



# Security Council

Seventy-seventh year

**9214**<sup>th</sup> meeting

Friday, 9 December 2022, 10 a.m.

New York

*Provisional*

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*President:* Mrs. Kamboj . . . . . (India)

*Members:*

Albania . . . . .	Ms. Dautllari
Brazil . . . . .	Mr. De Almeida Filho
China . . . . .	Mr. Geng Shuang
France . . . . .	Mrs. Jarraud-Darnault
Gabon . . . . .	Mrs. Ngyema Ndong
Ghana . . . . .	Ms. Opong-Ntiri
Ireland . . . . .	Mr. Mythen
Kenya . . . . .	Ms. Kinyungu
Mexico . . . . .	Mr. Ochoa Martínez
Norway . . . . .	Ms. Heimerback
Russian Federation . . . . .	Ms. Evstigneeva
United Arab Emirates . . . . .	Mr. Abushahab
United Kingdom of Great Britain and Northern Ireland . . . . .	Dame Barbara Woodward
United States of America . . . . .	Mrs. Thomas-Greenfield

## Agenda

General issues relating to sanctions

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*The meeting was called to order at 10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **General issues relating to sanctions**

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Australia, Austria, the Bahamas, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Estonia, Fiji, Finland, Germany, Greece, Iceland, Italy, Latvia, Lesotho, Liechtenstein, Luxembourg, Malta, Marshall Islands, New Zealand, Portugal, Romania, Samoa, San Marino, Slovenia, Spain, Switzerland and Ukraine 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/2022/925, which contains the text of a draft resolution submitted by Albania, Australia, Austria, the Bahamas, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Estonia, Fiji, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lesotho, Liechtenstein, Luxembourg, Malta, Marshall Islands, New Zealand, Norway, Portugal, Romania, Samoa, San Marino, Slovenia, Spain, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The Council is ready to proceed to the vote on the draft resolution before it.

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

**Mrs. Thomas-Greenfield** (United States of America): As this is my first time in the Chamber since you took over as President, Madam, I would like to welcome your presidency. We look forward to working with you. I also want to take the opportunity to thank our colleagues from Ghana for their presidency over the previous month.

The United States is proud to introduce, together with Ireland, this landmark draft resolution (S/2022/925), which will save lives. As the world's leading global humanitarian donor, the United States has always understood the centrality of humanitarian

access for aid delivery. Our partners operate in dangerous environments, and they face serious risks. We hope the members of the Security Council will vote in favour of this draft resolution, because we must all do everything in our power to help humanitarian partners reach the world's most vulnerable, regardless of where they live, who they live with and who controls their territory.

The United States decided to pursue this initiative after extensive thought and deliberation. We made a point to proactively reach out and listen to the United Nations and the non-governmental organization community. We heard about the challenges they face and how we, as the international community, can best support their life-saving efforts. They told us that the second-order impacts of some United Nations sanctions were creating an impediment to humanitarian assistance in the field.

To be clear, this is not related to the merits of the sanctions themselves. The Council has reached consensus repeatedly in upholding United Nations sanctions as an effective foreign policy tool to constrain bad actors, terrorists and human rights abusers. Our goal is always to stop terrorists and human rights abusers by using a legitimate tool to maintain peace and security, but still allow life-saving humanitarian efforts to continue for those in need.

Bilaterally, in response to the concerns of the humanitarian community, the United States has already stepped up. The United States Department of the Treasury has issued licenses to facilitate humanitarian aid and the provision of food and medicine. We reached out directly to banks to explain how humanitarian activities would be carved out from individual sanctions regimes when applicable. And we have offered letters to further clarify our position.

The humanitarian community told us that those efforts have been incredibly helpful. And we know we have more work to do on this front. But the humanitarian community also shared that United Nations sanctions still need to be addressed to ensure that unintentional, second-order impacts do not impede their work. They asked for a clear, standard carveout of humanitarian assistance and activities to meet basic human needs for all United Nations sanctions regimes. And that is exactly what we are voting on today.

This draft resolution is impartial. It makes sense. And it will save innocent lives all around the world.

It is what the humanitarian community has asked us for. And I urge members to vote in favour and to support this life-saving, landmark commitment to humanitarian work.

**The President:** I shall put the draft resolution to the vote now.

*A vote was taken by show of hands.*

*In favour:*

Albania, Brazil, China, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

None

*Abstaining:*

India

**The President:** The draft resolution received 14 votes in favour, none against and one abstention. The draft resolution has been adopted as resolution 2664 (2022).

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

**Mr. Mythen** (Ireland): Ireland welcomes the adoption of resolution 2664 (2022), which introduces a horizontal humanitarian carveout to Security Council sanctions regimes. This is a landmark resolution. As co-penholder with the United States, we took time over its negotiation. We are conscious that its effect on the United Nations sanctions landscape will be significant. With this resolution, we diminish the unintended consequences of sanctions without diminishing United Nations sanctions themselves. The protection of the humanitarian space is an overarching priority for Ireland, and this vote is therefore of particular significance. From our extensive outreach, it is clear that Council members share the desire to mitigate any inadvertent effects that sanctions might have on humanitarian activity.

More than 300 million people will require humanitarian aid next year to survive. More than 800 million people worldwide do not have enough food to eat. The resolution safeguards humanitarian action to assist them in contexts in which the Council has also had to impose sanctions. It demonstrates that

the Council can still take action to respond to those in greatest need. It is clear that the use of sanctions has faced criticism in recent years. A key factor in that has been reports from humanitarian actors that sanctions can impede their work. Although it was never the Council's intention, the reality is that the imposition of United Nations sanctions does not always coexist harmoniously with the need to ensure that legitimate humanitarian activity is uninterrupted.

Today's vote marks a turning point. Resolution 2664 (2022) exempts humanitarian assistance and other activities that support basic human needs from the scope of asset-freezing measures imposed by United Nations sanctions. That provides certainty and clarity for humanitarian actors, donors and implementing partners alike by confirming in one horizontal resolution that the provision of humanitarian aid is permitted. The resolution, while significant, is not a panacea. It may take some time for its effects to be implemented by States and executed by all relevant stakeholders. More broadly, there remains work to do on other aspects of United Nations sanctions, such as due process. We look forward to supporting the Council's work in that regard moving forward, including as a member of the Group of Like-Minded States on Targeted Sanctions.

However, for today, we can rest assured that the Council has taken decisive action in response to appeals by humanitarians worldwide. The resolution will have a tangible, positive impact for those working in some of the most challenging environments across the globe, who can now continue helping the world's most vulnerable with the knowledge that even where United Nations sanctions are in effect, their activities are permitted.

Lastly, we want to thank all Council members for their engagement on this important file and the humanitarian community for its long-term advocacy and technical support for this effort. We also thank the more than 40 Member States that sponsored the resolution, demonstrating that the commitment to protecting the humanitarian space is a global concern. And we recognize the Secretariat for its support.

**Dame Barbara Woodward** (United Kingdom): The United Kingdom congratulates the United States and Ireland on the Council's adoption of resolution 2664 (2022) today. We have been unequivocal in our support throughout the development of the resolution. As

humanitarian week at the United Nations draws to a close and humanitarian needs around the world are soaring, I am proud that the Security Council is working together to support vital humanitarian aid delivery around the world.

Sanctions are a core part of the Council's toolkit. In line with the Charter of the United Nations, they are rightly used to address threats to international peace and security. Whether the problem is violent gangs in Haiti or extremist groups such as Al-Shabaab and Al-Qaida, we have used sanctions to stop weapons flows and tackle terrorism. The resolution will provide that certain activities necessary for humanitarian assistance or in support of basic human needs, when carried out by specified organizations, do not violate United Nations asset freezes. The resolution will help save lives by providing clarity, to help ensure that humanitarian providers and their service providers can continue to help the most vulnerable. It will support getting aid to those in need more effectively. The United Kingdom is pleased to have voted in favour and to have been a sponsor of resolution 2664 (2022).

**Mr. De Almeida Filho** (Brazil): I would like to thank Ireland and the United States for this important initiative, which we were glad to sponsor. Brazil's vote in favour of resolution 2664 (2022) is an expression of its recognition that today we adopted a resolution that may contribute substantially to the work of the Security Council. We have come a long way since 1966, when the Security Council started establishing sanctions regimes. Along the way, some mistakes were made. We have seen how ill-devised sanctions can disproportionately affect vulnerable populations, worsen food insecurity, increase inflation and hinder neutral, impartial, independent and humane humanitarian assistance. Although sanctions may be an important tool for the maintenance of international peace and security, we have noticed how their misuse can stoke tensions rather than defuse them. We have also witnessed how they can spare those whom they were originally intended to target, while unintentionally punishing those who should be protected — innocent civilians, women and children in the throes of conflict. It was high time to improve the way in which the Security Council makes use of its coercive power to address threats to international peace and security.

Brazil is proud to be a member of the Security Council at this moment when it decides to take action to help those in need. The resolution will enable

humanitarian providers to carry out their essential activities in more predictable conditions. Above all, it will benefit millions of civilians who have had the misfortune to live under sanctions regimes, twice punished by them and by the action of the designated entities and individuals. Furthermore, the resolution is in line with recent developments in international jurisprudence. The International Court of Justice recently made the case for the need to safeguard humanitarian needs even in circumstances when sanctions are in place.

I also note that the resolution takes into account legitimate security concerns that Member States voiced during the negotiations. It strikes a fine balance between the need for sanctions to be put in force to prevent and combat threats, on the one hand, and on the other, the duty of the international community to protect civilians whose well-being should be the ultimate goal of the Security Council in discharging its mandate to maintain international peace and security.

**Ms. Heimerback** (Norway): Norway voted in favour of and co-sponsored resolution 2664 (2022), and we would like to express our appreciation to Ireland and the United States for proposing it.

The humanitarian community has consistently documented and called attention to the unintended negative consequences of sanctions for principled humanitarian action and the consequent human costs for people in need of humanitarian assistance and protection. We therefore wholeheartedly support the resolution. Norway attaches great importance to ensuring that sanctions are well designed, and we have consistently advocated broad humanitarian exemptions. We are pleased that the practices of the Security Council have developed on such issues in the past few years.

The carveout will, in our view, be effective, as it covers all sanctions regimes and is clear in terms of the actors and activities that it covers. We trust that it will provide the necessary clarity to all relevant actors, from Member States to humanitarian actors, as well as providers from the private and financial sectors that humanitarian actors need to rely on. It is crucial that Member States now take the necessary steps to implement the exception in their domestic legal systems. Implementing the resolution will help save lives and alleviate the suffering of people affected by armed conflict.

**Ms. Evstigneeva** (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of resolution 2664 (2022) on humanitarian exemptions to asset freezes for the purpose of extending humanitarian assistance.

Security Council sanctions are one of the strongest forms of reacting to threats to peace, and they need to be applied very carefully. They need to be impeccably justified and nuanced. It is unacceptable to use them as a means of punishment. They need to reflect the situation in countries on which sanctions are imposed and be in line with relevant political process. However, it is unfortunately not always the case that the Council respects these guidelines, which has to do, in many instances in recent decades, and at the instigation of Western States, with the Security Council's fondness for the use of sanctions instruments. According to our analysis, many of the sanctions regimes in place today — in the Sudan, in the Democratic Republic of the Congo, in the Central African Republic, in South Sudan and in Somalia — are out of sync with the actual situations on the ground, and they impede the national Governments' plans for State-building and their countries' socioeconomic development.

We regret that the issue of humanitarian exemptions has, as a matter of principle, become such a topical issue. Ideally, a Security Council restriction should not affect humanitarian assistance, which needs to be conducted in line with United Nations humanitarian principles and in coordination with legitimate Governments. But in practice that is far from being the case.

We have consistently spoken in favour of adopting a comprehensive approach to this issue and if we have to make a decision about humanitarian exemptions, then we think it is imperative to make sure that they function smoothly and are free of any kind of a politicized stance by an individual State. A very good example for us of a timely measure undertaken by the Security Council in this regard is resolution 2615 (2021), which provided for the extension without delay of humanitarian assistance to Afghanistan using all possible channels and containing no sanctions restrictions.

We have called upon our peers on many an occasion to think about ways of minimizing the broad interpretations of sanctions provisions, including through clarifying the terminology. We have also called on them to conduct an impartial evaluation of the humanitarian consequences of international

restrictions. Our ideas have been voiced in detail at key international forums, including within the framework of the debate on sanctions during of our Security Council presidency in February 2022 (see S/PV.8962).

We are pleased that these many calls of ours were finally heeded by those who, for many years now and under various pretexts, kept postponing the resolution of this issue. We in turn have been very constructive in our approach to the negotiating process from the beginning, and the resolution we adopted today now includes provisions we proposed in relation to assessing the potential humanitarian consequences prior to the Security Council taking a decision about imposing a sanctions regime; the readiness to conduct a review to correct or stop sanctions regimes where it becomes necessary to do so; and emphasizing the fact that sanctions are temporary in nature. Today's resolution also contains a request to the Secretary-General to prepare a written report about unintended adverse humanitarian consequences of Security Council sanctions.

As regards the use of humanitarian exemptions under the sanctions regime imposed by the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, our thinking was that it is very important to ensure that the 1267 Committee conducts monitoring with the help of the Analytical Support and Sanctions Monitoring Team in order to make sure that the assistance does not end up in the hands of terrorists or unchecked organizations on the ground.

At the same time, the resolution does not cover the issue of so-called secondary unilateral restrictions, which are introduced on top of sanctions imposed by the Council. These sanctions are a very serious impediment to the full functioning of humanitarian exemptions. Under the threat of ending up with very severe national or even extraterritorial restrictions, agencies decline signing contracts to purchase humanitarian assistance that is allowed by the Security Council or to transport it. Difficulties also arise as to cargo insurance, and banks are saying that it is impossible for them to conduct transactions.

These problems are very clearly seen in the example of the Democratic People's Republic of Korea. The secondary sanctions imposed by major

Western countries create an atmosphere of toxicity around Pyongyang and impede their willingness to cooperate in areas that are not subject to international restrictions. The fact that this issue is not at all resolved in resolution 2664 (2022), and that the resolution had to be adopted today, is a major drawback. It is yet another example of hypocrisy and the cost of that hypocrisy, namely, the well-being and lives of a large number of people. We are not surprised by that, however, given the national policy of the sponsors of the resolution.

We in turn think that Security Council sanctions are the only legitimate kind of sanctions. The use of unilateral coercive measures by individual countries or groups of countries are, in our view, an intrusion on Council prerogatives and undermine the norms and institutions of international law.

The extraterritorial effect of sanctions contravenes basic norms of international law, but what can we say in this context if the Western countries, in their frenzied fondness for sanctions against Russia, including on agricultural products and fertilizers, are ready to destabilize world markets for food and energy resources and break all kinds of supply chains? We will not only continue paying attention to the issue of unilateral illegitimate measures, but we will keep on seeking to expand the number of countries that are against them, because this situation compounds the difficulties experienced in many countries.

In conclusion, I would like to emphasize that the area covered by resolution 2664 (2022) is fairly limited. The resolution does not resolve many of the issues that exist when it comes to Security Council sanctions, but if it can help humanitarians in certain countries to be more effective in providing assistance to the most vulnerable people, that already in itself is a worthwhile result.

**Mr. Geng Shuang** (China) (*spoke in Chinese*): Sanctions are a unique tool granted to the Security Council by the United Nations Charter. China has always maintained that the Council should approach the issue of sanctions in a prudent and responsible manner and avoid abuses that could have negative humanitarian implications. In February, at the Security Council open meeting on sanctions (see S/PV.8962), China proposed that the Security Council should establish a standing exemption mechanism for certain humanitarian agencies and humanitarian assistance. The proposal was widely supported by many countries.

We are pleased to see that Ireland and the United States responded to the appeals and demands of all parties and introduced today's resolution on humanitarian exemptions. China supports the Security Council's action to improve the sanctions regime by actively participating in consultations and promoting the improvement of the draft. We just voted in favour of the resolution.

Resolution 2664 (2022) clarifies the relationship between humanitarian assistance and sanctions and dispels the concerns and worries of the providers of assistance. We hope that States Members of the United Nations and international humanitarian agencies will actively implement the humanitarian exemptions provided for in the resolution and prevent an expanded interpretation or excessive implementation of sanctions. We also hope that the international community, especially developed countries, scale up humanitarian assistance and provide more substantive support for humanitarian operations.

At the same time, the international community should pay great attention to the negative impact of unilateral sanctions on humanitarian operations. Undeniably, the greatest legal and political risks faced by humanitarian agencies do not come from Security Council sanctions, but from increasing unilateral sanctions and the long-arm jurisdiction of some countries. In reality, they often trigger great chaos and disastrous situations and thereby create or exacerbate humanitarian crises. We hope that the countries concerned will uphold the spirit of humanity embodied in the just-adopted resolution 2664 (2022) and stop imposing unilateral sanctions outside of the Council's sanctions framework as soon as possible.

In conclusion, I would like to stress that the Security Council should establish clear and feasible exit arrangements for the existing sanctions mechanisms, conduct regular reviews and adjust or lift sanctions in a timely manner. The humanitarian exemption resolution just adopted by the Security Council must not lead to the perpetuation and permanent adjustment of some sanctions mechanisms that should have been adjusted long ago. China will work with all members of the Security Council to continue to promote the improvement of sanctions mechanisms in a responsible manner so as to minimize the negative impact of sanctions on humanitarian activities and people's livelihoods.

**Ms. Dautllari** (Albania): Let me begin by expressing my delegation's appreciation for the leadership of the co-penholders, the United States of America and Ireland, as well as the constructive engagement of other members of the Security Council.

Albania voted in favour of, and co-sponsored, resolution 2664 (2022) today. We welcome its adoption. It is a milestone development of the Council in making the sanctions regime more effective by minimizing its potential unintended consequences and by strengthening its legitimacy.

Today's adoption is a clear example of how the Security Council can be responsive to the concerns and issues raised by State and non-State representatives with regard to the undesired effects that different sanctions regimes may have on the provision of humanitarian assistance.

While reiterating our position that sanctions are an important tool under the Charter of the United Nations in maintaining and restoring international peace and security, we are very pleased that the Council demonstrated today that it is able not only to listen to such expressions of concern, but also act upon them by demonstrating its commitment that the implementation of all measures imposed by the Council be consistent with international human rights law and international humanitarian law.

We are confident that today's resolution will not only provide humanitarian actors the necessary clarity to effectively execute their humanitarian operations, but will also demonstrate the ability of the Security Council to act swiftly and effectively.

**Mr. Abushahab** (United Arab Emirates): The United Arab Emirates joined the Security Council with a commitment to support humanitarian efforts. During the past 11 months, we have worked in support of humanitarian exemptions to several sanctions regimes. The United Arab Emirates is therefore pleased that today's landmark humanitarian resolution 2664 (2022) was adopted.

We thank Ireland and the United States of America, as well as all our colleagues on the Council, for the work undertaken and the outcome achieved. As humanitarian needs rise around the world, we must do all that we can to enable aid to reach people in need, while ensuring that the appropriate safeguards are in place to prevent any possible misuse of humanitarian

assistance. Today's resolution is an important step towards ensuring that legitimate humanitarian aid is not inhibited by sanctions measures.

Supporting humanitarian causes is part of the national ethos of the United Arab Emirates. Our humanitarian aid comes from the Government, as well as our country's many charitable organizations. The United Arab Emirates works closely with the United Nations humanitarian agencies, the Emirates Red Crescent, our own national non-profit groups and local organizations doing valuable humanitarian work.

While we are pleased that the resolution covers many different forms of aid delivery, including the critical work done by the United Nations and national Red Cross and Red Crescent societies, we recognize that, across the globe, food, medical and other aid is delivered by different actors and by different means. Although most aid providers are covered by this resolution, some genuine humanitarian organizations may be left out.

While we recognize this resolution as a milestone in the Security Council's support for people in need of humanitarian assistance, we nevertheless see some potential for overcompliance. We therefore believe that it is important to regularly review how the resolution is being implemented on the ground and adjust it as needed. The goal is to ensure that all parts and partners of the humanitarian system are not impeded by sanctions measures and that this resolution's safeguards remain fit for purpose. Going forward, our collective responsibility will be to shepherd the full implementation of resolution 2664 (2022), including by providing guidance to Member States, the private sector and other actors.

The United Arab Emirates will continue to support the ability of humanitarian organizations to do their life-saving work throughout our term on the Security Council and beyond.

**The President:** I shall now make a statement as the representative of India.

The measures imposed by the Security Council under Article 41 of the Charter of the United Nations are provisional in nature and not permanent. The sanctions regimes cannot be an end in themselves. In their implementation, sanctions regimes must ensure that they have the intended impact and do not further exacerbate the suffering of the populations

at the receiving end. Neither can the legitimate trade and economic activities of the State concerned and its regional partners be ignored. In addition, the unintended consequences of sanctions measures, including the humanitarian consequences, increasingly emphasized by Member States and other stakeholders, require effective redress.

In that context, India engaged constructively in the negotiations on resolution 2664 (2022). The resolution provides a carveout from sanctions in support of the timely delivery of humanitarian assistance or to support other activities meeting basic human needs. The resolution is also intended to ensure the much-needed predictability and safeguards to humanitarian agencies.

However, India will call for caution and due diligence to be exercised in extending humanitarian assistance to proscribed entities under the regime established pursuant to resolution 1267 (1999) that continue to thrive, with full State hospitality, in territories universally acknowledged as terrorist havens by the international community.

Our concerns emanate from proven instances of terrorist groups taking full advantage of such humanitarian carveouts and making a mockery of sanctions regimes, including that of the Committee pursuant to resolutions 1267 (1999) 1989 (2011) and 2253 (2015), concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities. There have also been several cases of terrorist groups in our

neighbourhood, including those listed by the Security Council, reincarnating themselves as humanitarian organizations and civil-society groups precisely to evade such sanctions. Those terrorist organizations use the umbrella of the humanitarian assistance space to raise funds and recruit fighters.

As we said during the negotiations, we reiterate that, under no circumstances, should the garb of humanitarian cover intended to be provided by those exemptions be misused by proscribed terrorist groups to expand their terror activities in the region and beyond. More important, such exemptions must not facilitate the mainstreaming of terror entities in the political space in our region. Due diligence and extreme caution in the implementation of this resolution is therefore an absolute must.

For that very reason, India sought in the text of the resolution a proactive role for the 1267 Monitoring Team, coupled with robust reporting standards and mechanisms. We regret that those specific concerns were not fully addressed in the final text adopted today. We hope that that shortcoming will be corrected in the future, as and when we review the implementation and feedback from the Monitoring Team on this resolution.

I now resume my functions as President of the Council.

There are no more names inscribed on the list of speakers.

*The meeting rose at 10.40 a.m.*