



Security Council

Distr.: General
6 December 2022

Original: English

Letter dated 6 December 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

Further to our letter dated 21 October 2022 ([S/2022/783](#)), we have to reiterate our most serious concerns regarding the continued attempts of certain Member States to give instructions to the United Nations Secretariat in violation of Article 100 of the Charter of the United Nations, as manifested again in the letter from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations dated 5 December 2022 ([S/2022/908](#)).

Despite the claims contained in her letter, we have to underline that the United Nations Secretariat has no authority to conduct, or in any other form engage in any “investigation” with regard to an alleged breach of United Nations Security Council resolution [2231 \(2015\)](#). Moreover, by doing so at the request of individual Member States or groups of Member States, it will openly violate not only the decision of the Security Council, as set out in the note by the President of the Security Council, [S/2016/44](#) of 16 January 2016, but also the Charter itself.

The representative of the United Kingdom claims that during the Security Council meeting on 26 October 2022, “the Legal Counsel confirmed that, absent further guidance from the Council, the Secretariat would continue to prepare findings and recommendations for the report of the Secretary-General on the implementation of resolution [2231 \(2015\)](#), including on the basis of information brought to its attention by Member States”. We have no other option but to view this citation as deliberately misleading by the means of selective quoting. However, no selective quoting of the Under-Secretary-General for Legal Affairs, United Nations Legal Counsel, Miguel de Serpa Soares, could rectify the fact that the United Nations Secretariat simply lacks any mandate whatsoever for any “investigations” sought with regard to United Nations Security Council resolution [2231 \(2015\)](#).

As we have already emphasized on numerous occasions, the above-mentioned note by the President of the Security Council entitled “Security Council tasks under Security Council resolution [2231 \(2015\)](#)” dated 16 January 2016 ([S/2016/44](#)), sets an exhaustive list of tasks comprising the mandate of the Secretariat in that regard. Namely, the functions of the Secretariat are solely technical and reduced to the following:

- To assist the facilitator in the organization and staffing of informal meetings of the Security Council
- To manage all incoming and outgoing communications and assist the facilitator in corresponding with Member States on behalf of the Security Council



- To draft correspondence, speaking notes and briefings of the facilitator
- To maintain and archive all information and documents relating to the Security Council’s work related to the implementation of the resolution
- To maintain and promote publicly available information on the restrictions imposed by the Security Council, including through the Council’s website and outreach activities

In addition, paragraph 6 (f) of the above-mentioned note states in detail how the Secretariat provides administrative support for the Council’s review of recommendations from the Joint Commission, while paragraph 6 (g) stipulates that the Secretariat may perform any other task upon request from the Security Council. However, no such request has ever been submitted by the Security Council.

Meanwhile, note [S/2016/44](#) clearly states in paragraph 2 (a) that it is the Security Council itself that is responsible for the monitoring the implementation of resolution [2231 \(2015\)](#). Paragraphs 2 (c) and (d) stipulate that the Security Council, rather than the Secretariat, should answer enquiries from Member States regarding the implementation of the resolution and respond appropriately to information regarding alleged actions inconsistent with the resolution.

Taking into account the above-mentioned facts, it is evident that the Secretariat simply cannot provide any “independent assessment of such evidence [of potential violations of resolution [2231 \(2015\)](#)]”, despite such claim contained in the letter by the representative of the United Kingdom.

Therefore, we have to view it as another blatant attempt to instigate the Secretariat to violate its mandate regarding resolution [2231 \(2015\)](#). It is obvious that, in the absence of any legal argument, the United Kingdom has to refer to the so-called “practice” rather than legal norms. The fact that some information was previously included in the reports of the Secretary-General does not signify the presence of any legitimate practice. The United Kingdom also fails to note in the letter the constant objections by the Russian Federation to any “investigation” of alleged violations mentioned in the reports of the Secretary-General.

With regard to the biased and unsubstantiated claims by the United Kingdom against my country, we have to underline once again that, in contrast to some other Member States, the Russian Federation has been a fervent supporter of the integrity of the Joint Comprehensive Plan of Action and has spared no effort to ensure its prompt restoration after the unilateral decision of the United States to withdraw from it in violation of resolution [2231 \(2015\)](#).

It is worth noting that the representative of the United Kingdom omits mentioning in her letter the whole scope of the Security Council meeting on 26 October 2022. In reality, this meeting was called by the Russian Federation due to attempts by certain States to violate the Charter by giving instructions to the United Nations Secretariat. Mr. de Serpa Soares explained in detail the essence of Article 100 of the Charter. However, despite his clarifications, we find it most troublesome that the United Kingdom still persists in its attempts to undermine the integrity of the Charter by providing its own assessments of the mandate of the United Nations Secretariat with regard to resolution [2231 \(2015\)](#) and encouraging it to do its bidding.

We reiterate our call to the members of the Security Council to oppose such attempts, which put at risk the authority of the Security Council and of the United Nations as a whole, and request the United Nations Secretariat to abstain from any engagement in any form in any “investigation” with regard to any claims of alleged violation of resolution [2231 \(2015\)](#).

I would be grateful to have the present letter circulated as a document of the Security Council.

(*Signed*) Vassily **Nebenzia**
