



Security Council

Seventy-ninth year

Provisional

9802

nd meeting

Friday, 6 December 2024, 10 a.m.

New York

President: Mr. Wood. (United States of America)

Members:

Algeria.	Mr. Gaouaoui
China.	Mr. Geng Shuang
Ecuador.	Mr. Escobar Ullauri
France.	Mr. Dharmadhikari
Guyana.	Mrs. Rodrigues-Birkett
Japan.	Mr. Mikanagi
Malta.	Mr. Camilleri
Mozambique.	Mr. Afonso
Republic of Korea.	Mr. Sangjin Kim
Russian Federation.	Ms. Evstigneeva
Sierra Leone.	Mr. George
Slovenia.	Mr. Žbogar
Switzerland.	Mrs. Baersiwyl
United Kingdom of Great Britain and Northern Ireland. . .	Ms. Jambert-Gray

Agenda

General issues relating to sanctions

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

Adoption of the agenda

The agenda was adopted.

General issues relating to sanctions

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

Members of the Council have before them document S/2024/879, which contains the text of a draft resolution submitted by Switzerland 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. Baeriswyl (Switzerland) (*spoke in French*): Switzerland is honoured to introduce today, in partnership with the United States, this draft resolution (S/2024/879) aimed at facilitating humanitarian assistance and saving lives. We thank the United States for its valuable collaboration and all members of the Council for their constructive engagement.

Our special thanks go to the humanitarian partners who work every day in difficult conditions, sometimes risking their own lives. I would like to address them directly: this draft resolution is meant to help and support them, because their exemplary commitment deserves our full attention.

This year we commemorate the twenty-fifth anniversary of the protection of civilians on the agenda of the Council and the seventy-fifth anniversary of the Geneva Conventions, universally ratified cornerstones of international humanitarian law and a reflection of our common humanity. Together, we must therefore do everything in our power to ensure that aid reaches populations in need, regardless of the context or the authorities controlling their territory. Voting in favour of the draft resolution we are proposing is an important sign for humanitarian action and international humanitarian law. In this way, we continue to assume our collective responsibility for humanity.

Resolution 2664 (2022), adopted two years ago, was a historic step forward in protecting humanitarian operations while mitigating the unintended consequences of United Nations sanctions. It has had

a significant impact. It facilitates access to assistance for populations in need. It provides legal clarity for the private sector and humanitarian actors, facilitating the transfer of funds, the delivery of essential supplies and the financing of humanitarian operations. And the humanitarian community has made it clear that resolution 2664 (2022) has proven to be very useful. But there is still work to be done to promote it, to ensure its implementation by all States and to realize its potential by ensuring the effective continuity of its application to all sanctions regimes.

The application of this exemption to sanctions under the regime established pursuant to resolution 1267 (1999) against Da'esh/Al-Qaida and their affiliates is particularly relevant, as more than 100 million people living in the affected contexts are in need of humanitarian assistance. Thanks to this measure, more aid has reached the populations in need.

Switzerland, with its long humanitarian tradition rooted in neutrality, is committed to protecting vulnerable populations and upholding the principles of impartiality and neutrality. We are committed to facilitating rapid, safe and unhindered humanitarian access and to promoting dialogue in response to the most serious crises. Our engagement, including in the Council, reflects our determination to uphold human dignity and strengthen multilateral responses to global challenges.

The draft resolution before members today is as simple as it is essential: it extends the application of resolution 2664 (2022) to the regime established by resolution 1267 (1999), providing our humanitarian partners with the clarity and predictability they need to act coherently and in accordance with humanitarian principles in contexts affected by United Nations sanctions. In addition, the draft resolution maintains systematic and rigorous monitoring measures to prevent abuses. We therefore urge the members of the Council to speak with one voice in support of this draft resolution.

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

A vote was taken by show of hands.

In favour:

Algeria, China, Ecuador, France, Guyana, Japan, Malta, Mozambique, Republic of Korea, Russian Federation, Sierra Leone, Slovenia, Switzerland,

United Kingdom of Great Britain and Northern Ireland, United States of America

The President: The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2761 (2024).

I shall now make a statement in my capacity as the representative of the United States.

Two years ago almost to the day, the Security Council adopted resolution 2664 (2022) (see S/PV.9214), creating a landmark carveout for humanitarian efforts in all United Nations sanctions regimes. Now, with the support of co-penholder Switzerland, the United States is proud to indefinitely extend the applicability of that carveout to the Islamic State in Iraq and the Levant/Al-Qaida sanctions regime established pursuant to resolution 1267 (1999).

There are hundreds of humanitarian providers, individuals and entities alike, currently active across 30 countries where individuals and entities listed under resolution 1267 (1999) are active. Ten of those countries host major humanitarian operations, which deliver in exceptionally challenging contexts, such as Nigeria, Afghanistan, Syria and the Sahel. For nearly 100 million people — and that is in just those 10 countries alone — humanitarian assistance can mean the difference between life and death.

As the world's leading humanitarian donor, the United States recognizes our responsibility to do everything in our power to reach the world's most vulnerable. We also recognize that humanitarians, donors, banks and suppliers serving those people — the ones putting their lives on the line to deliver food, aid in medicine — deserve the highest degree of legal clarity, predictability and protection. And that requires ensuring that sanctions do not impede the work of legitimate, impartial humanitarian aid providers.

Indeed, over the past few years, we have listened to the United Nations and the non-governmental organization community. And among the challenges they shared was the impact of some United Nations sanctions on their work in the field. This resolution (resolution 2761 (2024)) helps remove that particular barrier, and it does so without lifting the burden on sanctioned actors. In fact, to date, we have seen no concrete evidence of significant aid diversion to the benefit of sanctioned actors.

Since the adoption of resolution 2664 (2022), humanitarians covered by it have taken their obligations seriously. They have worked diligently to prevent aid diversion and minimize any incidental benefits to sanctioned actors. And they have taken extensive measures to implement robust due-diligence and risk-mitigation processes to ensure that aid reaches those in need. I know that humanitarians positively impacted by this resolution will do the same.

This resolution sends a clear signal that the United Nations remains committed to upholding the legitimacy, credibility and efficacy of sanctions; that the United Nations remains committed to supporting those heroes working with humanity, neutrality, impartiality and independence; and that the United Nations remains committed to uplifting those in need, regardless of where they live, who they live with and who controls that territory. I am proud and grateful for this historic vote.

I resume my functions as President of the Council.

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

Ms. Evstigneeva (Russian Federation) (*spoke in Russian*): The Russian Federation voted in favour of the resolution on the humanitarian carveout to the assets freeze measures in order to deliver humanitarian assistance under the sanctions regime established pursuant to resolution 1267 (1999), concerning the Islamic State in Iraq and the Levant (ISIL)/Al-Qaida (resolution 2761 (2024)).

The Russian Federation has consistently advocated a comprehensive approach to this issue. For our part, we took a constructive approach to the negotiations process from the very beginning. Throughout that time, we worked closely with representatives of the Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross and various humanitarian organizations. It has been — and remains — imperative for us to provide unhindered humanitarian assistance to all those in need, free from the politicized attitudes of individual States. We are convinced that Security Council sanctions should not affect humanitarian assistance.

At the same time, with regard to the use of humanitarian exemptions under the exceptional nature of the 1267 sanctions regime on ISIL/Al-Qaida, we continue to believe that there is a need for robust

monitoring by the Sanctions Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), with the assistance of its Monitoring Group, in order to prevent aid from falling into the hands of terrorists and prevent the activities of unverified organizations on the ground. We consistently emphasise the need to take into account all violations without exception, while paying close attention to cases of abuse of humanitarian exemptions by non-profit organizations in order to finance terrorism and fuel ISIL, Al-Qaida and related terrorist groups, including the Hayat Tahrir Al-Sham terrorist group, which has again reared its head in Syria. Of particular importance in that regard are the relevant briefings by the head of OCHA in the relevant Sanctions Committee — the 1267/1989/2253 Committee, on ISIL and Al-Qaida — with an emphasis on the consequences of such abuses.

It is gratifying that the text of the resolution adopted today clearly enshrines the elements proposed by us. We hope for a serious and responsible approach on the part of humanitarian agencies, which should take effective measures to strengthen monitoring mechanisms as well as strict control over the activities of all suppliers. We believe that preventing any attempts to finance terrorism and further stamping out such violations is our common task. Otherwise, the trust and authority of United Nations humanitarian agencies as a whole will be under attack. For our part, we will continue to closely monitor the situation through the 1267 Committee.

Nevertheless, today's resolution fails to address the issue of so-called "secondary" unilateral restrictions, which are imposed in addition to Security Council sanctions. At the same time, as the humanitarians themselves admit, those restrictions remain a serious obstacle to the full functioning of humanitarian carveouts. Under the threat of falling under severe national, and sometimes extraterritorial, restrictions, contractors refuse to sign contracts for the procurement of humanitarian aid authorized by the Security Council. Transport operators refuse to carry out deliveries. And there are also difficulties with cargo insurance, as banks raise the issue of difficulties in conducting financial transactions.

We consistently believe that the only legitimate sanctions are those imposed by the Security Council. We consider the use of unilateral coercive measures by countries and groupings to be an encroachment upon the Council's prerogatives, thereby undermining the norms and institutions of international law. We hope

that the resolution adopted today will help humanitarian workers more effectively provide assistance to the most vulnerable population groups, help alleviate the humanitarian situation in sanctioned countries and not contribute to the financing of terrorism.

Mr. George (Sierra Leone): Sierra Leone welcomes the unanimous adoption of this important resolution to extend the humanitarian carveout for the sanctions regime established pursuant to resolution 1267 (1999), concerning the Islamic State in Iraq and the Levant/ Al-Qaida (resolution 2761 (2024)). This resolution balances counter-terrorism measures with the need to protect human rights, facilitate humanitarian assistance and ensure that aid reaches those in need without being hindered by sanctions.

This adoption demonstrates the Security Council's unity and support for international humanitarian law. Sierra Leone values humanitarian principles and international cooperation. And this resolution sends a clear message that United Nations sanctions should not impede the delivery of critical humanitarian assistance by humanitarian organizations.

The resolution's monitoring mechanisms and safeguards provide legal clarity for financial entities, reducing any unintended effects of sanctions while ensuring that aid is not diverted or abused by malicious actors. The application of Chapter VII of the Charter of the United Nations underscores the severity of threats posed by ISIL and Al-Qaida, justifying the use of sanctions to maintain international peace and security. We therefore welcome the rigorous monitoring and compliance mechanisms, along with additional safeguards, to prevent the misuse of the humanitarian carveout.

In conclusion, we congratulate Switzerland and the United States of America as co-penholders for steering the negotiations in a transparent and inclusive manner. The constructive engagement from all Council members was vital in reaching this unanimous decision and paves the way for its effective implementation.

Mr. Geng Shuang (China) (*spoke in Chinese*): China welcomes the Security Council's unanimous adoption of resolution 2761 (2024) and appreciates the efforts made by the co-penholders, namely, Switzerland and the United States.

Sanctions are a special tool entrusted to the Council by the Charter of the United Nations. China

has always maintained that the Council should deal with the issue of sanctions in a prudent and responsible manner, to avoid or mitigate a negative humanitarian impact as much as possible. Two years ago, the Council adopted resolution 2664 (2022), which established a humanitarian carveout to sanctions and has played a positive role in facilitating humanitarian relief. Resolution 2761 (2024), just adopted, provides for the indefinite application of the humanitarian carveout to the sanctions regime established pursuant to resolution 1267 (1999), which will help further allay the concerns and worries of aid providers, better facilitate the work of humanitarian organizations and provide more certainty for them to carry out their work in a sustainable manner. We hope that Member States and humanitarian organizations will make good use of the carveout and implement the provisions of the resolution. We expect the international community, and especially developed countries, to step up humanitarian aid.

The resolution particularly emphasizes the importance of the monitoring and reporting mechanism. We hope that Member States and humanitarian

organizations will strictly abide by the requirements of the resolution, effectively fulfil their counter-terrorism responsibilities and prevent the abuse of the humanitarian carveout by terrorist organizations. We are ready to work with other Council members to continuously improve its sanctions regimes in the light of the evolving situation, so as to minimize the negative impact of sanctions on people's livelihoods.

In conclusion, I would like to point out that, as compared with Council sanctions, illegal unilateral sanctions and the chilling effect they cause have a more marked negative impact on the humanitarian situation. The political and legal risks posed by unilateral sanctions to humanitarian organizations and the impact and harm caused to the countries concerned are too numerous to mention, and the status quo is unacceptable. We reiterate our call on the countries concerned to put an immediate end to illegal unilateral sanctions and to translate their professed support for international humanitarian action into concrete action.

The meeting rose at 10.25 a.m.