in 2015.

France calls on Iran to immediately cease all forms of support for Russia’s war of aggression on Ukraine and to stop violating resolution 2231 (2015). We would like the Secretariat to investigate the issue and inform the members of the Council so that the Secretary-General can report accurately on the implementation

of resolution 2231 (2015), as he has been mandated to do twice a year since 2015. The Secretariat has already deployed teams on several occasions in the past to impartially investigate violations of resolution 2231 (2015) in similar circumstances. The representative of Russia told us on 19 October, in consultations, that the drones in question were Russian. It is therefore difficult to understand why Russia does not want the debris to be examined.

Let us be clear that it is Russia that is not respecting Article 100 of the Charter of the United Nations and the independence of the Secretariat. It is in fact Russia that is blackmailing us by threatening to sever ties with the United Nations unless the Secretariat bends to its will and refrains from discharging its mandate. France will continue to support Ukraine. And we will continue to provide all the necessary support to the work that the Secretariat carries out with professionalism, integrity and independence.

**Ms. Moran** (Ireland): I would like to thank the Under-Secretary-General for his very useful briefing today.

We welcome Ukraine’s invitation to the Secretariat to visit Ukraine to inspect recovered unmanned aerial vehicles with regard to the implementation of resolution 2231 (2015) by the parties, and we expect the Secretariat to keep the Security Council informed as appropriate on the matter. We see that request by a State with legitimate concerns regarding the implementation of resolution 2231 (2015) as fully in keeping with both the Charter of the United Nations and the terms of resolution 2231 (2015) and presidential note S/2016/44, which clearly sets out that the Secretary-General should report on the implementation of resolution 2231 (2015) every six months and that the Council, in its resolution 2231 (2015) format, should review his findings and recommendations. The necessary technical investigations that the Secretariat conducts are an integral part of preparing those findings. No further decision by the Council is necessary in that regard.

The Secretary-General’s reports play an essential role in assisting the Council in its mandated task to monitor the implementation of the resolution and to take action, as appropriate, to improve the implementation by Member States of the resolution.

With regard to Article 100 of the Charter of the United Nations, unfortunately, it is Russia that seeks to influence the Secretary-General and his staff in the

discharge of their responsibilities, including through this meeting. It is clear that the Secretariat is acting in good faith on the instructions that the Council has given it. If those instructions are to change, that must be agreed by the Council in line with presidential note S/2016/44 and cannot be dictated by any one member.

I hope that Russia will cooperate as necessary with the Secretariat in the conduct of its work and provide any information required to clarify the issues regarding the implementation of resolution 2231 (2015).

**Mrs. Hackman** (Ghana): I join previous delegations in thanking Under-Secretary-General Ferreira de Serpa Soares for his briefing and for clarifying the role of the Secretariat in relation to the implementation of resolution 2231 (2015).

Our Russian colleagues have suggested that the joint request by France, Germany and the United Kingdom for an investigation by the Secretariat's team responsible for the monitoring and implementation of resolution 2231 (2015) into the reported transfer from Iran to the Russian Federation of unmanned aerial vehicles being used in Ukraine constitutes a violation of the Charter of the United Nations.

Ghana is fully supportive of the objectives of resolution 2231 (2015), which has at its core the protection of humankind from the dangers of nuclear capacities. We therefore urge full compliance with its provisions and support the investigation of any violations through appropriate channels.

The issue that currently confronts us, however, is the continuing aggression of the Russian Federation against Ukraine and the imperatives for the reversal of that action.

We continue to be deeply concerned by the Russian Federation's unjustified invasion of the sovereign territory of Ukraine, its targeted attacks against civilians and the deliberate destruction of civilian and critical infrastructure in violation of the principles of international law and the values and purposes of the Charter of the United Nations.

It is those actions by the Russian Federation and its subsequent wielding of the veto in a manner that has to date restrained the requisite Council action that casts doubts on our ability to deliver on the mandate to promote international peace and security as it relates to Ukraine. That is the reality that threatens the peace

and stability of our international system and regrettably impugns the integrity of our Organization.

We reiterate our call on the Russian Federation to immediately and unconditionally withdraw its troops from the internationally recognized borders of Ukraine and bring an end to the war, which has not only affected Ukraine and its people but has also precipitated unpleasant socioeconomic challenges, especially for developing countries such as Ghana.

We remain deeply concerned by the prevailing conditions marked by intense fighting and heightened rhetoric relating to the use or threat of the use of various forms of weapons of mass destruction. We are also concerned that the requirements for nuclear safety and security at the Zaporizhzhya nuclear power plant have yet to be implemented. We strongly urge restraint and caution against such rhetoric being used as justification for any tactical use of nuclear weapons.

The precarious conditions in Ukraine and the tendency towards its rapid escalation highlight the urgency to intensify diplomatic efforts to end the hostilities and further help the parties to seek a pathway to a peaceful settlement of the conflict through dialogue.

I conclude by reaffirming Ghana's full support for the sovereignty, political independence and territorial integrity of Ukraine.

**Mr. Costa Filho** (Brazil): Let me start by thanking Under-Secretary-General Ferreira de Serpa Soares for the clarifications presented.

Brazil takes note of the letter circulated jointly by the Missions of France, Germany and the United Kingdom (S/2022/781), as well as the letters circulated by the Mission of the United States (S/2022/782) and the Mission of the Russian Federation (S/2022/783). The letters draw the attention of Council members to the implementation of resolution 2231 (2015). More particularly, the letter circulated by the Russian Federation refers also to Article 100 of the Charter of the United Nations.

It is our understanding that under paragraph 7 of presidential note S/2016/44, dated 16 January 2016, the Secretary-General is mandated to "report to the Security Council every six months on the implementation of resolution 2231 (2015)". Any further action beyond that mandate should be discussed by the Security Council, including responding to information regarding alleged actions inconsistent with the resolution, in accordance

with article 2 (d) of the presidential note. Nonetheless, it is worth recalling that in similar situations in the past, in response to an invitation from concerned Member States, the Secretariat travelled to examine and collect relevant information for its regular reporting, as described in previous reports of the Secretary-General on the implementation of resolution 2231 (2015).

Brazil trusts that the Secretariat will continue to carry out its mandate strictly in accordance with note S/2016/44 and Article 100 of the Charter of the United Nations, preserving its exclusively international character.

In an ever-more complex international security context, the Joint Comprehensive Plan of Action (JCPOA) provides a suitable framework for dialogue among the parties concerned. Brazil counts on the collective commitment of the JCPOA original participants to conclude negotiations and immediately resume full compliance with their respective obligations under the agreement and with resolution 2231 (2015) of the Council.

**Ms. Juul** (Norway): We thank Under-Secretary-General Ferreira de Serpa Soares for his briefing.

Norway fully supports the Secretariat's role in implementing resolution 2231 (2015).

The reported transfer of unmanned aircrafts (UAVs) from Iran to Russia for use in Ukraine is of great concern. Those drones are used to attack civilians and civilian objects. That usage is prohibited under international humanitarian law and may constitute war crimes. The transfer of such UAVs would also be a violation of paragraph 4 of annex B to resolution 2231 (2015).

In paragraph 7 of presidential note S/2016/44, the Secretary-General was requested to report every six months on the implementation of resolution 2231 (2015), including his findings and recommendations. In fulfilment of that request, the Secretary-General has reported 13 times to the Council. Many of the findings have been based on first-hand assessments of evidence collected on the ground and many of the assessments have been initiated based on letters from Member States with information concerning potential violations and actions inconsistent with the provisions of annex B to resolution 2231 (2015). Those letters have also included travel invitations from relevant authorities in

order for the United Nations to conduct necessary first-hand assessments.

In our view, there is nothing about the conduct of the Secretariat in connection with the request put forward in the letter from Ukraine that could substantiate the Russian claims of misconduct.

Let me recall that Article 100 of the Charter of the United Nations requires each Member State to respect the impartiality of the Secretary-General and his staff and not to influence them in the discharge of their responsibilities.

We regret that Russia, by accusing others of violating that principle, is in fact itself disregarding the spirit of Article 100. That can only be understood as an attempt to draw attention away from Russia's own illegal war and actions.

**Mr. De la Fuente Ramírez** (Mexico) (*spoke in Spanish*): We appreciate the valuable information provided by the Under-Secretary-General for Legal Affairs, Mr. Miguel de Serpa Soares.

I will refer briefly to two relevant issues on the subject at hand, since the convening of today's meeting on the maintenance of international peace and security is conducive to endorsing our position on some aspects of the war in Ukraine that has now been going on for more than eight months.

First, it should be remembered that the 1949 Geneva Conventions and their Additional Protocols contain specific provisions on the obligations of the parties to a conflict, requiring that they distinguish between the civilian population and combatants. Based on that, we have condemned the indiscriminate and disproportionate attacks on the civilian population in Ukraine, including the most recent ones using unmanned aerial vehicles. There is no justification for attacks on residential buildings, basic service infrastructure or other civilian targets. We therefore reiterate our call to put a stop to those aggressions.

Secondly, given the contradictory allegations about the origin of the drones that attacked the civilian population, we believe that the international community should know the truth, and therefore an independent investigation is needed to form the basis for a credible opinion. Since there has been a request to the Secretariat to investigate the origin of the drones used in these attacks and since their possible Iranian manufacture has been highlighted, my delegation,

having made the relevant legal analysis, considers the request to be appropriately in accord with the provisions of resolution 2231 (2015). Nor do we consider such an investigation to be contrary to the provisions in Article 100 of the Charter of the United Nations.

The Secretary-General also has the authority under the Charter to undertake investigations resulting from the requests made by Member States through the competent organs. That is the result of established practice, based on Article 99 of the Charter, which defines the role of the Secretary-General in matters of prevention in relation to situations with the potential to endanger international peace and security.

In conclusion, I want to insist that we focus on finding a diplomatic solution and promoting new mediation mechanisms that can strengthen the Secretary-General's efforts to bring about a cessation of hostilities in Ukraine, which is the only way to fully protect the civilian population.

**Mr. Geng Shuang** (China) (*spoke in Chinese*): I thank Under-Secretary-General De Serpa Soares for his briefing.

I understand that the theme of today's meeting concerns the Secretariat's performance of its duties, and I will address that issue first.

The Charter of the United Nations establishes regulations for the Secretariat and its staff in the performance of their duties. According to Article 100 of the Charter, in the performance of their duties the Secretariat staff shall not seek or receive instructions from any Government or any other authority external to the Organization. They shall refrain from any action that might reflect on their position as international officials responsible only to the Organization. The duties of the Secretariat staff should be of an exclusively international character and Member States should respect that and not seek to influence the Secretariat in the discharge of its responsibilities. Adherence to the relevant provisions of Article 100 of the Charter is an important guarantee of the Secretariat's impartiality in carrying out its duties. The Secretariat should work within its mandate, strengthen its communication with Member States and aim to contribute to enhancing mutual trust and maintaining unity among Member States while handling differences of opinion among Member States in a fair and appropriate manner.

Many speakers today have mentioned the implementation of resolution 2231 (2015). The resolution's main content is its endorsement of the Joint Comprehensive Plan of Action (JCPOA). As the current negotiations on resuming implementation of the JCPOA have reached their final critical stage, all the parties involved should exercise rational restraint and accurately interpret the provisions of resolution 2231 (2015) and related documents to avoid further complicating those negotiations or undermining the hard-won results achieved thus far.

China has taken note of the letters to the Council from the delegations of Ukraine, Iran, Russia, France, the United Kingdom and other relevant parties on the transfer of drones, and we have also noted the differing interpretations of the Secretariat's mandate as set out in presidential note S/2016/44. In the light of such clear differences, Council members should continue consultations to strive to clearly define how the Secretariat should carry out its mandate and avoid hasty actions that would undermine the unity of the Council.

**Mrs. Nusseibeh** (United Arab Emirates): I thank the Under-Secretary-General for Legal Affairs, Mr. Miguel de Serpa Soares, for his briefing to the Security Council today.

I would like to begin by addressing the most important element of this discussion for all of us today, the preservation of Article 100 of the Charter of the United Nations. It is stating the obvious that the independence of the Secretariat is necessary to the proper discharge of its duties. For that very reason, Article 100 includes the corollary obligation on the part of Member States to respect that independence. Perhaps less apparent is how that independence is also in the common interests of Member States.

Fundamentally, it is quite simple. There cannot be sovereign equality of Member States if some, whether through power or influence, are able to instruct the Secretariat to act or refrain from acting in a certain manner. Smaller States are most acutely aware of that risk, but really it should worry all States that do not enjoy the privilege of a permanent Council seat. It would be naive of us to pretend that Member States have never attempted to exert influence over the Secretariat. We may talk about attempts and even erosion at times. That is why it is so important today that we reaffirm the fundamental nature of Article 100 for the proper



functioning of the Secretariat and the Organization as a whole.

Secondly, I would like to address prior practice in the context of resolution 2231 (2015). Because non-compliance with resolution 2231 (2015) has implications across the Middle East, impartial documentation of the resolution's implementation is a matter of principle for the United Arab Emirates. As is publicly known, we have welcomed the Secretariat's resolution 2231 (2015) team to the United Arab Emirates to inspect the Houthis' weapons and their debris or remnants, including, most recently, following their terrorist attacks on my country. On all occasions, the Secretariat conducted independent and impartial inspections that we believe were important to the findings and recommendations that it then submitted to the Security Council.

Third, the discussion today is a reminder of why clarity in our decisions and documents is so important. As a member of the Security Council, we strive to establish clear mandates in the resolutions we negotiate. While constructive ambiguity can facilitate reaching agreement on difficult issues, language prone to multiple interpretations or even misinterpretation can hinder collective action. Clear rules, applied equally, remain the cornerstone of the multilateral system.

**Mr. Kariuki** (United Kingdom): I thank the Under-Secretary-General for Legal Affairs for his briefing.

This meeting represents another attempt by Russia to distract from its crimes in Ukraine and from the failure by Iran and Russia to abide by their international obligations.

Russia and Iran have been caught red-handed violating resolution 2231 (2015). Russia is now concocting an argument about process because it cannot defend its actions. We have seen Russia do that many times before. It is sad that that is now standard procedure for Russia.

Based on the evidence provided by Ukraine and the significant amount of open-source reporting, our view is clear. Iran has supplied unmanned aerial vehicles (UAVs) to Russia, with which Russia targets Ukrainian civilians and civilian infrastructure. Those UAVs fall under the list in annex B, paragraph 4, of resolution 2231 (2015). Given that no prior approval was sought or granted by the Security Council, those transfers represent violations of resolution 2231 (2015).

Unlike Russia, we are happy for our position to be verified. We have therefore expressed support for an impartial expert investigation to be conducted by the Secretariat, in line with its mandate under resolution 2231 (2015), so that the facts can be clearly established. As Council members are aware and as others have made clear already today, the Secretariat has conducted many such investigations, most recently in the United Arab Emirates and Saudi Arabia. That is therefore entirely in line with precedent and normal practice.

Russia's claim that we are trying to unduly influence the Secretariat is both absurd and hypocritical. It is Russia, in trying to sustain its disinformation, that first attacked the Secretary-General — and now the whole Secretariat — just for doing their jobs. It is Russia that threatened to end all cooperation with the United Nations if the Secretariat does not do as Russia wants. That is not the behaviour of a country with nothing to hide. That is the behaviour of a bully.

What is Russia trying to do here today? It is trying to make the United Nations ability to monitor the implementation of a key non-proliferation resolution subject to a new lock in the Security Council, in which Russia itself has a veto. Russia is again trying to abuse its seat on the Council to shield itself from international scrutiny.

Further open-source reporting suggests that Iran intends to transfer yet more UAVs and potentially ballistic missiles to Russia. Any such transfers of items could constitute further violations of resolution 2231 (2015) and represent a significant escalation.

In using Iranian drones to attack civilians as part of its war on Ukraine, Russia is breaching the Charter of the United Nations, violating a Security Council resolution and is probably committing war crimes. That is quite the hat trick. Those increasingly desperate attempts to distract us from those facts and undermine the system must be rejected.

**Ms. Nyakoe** (Kenya): I thank Under-Secretary-General Miguel de Serpa Soares for his briefing.

I also thank the Russian Federation for initiating today's meeting. It provides an opportunity for member States to assess the challenges and opportunities of a strong and independent Secretariat, particularly with regard to the good offices of the Secretary-General.

Humankind needs a strong, independent Secretariat and good offices of the Secretary-General that are



credible and respected. They are needed to intervene, mediate, provide relief in conflict situations and emergencies worldwide, and respond to the urgent call for development.

Over time, the demand for the Secretary-General's good offices, whether expressly provided for, such as under resolution 2646 (2022) or through his envoys, has been growing. With regard to the war in Ukraine, which is the reason for today's meeting, the Secretary-General's good offices were consequential in achieving the important Black Sea Grain Initiative. However, they have not been engaged in negotiations to end the war. In our view, one of the reasons for that is the impact of years of Member States questioning the Secretariat's impartiality and eroding its independence.

The most powerful States, including some members of the Council, have played a disproportionate role in that unfortunate trend. Prominent examples of that situation, during our current term on the Council, are the claims and counter-claims of compromised impartiality when the Secretariat reports on disarmament, proliferation and banned weapons in Syria. It appears that there is now a fully formed view that the Secretariat's impartiality equals standing on the halfway line between conflicting parties. However, that is not what the Charter of the United Nations means by impartiality. Instead, the Secretary-General and the Secretariat are an independent organ, whose first and last loyalty is to the upholding and defence of the Charter.

Even as we push for urgent Security Council reform, we acknowledge that a more urgent task is the membership rededicating itself to the principles of the Charter. Otherwise, multilateralism as expressed in the United Nations is unlikely to come close to meeting that promise.

We propose that the most important starting point is to renew our respect and utilization of the Secretary-General's good offices for the prevention and resolution of conflicts. We propose three ways to strengthen those good offices.

The first way to strengthen those good offices is to redefine the impartiality and protect the independence of the Secretariat. The reason that Article 100 protects the Secretary-General and the staff from external influence or instruction is not just because they are a neutral referee. It is to enable them to speak truth to power in the defence of the letter and spirit of the

Charter. In practice, that means the membership appreciating the fact that the Secretary-General is not partial to a party to a conflict when he speaks up about its outrages against the Charter.

The Secretary-General must be fully partial to the Charter and should fully exercise Article 99 without regard for the approval or disapproval of any State, no matter how pivotal in global affairs. His or her doing so is a duty that cannot be shirked, and therefore the Secretary-General's good offices should not be marginalized from the mediated settlement of conflicts. That should be the case with regard to the war in Ukraine or other wars involving members of the Council.

The second way to strengthen those good offices concerns the appreciation and use of the Secretary-General's fact-finding capabilities. In order to strengthen the role of the United Nations and enhance its effectiveness in maintaining international peace and security, the General Assembly adopted resolution 46/59, of 9 December 1991, which recognizes the need for the Security Council to have knowledge of all relevant facts in performing the functions relevant to its mandate. The resolution also recognizes the Secretary-General's fact-finding capabilities and requires him to monitor the state of international peace and security in order to provide early warning and to share relevant information with the Security Council, while making use of the information-gathering capabilities of the Secretariat.

The Security Council must make use of the reservoir of capabilities of the Secretary-General to contribute to the effectiveness of its discussions and decisions. In the situation in Ukraine, rather than argue about the facts on the ground here in the Council, where most members have no independent means to ascertain their veracity, we challenge the conflicting parties to agree to United Nations fact-finding and verification. That would be key to preventing and minimizing actions that are contrary to the Charter and international law.

The third way to strengthen those good offices involves the need to continually strengthen regional good offices. Article 33 of the Charter recognizes the important role of regional agencies and arrangements in dispute resolution. Strong regional mechanisms have increasingly played a key role in preventing the escalation of conflicts and their termination in the Security Council. We are proud of Africa's peace and

security architecture and its deployment of multilayered and coordinated good offices. From the Chairpersons of the African Union and the African Union Commission, the Panel of the Wise and the regional economic communities, it offers options and redundancies for the protection of peace and security. Strengthening the good offices of the Secretary-General and linking them operationally and strategically to Africa's improving architecture would be an immense win for peace. We urge other regions to take steps to develop and deploy similar regional arrangements for early warning, prevention and the resolution of disputes.

Lastly, I reaffirm Kenya's commitment to the purposes and principles of the Charter and our support for the independence and impartiality of the Secretary-General and his staff.

**The President** (*spoke in French*): I shall now make a statement in my capacity as the representative of Gabon.

We thank Mr. De Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, for his informative briefing.

The subject of this meeting concerns the scope and interpretation of Article 100, a provision of the Charter of the United Nations, in relation to the role of the Secretariat, in accordance with the letter and spirit of the Charter and subsequent accepted practice. We closely followed the Legal Counsel's authoritative interpretation of the issue, which falls within his purview. We understand his reading and interpretation, which he explained in sufficient detail, and which are based on the impartiality that the Secretariat's reputation is founded on. We want to reaffirm our commitment to upholding the integrity of the Charter, which is the cement holding together the edifice in which we the international community all live, and which must form the foundation of the essential negotiations that will enable us to silence the guns and end the war in Ukraine.

I now resume my functions as President of the Council.

The representative of Russia has asked for the floor to make a further statement.

**Mr. Nebenzia** (Russian Federation) (*spoke in Russian*): We have heard nothing legally significant today in the statements of the countries that have asked the Secretariat to carry out an investigation, just the same sneaky arguments about the Secretariat's

obligation to respond to the requests of Member States. It was especially touching to hear accusations of Russia's violations of resolution 2231 (2015) from the United States, the main violator of the resolution. The Secretariat should respond to requests from Member States, but it should act based on a clear and explicit mandate and the Charter of the United Nations, not the desires of individual countries.

In response to our request for an investigation into the Olenivka incident, our Western colleagues are as usual being deceptive. It has nothing to do with the issue under discussion today or with resolution 2231 (2015). We are asking another question. What is behind the Secretariat's willingness to launch an investigation into alleged violations of resolution 2231 (2015) at the request not of the Security Council as a whole but a few Member States? Where does that mandate come from? They refer to practice, not legal norms, and do not mention that we have consistently protested in writing against every mention of an investigation in violation of resolution 2231 (2015).

The fact that certain information was already included in the Secretary-General's reports does not amount to evidence of any legitimate practice, much less the Council's. Such practices have been at odds with the mandate of the Secretary-General and the Secretariat as a whole from the very beginning. Once again, neither the Secretary-General or the Secretariat has such a mandate, and Russia has always objected to such practices. How can we talk about establishing a practice when it contravenes a mandate and is persistently objected to by the permanent members of the Council? The term "persistent objection" exists and precludes the establishment of a practice, and we have protested that since 2016 and continue to do so today.

Today we were urged to consent to an investigation if we have nothing to hide. But the question is not whether anyone is hiding anything, it is about the legitimacy of such an investigation in the absence of a mandate from the Security Council, which is the sole entity that can confer it. The representative of Ireland said that there was no need for a mandate from the Security Council other than a letter of request. That is a surprising statement coming from the Security Council Facilitator for the implementation of resolution 2231 (2015). That is utter legal nihilism. We would advise our colleagues from Ireland to better learn the basics, or we will have to question their country's ability to chair that subsidiary body of the Council.

Frankly, a position based on hypocritical distortions by Western countries should no longer surprise anyone, and it does not surprise us. But today various members of the Council have outdone themselves. How can raising the issue of compliance with the mandate of resolution 2231 (2015) at a meeting of the Council that adopted it be viewed as an attack on the Secretariat and blackmail of the Secretary-General, let alone a violation of Article 100 of the Charter? Blaming others for what they do themselves is a favourite ploy of our Western colleagues. But on the whole, we are grateful to our Western colleagues for the exhaustive list of violations by the Secretariat of Article 100 of the Charter in the form of illegitimate investigations carried out by the resolution 2231 (2015) Facilitator's team in defiance of their mandate. That will now be on the record of our meeting, as will the fact that we have pointed out those violations in every case. They are now trying to get the Secretariat to commit a new violation merely on the grounds that such violations have been committed before. We are very familiar with the pattern.

I would like to ask Mr. De Serpa Soares once again if launching an investigation at the request of individual Member States rather than the entire Security Council would violate Article 100 of the Charter and the provisions of resolution 2231 (2015), and if the Secretariat's consent to carry out such an investigation would be in breach of the Charter.

**The President** (*spoke in French*): I now give the floor to Mr. De Serpa Soares to answer the questions and address the comments made by members of the Council.

**Mr. De Serpa Soares** (*spoke in French*): I have no further comments to make on the various statements. With regard to the question from the representative of the Russian Federation, I would like to say that in my briefing earlier, I provided details on the text and the customary application of Article 100 of the Charter of the United Nations. I explained the text and described the implementation of resolution 2231 (2015) in practice. I have nothing to add to what I said earlier. With regard to the question just asked, it is a hypothetical question, and I am not in a position to answer hypothetical questions.

**The President**: I thank Mr. De Serpa Soares for the clarifications that he has just made.

I now give the floor to the representative of Ukraine.

**Ms. Hayovyshyn** (Ukraine): We join other States in thanking the Under-Secretary-General for his briefing today.

This meeting represents yet another attempt by the Russian Federation to distract attention from its crime of aggression, war crimes and crimes against humanity in our country. Eight and a half years of Russia's aggression against Ukraine, including eight months of full-scale invasion, is a blatant violation of the Charter of the United Nations. In that light, Russia's appeal to the United Nations Charter is hypocritical and cynical. The Russian Federation remains consistent in its practices of constant threats and blackmail — this time against the Secretariat. We strongly condemn that unacceptable pressure and threats to reconsider cooperation with the United Nations if the Secretariat uses its authority to investigate implementation of resolution 2231 (2015). The deliberate misuse of the provisions of the Charter to obstruct the investigation is a clear attempt to put pressure on the Secretariat aimed at avoiding its own responsibility. We express our full support for the Secretary-General and the Secretariat, in line with our commitments under the provisions of Article 100 of the United Nations Charter.

Last Friday, Ukraine informed the Security Council about the use of long-range unmanned aerial vehicles (UAVs) of Iranian origin by Russia in its attacks against civilians and civilian infrastructure in my country (see S/PV.9161). That represents a blatant violation of the Joint Comprehensive Plan of Action, signed by China, France, Germany, the United Kingdom, the United States, the European Union and the Russian Federation itself and endorsed by the Security Council in resolution 2231 (2015). As the Council is aware, that is why Ukraine officially addressed the presidency of the Security Council on 14 October and requested that the relevant independent investigation be started.

In our letter, we drew attention to the alarming situation with respect to the transfers of Mohajer and Shahed-series UAVs from Iran to Russia, specifically in late August. Paragraph 4 of annex B to resolution 2231 (2015) prohibits the transfer from Iran of all items, materials, equipment, goods and technology set out in the annex to document S/2015/546 unless approved by the Security Council on a case-by-case basis. Both Mohajer and Shahed-series UAVs are within the parameters of the annex to document S/2015/546, at least under category II, because they are capable of a range equal to or greater than 300 kilometres. Furthermore,

we noted that the Mohajer-series UAV is manufactured by Qods Aviation, which is subject to the assets-freeze provision of paragraph 6 of annex B to resolution 2231 (2015). All States are required to freeze the funds of the financial assets of designated entities.

According to the information available, no States submitted those shipments for review by the Security Council pursuant to resolution 2231 (2015). They therefore did not receive advance case-by-case approval, as required under the provisions of annex B to resolution 2231 (2015).

In using Iranian drones to attack civilians, as well as Ukraine's civilian and critical infrastructure, Russia is violating the United Nations Charter, international humanitarian law and a Security Council resolution. We see sufficient evidence to deem that the transfers of UAVs from Iran to Russia should be considered. Moreover, the international community should be informed of the results of such an investigation. We therefore requested that United Nations experts visit Ukraine at the earliest possible opportunity to inspect the recovered UAVs of Iranian origin. We believe that the findings of the Secretariat's investigations will significantly contribute to assessing the implementation of resolution 2231 (2015).

The United Nations investigation should start immediately. We call on all States to consider any possible steps to stop the transfers of those kinds of UAVs, missiles or conventional arms from Iran to be used in the Russian war of aggression against Ukraine.

**The President** (*spoke in French*): I now give the floor to the representative of the Islamic Republic of Iran.

**Mr. Jalil Irvani** (Islamic Republic of Iran): I thank you, Mr. President, for convening this meeting.

Before I begin, I would like to express my sorrow and sadness that our people and my country were targeted today by a terrorist attack whereby, according to the initial reports, a couple of armed gunmen attacked a holy religious site, the Shah-e-Cheragh Shrine, in Shiraz, resulting in at least 15 people martyred and another 21 injured.

That is a heinous terrorist attack on civilians, including children and women. Iran once again condemns terrorism in all its forms and manifestations as a real and grave threat to international peace and

security, and it is expected that the Security Council explicitly and strongly condemn such a heinous crime.

First and foremost, I would like to clarify and emphasize that Iran's participation at this meeting is confined to the matter raised in relation to resolution 2231 (2015), which is directly related to and affects Iran. As a result, I feel compelled to attend this meeting in order to elaborate on Iran's position on the claims made against my country in the context of resolution 2231 (2015).

Certain Security Council members, including the United States, accuse Iran of violating resolution 2231 (2015) despite the fact that those States continue to violate all their explicit legal obligations under that same resolution. The main example is the illegal withdrawal of the United States from the Joint Comprehensive Plan of Action, which is still openly used as bargaining leverage today. Without a doubt, continuing such unlawful acts violates international law, the Charter of the United Nations and resolution 2231 (2015).

In yet another desperate effort, those States have now attempted to establish an entirely artificial linkage between resolution 2231 (2015) and the use of unmanned aerial vehicles in the ongoing conflict in Ukraine by disseminating unsubstantiated and erroneous information, raising inaccurate assumptions and resorting to totally flawed, arbitrary and misleading interpretations of that resolution.

Let us be clear, and let us elaborate on Iran's position on resolution 2231 (2015). The claim regarding the violation of paragraph 4 of annex B to resolution 2231 (2015) is an erroneous, arbitrary and misleading interpretation that contradicts the letter and spirit of that paragraph. The paragraph clearly refers to restrictions on items, materials, equipment, goods and technology that the State determines could contribute to the development of nuclear weapon delivery systems. As was stated in our letters of 19 October addressed to the Secretary-General (S/2022/776) and 24 October addressed to the Secretary-General and the President of the Security Council (S/2022/794), Iran has never produced or supplied, neither does it intend to produce or supply, items, materials, equipment, goods or technology that could contribute to the development of nuclear weapon delivery systems.

With regard to the request to the Secretariat to conduct what is referred to as an investigation, the resolution itself provides no legal basis for

such an investigation. Furthermore, the note by the President of the Security Council dated 16 January 2016 (S/2016/44) clearly specifies the mandate of the Secretariat regarding the resolution, which is only administrative support. The Secretariat is tasked with assisting the Facilitator in the organization and staffing of informal Security Council meetings related to the implementation of resolution 2231 (2015), managing all incoming and outgoing communications related to the resolution's implementation, drafting correspondence, speaking notes and briefings of the Facilitator related to the resolution's implementation and maintaining and archiving all information and documents relating to the resolution.

Having said that, I would like to once again emphasize that any misuse of the functions described in note S/2016/44 for conducting the so-called investigation requested would be illegal and in clear violation of the Secretariat's mandate.

Finally, I would like to reiterate Iran's clear and consistent position on the conflict in Ukraine. Since the beginning of the conflict, Iran has maintained a position of active neutrality and has emphasized that all United

Nations Member States must fully respect the purpose and principles enshrined in the Charter of the United Nations and international law, including sovereignty, independence, unity and territorial integrity.

Iran consistently advocates for peace and an immediate end to the Ukraine conflict. Despite a bilateral defence cooperation agreement, Iran has never provided the parties with weapons for use in the Ukraine conflict, either before or after the conflict. Aside from the legal and political position, Iran believes, from a moral point of view, that providing military support could not be intended to end the war but rather to escalate it, increasing damage and destruction and causing more suffering for civilians. That is why Iran has urged the parties to uphold their obligations under international humanitarian law and conduct consultations to protect civilians and critical infrastructure from attacks or becoming military targets.

Against that background, my delegation completely rejects all unfounded allegations made against my country at this meeting by a certain State.

*The meeting rose at 6.20 p.m.*