



# Security Council

Seventy-seventh year

**9216**<sup>th</sup> meeting

Friday, 9 December 2022, 4.10 p.m.

New York

*Provisional*

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

*Members:*

Albania . . . . .	Ms. Dautllari
Brazil . . . . .	Mr. Costa Filho
China . . . . .	Mr. Geng Shuang
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Norway . . . . .	Ms. Heimerback
Russian Federation . . . . .	Mr. Nebenzia/Mr. Polyanskiy
United Arab Emirates . . . . .	Mr. Abushahab
United Kingdom of Great Britain and Northern Ireland . . . . .	Dame Barbara Woodward
United States of America . . . . .	Mr. Mills

## Agenda

Threats to international peace and security

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*The meeting was called to order at 4.10 p.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Threats to international peace and security**

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mrs. Izumi Nakamitsu, High Representative for Disarmament Affairs; and Mr. Daniel Kovalik, civil society representative.

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

I give the floor to Mrs. Nakamitsu.

**Mrs. Nakamitsu:** I have been requested to brief on the issue of "supplies of lethal weapons to Ukraine and their consequences". This follows a similar briefing I provided to the Security Council in September (see S/PV.9127).

Since the Russian invasion of Ukraine on 24 February 2022, a number of States have transferred weapons systems and ammunition to Ukraine for its defence forces. As I noted in September, that is a matter of public record. Information from Governments regarding their transfers is largely accessible through open sources. Such transfers have included heavy conventional weapons, including battle tanks, armoured combat vehicles, large-calibre artillery systems, missile systems and uncrewed combat aerial vehicles, as well as small arms and light weapons. There have also been widespread and independently verified reports of the transfer of major conventional weapon systems to non-State armed groups involved in the conflict against Ukraine, including artillery rocket systems.

The large-scale influx of weapons into any situation of armed conflict raises many concerns for peace and security, including risks of diversion as well as potential spillover and escalation. Measures to counter the potential diversion of weapons and ammunition will be key to post-conflict recovery and regional security and stability, as well as to conflict prevention in other regions. Such measures include pre-transfer

risk assessments and post-shipment controls, including on-site inspections and end-user verification. Of equal importance is the need to safeguard and account for transferred military equipment. The United Nations Register of Conventional Arms, in addition to the Arms Trade Treaty, remains a key tool for enhancing transparency in arms transfers. It is also an important tool to track the influx of weapons and ammunition in conflict zones. Those are all widely accepted general policy approaches by Member States, which we encourage all to follow.

Beyond addressing arms transfers, all parties to the conflict have a duty to protect civilians when conducting military operations. Since 24 February, the Office of the United Nations High Commissioner for Human Rights has recorded 17,181 civilian casualties, with the numbers incessantly rising. Most of the civilian deaths and injuries continue to be caused by the use of explosive weapons with wide-area effects, including attacks by heavy artillery, multiple-launch rocket systems, missiles and aircraft.

In addition to thousands of civilians killed and injured, we have witnessed the destruction of civilian and critical infrastructure and services, especially using missiles and uncrewed aerial vehicles. In addition to the homes, schools, roads, and bridges that have been destroyed, hospitals and health facilities have also been impacted. Of particular concern are the disruptions to water, gas, heating and electricity caused by Russian attacks on energy infrastructure, with the onset of winter bringing a new dimension to the humanitarian crisis and putting millions of people at risk. Under international humanitarian law, combatants must not direct attacks against civilians or civilian infrastructure and must take all feasible precautions in the conduct of military operations in order to prevent, or at least to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Since 2007, two Secretaries-General have expressed their serious concerns about the humanitarian impact of explosive weapons in populated areas. They have consistently called on parties to conflict to refrain from using such weapons because they are highly likely to cause indiscriminate effects. Last month, on 18 November, more than 80 States adopted the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas. The declaration marks a milestone in our efforts to better

protect civilians from the consequences of armed conflict. I call on all Member States to give effect to the declaration.

The past nine months have seen tremendous devastation, much as a result of the use of heavy conventional weapons. Attacks against civilians and civilian infrastructure must stop. I also urge States to apply effective arms-control measures to address the risks related to arms transfers. I want to reiterate that preventing the diversion of supplied weapons and ammunition is essential to prevent fuelling conflict and insecurity in the region and beyond.

The only way to end the suffering and devastation in Ukraine is to end the war. I appeal to all Member States to make every effort for peace.

**The President:** I thank Mrs. Nakamitsu for her briefing.

I now give the floor to Mr. Kovalik.

**Mr. Kovalik:** My name is Dan Kovalik. I am a professor of international human rights at the University of Pittsburgh School of Law, where I have been teaching for 10 years. I graduated from Columbia Law School in the great city of New York in 1993, and I have been very involved in human rights issues and human rights cases, particularly in Latin America — particularly in Colombia — and South America, which has a major problem with arms going into the wrong hands, of guerrilla groups and right-wing paramilitary groups. That has been something I have been following for years, and therefore I want to share what I have also been studying and learning also about Ukraine and arms shipments there and the danger of those ending up in the wrong hands. Therefore, with forbearance of the Security Council, I will get right down to it.

First of all, I would call the Council's attention to a study done in January 2021 by the German Federal Foreign Office, a small-arms survey called *Making the Rounds: Illicit Ammunition in Ukraine*. As I just said, that survey was published in January 2021 — even before the major conflict began earlier this year. And what it said was that the outbreak of the conflict in eastern Ukraine in 2014 — we have to remember that is when it really began — led to the widespread proliferation of small arms, light weapons and their ammunition. That ammunition, which includes thousands of grenades, rockets, mortar rounds and landmines, along with vast quantities of firearms cartridges, has spread to

nearly every oblast region of Ukraine, including areas located far from the conflict zone. The survey said that while the Government of Ukraine has taken steps to reduce the trafficking of those arms, those are daunting tasks, given the sheer volume of illicit ammunition in circulation and the numerous modes of transport and smuggling techniques used by traffickers in Ukraine.

While the survey concluded that at that time there were no major transfers of those arms outside of Ukraine, it warned — again this is in 2021 — that the barriers to smuggling grenades, rockets and other ammunition out of Ukraine were hardly insurmountable. Even a successful trafficking scheme could radically alter the profile of illicit weapons in some countries. It said that preventing such schemes and reducing civilian casualties caused by loose ammunition in Ukraine would require a coordinated, sustained effort by Ukrainian authorities and the international community for many years to come. That was in 2021.

Now let me fast forward a bit. That survey was ultimately a warning, given what came next — the intervention that began in February 2022. As my colleague said, a lot of the information on that can be found in open sources. In April of 2022, merely two months after the war began with Russia's intervention in February, CNN published an article entitled "What Happens to Weapons Sent to Ukraine? The US Really Doesn't Know." The article goes on to explain that

"The United States has few ways to track the substantial supply of anti-tank, anti-aircraft and other weaponry it has sent across the border into Ukraine, sources tell CNN, a blindspot that is due in large part to the lack of United States boots on the ground in the country and the easy portability of many of the smaller systems now pouring across the border. It is a conscious risk the Biden administration is willing to take."

The article then quotes a senior Department of Defense official who said that it was "certainly the largest recent supply to a partner country in a conflict." And at that time, there had probably been about \$30 billion in military aid sent so far. By the end of January that will probably be about \$100 billion in total sent by the United States alone. The article went on to conclude that

"the risk, both current US officials and defence analysts say, is that in the long term some of those weapons may wind up in the hands of other

militaries and militias the US does not intend to arm.”

According to a Department of Defense official,

“[w]e have fidelity for a short time, but when it enters the fog of war, we have almost zero. It drops into a black hole, and you have almost no sense of it at all after a short period of time. In making the decision to send billions of dollars of weapons and equipment into Ukraine, the Biden administration factored in the risk that some of the shipments may ultimately end up in unexpected places.”

They also quote other officials saying the United States really does not have a hold over where these weapons are going. They are depending on Ukraine for information regarding that. And, privately, according to CNN, officials recognize that Ukraine has an incentive to provide only information that will bolster its case for more aid, more arms and more diplomatic assistance. In April, they were warning that those arms were going to end up in places where we do not want them to be, and they give the example of Afghanistan, where the United States left in a hurry and left millions, if not billions, of dollars of equipment. God knows where that is going to end up.

By the way, I want to mention, before I go on much further, that I just spent a week in Donetsk, and I did not myself witness illicit transfers of arms, but I did see the effects of arms that apparently went into the right hands. Those were ordnance — shelling — done by Ukraine against a school, against a stadium, against a place people go to get water, because water is at a premium in Donetsk in particular because the water filtration system had been destroyed by Ukrainian forces sometime before. And I have been reading that the shelling has only increased since I was there. By the way, a monastery to which we helped deliver clothes is being shelled almost daily by Ukraine. So while I am focusing on illicit arms or arms going to the wrong people, even when they are going to the right people, they are not necessarily ending up in the right places. They are attacking civilians, and that has been happening since 2014. That is obviously a problem.

In June of 2022, an article appeared in *The Guardian* entitled “Arms sent to Ukraine will end up in criminal hands, says Interpol chief: Jürgen Stock urges members to cooperate on arms tracing as weapons will flood hidden economy when war ends”. The Interpol chief was saying that as a matter of certainty.

“Jürgen Stock says once the conflict ends, a wave of guns and heavy arms will flood the international market and he urged Interpol’s member states, especially those supplying weapons, to cooperate on arms tracing;

“Once the guns fall silent [in Ukraine], the illegal weapons will come. We know this from many other theatres of conflict. The criminals are even now, as we speak, focusing on them;

“Criminal groups try to exploit these chaotic situations and the availability of weapons, even those used by the military and including heavy weapons. These will be available on the criminal market and will create a challenge. No country or region can deal with it in isolation because these groups operate at a global level;

“We can expect an influx of weapons in Europe and beyond. We should be alarmed and we have to expect these weapons to be trafficked not only to neighbouring countries but to other continents”.

In August, CBS News did a documentary and published an article about the documentary entitled “Why Military and Aid in Ukraine May Not Always Get to the Front Lines”. In April, Jonas Ohman, founder and Chief Executive Officer of Blue-Yellow, a Lithuania-based organization that has been meeting with and supplying front-line units with non-lethal military aid in Ukraine since the start of the conflict in 2014, said that back in April, he estimated that just 30 to 40 per cent of the supplies coming across the border reached their destination. So, we are talking about potentially billions of dollars of equipment not reaching the intended destination.

The same article from CBS goes on to say,

“a combination of Ukraine’s constantly shifting front lines with its largely volunteer and paramilitary forces has made delivery of the military aid difficult for those attempting to navigate the dangerous supply lines to their destination. Some have raised concerns about weapons falling into Ukraine’s black market, which has thrived on corruption since the collapse of the Soviet Union in 1991”.

So, that is not anything new. It is not anything we should be surprised about. It is something that we should have been prepared for. But as I go on, Council members will see that we have been woefully, almost wilfully, unprepared for that.

On 1 November, *The Washington Post* published an article entitled “US Races to Track American Arms in Heat of Ukraine War”, stating that United States monitors had inspected just 10 per cent of high-risk weapons sent to Ukraine. That is incredible. That is in November. Again, for months, for years, they were saying, “get a hold of that stuff.” In November, a little over a month ago, they said, “Well, we probably looked at about 10 per cent of them”, though they said the Biden Administration hoped to achieve a reasonable level of compliance with United States oversight rules, but admitted it would certainly would not achieve 100 per cent. That should be troubling to anyone.

“Rachel Stohl, the Vic-President for research programs at the Washington-based Stimson Center, said officials also must develop longer-term plans to ensure the security of surplus US weapons once the conflict with Russia ends, noting Ukraine’s history as a theater for small-arms smuggling after the Cold War.”

Again, that has been going on for decades.

“The challenges in Ukraine echo the larger concerns about how weapons produced in the United States, the largest global weapons seller, are employed worldwide. Advocates have long complained that despite systems designed to prevent their misuse, foreign partners have sometimes employed those arms against civilians in places including Yemen.”

We know that. In Yemen, since 2015, the Saudis have used United States munitions, including cluster bombs, to attack civilians and civilian infrastructure, as well as UNESCO historic sites.

“Sophisticated equipment also has fallen into adversaries’ hands, allowing the Islamic State to showcase Abrams tanks and the Taliban to pilot Black Hawk helicopters.”

Again, none of that is surprising, but very little is being done about it.

Then, on 30 November, the Voice of America, which is more or less the United States itself speaking, published an article entitled “Nigerian President: Ukraine War Funneling Arms, Fighters into Lake Chad Basin”, quoting the Nigerian President complaining that this is already happening. He says,

“the war between Russia and Ukraine is allowing arms and fighters to stream into the Lake Chad region, bolstering the strength of terrorist groups”.

Of course, after NATO’s bombing campaign and war on Libya, we saw illicit arms and fighters flooding into the Sahel region to destabilize places such as Tunisia, Chad and Mali — and even beyond in Syria. Council members should read the article by Pulitzer Prize-winning author Seymour Hersh about the transfer of fighters from Libya to Syria. Therefore, that is already happening according to the Nigerian President. Weapons from Ukraine are already ending up in the hands of extremists.

Finally, in terms of the information I am relying on, Council members can look at an interesting opinion piece dated 7 December, two days ago, in *The Hill* publication, which can be found online at thehill.com, entitled “Preventing US Weapons from Escaping Ukraine is a Challenge”. It again underscores the difficulty, if not impossibility, of getting a handle on all those weapons, which goes back to the first report saying we need international oversight of this. With respect — and I am an American — the United States is not going to do it. In fact, two days ago, the same day this was written, a draft resolution submitted to a House committee on whether to audit weapons and money transfers to Ukraine was voted down. Congress affirmatively decided that we are not going to audit the billions and billions of dollars of weaponry we are sending to Ukraine. As an American taxpayer, I can say I do not like that, but I would think that the Security Council, in charge of maintaining international peace and security, should not like that. Who is watching the watchmen here? It is the job of the Security Council to do that. I urge the Council to do that.

**The President:** I am sorry to interrupt, but we are running short of time. Could I ask Mr. Kovalik to wrap it up as soon as he can?

**Mr. Kovalik:** Yes, I will wrap it up right now. I just want to reiterate the comments made by colleague who opened this meeting — what really has to happen is a negotiated end to this war, which I think is possible. We know that in March or April there was apparently a deal that both sides could have lived with. It appears that Boris Johnson from the United Kingdom told Zelenskyy not to sign, but there must be some way to end this conflict, which needs to end through a



negotiated settlement. I once again urge the Security Council to work towards that end.

**The President:** I thank Mr. Kovalik 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 today's briefers and, in particular, Mr. Kovalik, because he touched upon one of the topics that is the reason we called this meeting, namely, the consequences for international peace and security of the growing smuggling of arms supplied to Ukraine into various regions of the globe. We also called this meeting so that Security Council members could assess the impact that the ongoing massive pumping of Ukraine with Western weapons is having on the prospects for ending the Ukrainian conflict.

As everyone will recall, soon after the start of the special military operation, one goal of which was the demilitarization of Ukraine, it became obvious that the military capacity of Ukrainian forces was being depleted rather quickly. The moment when the Kyiv regime would have stopped posing a threat to our country was therefore rapidly approaching. Such a scenario, however, did not sit well with our former Western partners. That is not why they carried out an illegitimate coup d'état in Ukraine in 2014, encouraged blatant nationalism and Russophobia and re-armed the Ukrainian military while pretending to monitor the implementation of the Minsk agreements. In fact, that was all in service of their geopolitical plans to weaken Russia. The fact that the Minsk agreements were but a smokescreen for rearming the Armed Forces of Ukraine was confirmed quite cynically recently by former German Chancellor Angela Merkel.

Then the West started saying that it must not let Ukraine lose because, once defeated, Ukraine would cease to exist as an independent State, even though Russia has never said anything like that. Another reason was that the militarism and imperial ambitions of the Kremlin were not limited to Ukraine alone and that Kyiv was allegedly defending not only itself but the whole free world. That absurd thesis does not even warrant a response. Nevertheless, those two reasons became the foundation of a frenetic campaign to arm Ukraine and extend indirect military support to it. That is when the United States and its NATO allies began their proxy war against Russia to the very last Ukrainian.

No State in history has likely ever received such immense military support. As reported by the United States Center for International Policy, the total volume of Washington's military assistance to Kyiv from February to the beginning of October alone amounted to \$40 billion. Add to that the billions pledged or already allocated by the European Union and Great Britain and it becomes clear that the weapons and military assistance to Ukraine for less than one year cost more than the military budgets of the majority of NATO States. In addition to weapons, the United States and NATO are also providing Kyiv with intelligence data, including using satellites, and Ukrainian units with Internet communications, as well as training and guidance. Add to that the thousands — if not tens of thousands — of foreign mercenaries and personnel of private military companies, whose existence we discover only when we find their bodies or intercept radio communications. If we consider all of that, the following question emerges: is it really the Ukrainians who are facing the Russian forces in that country? One thing can be said for sure — without Western assistance, the military activities in Ukraine would have ended a long time ago. Even the leaders of the criminal Kyiv regime acknowledge that.

Apart from prolonging the senseless agony of the Kyiv regime and the further suffering of ordinary Ukrainians, what are the other consequences of our Western opponents' actions? We are destroying the old Soviet-era weapons and ammunition in Ukraine fairly quickly. Since very few of those remain, the West is providing the Zelenskyy regime with Western weapons, which are more sophisticated and include long-range rocket and artillery systems. Those are worth a separate point, because they make it possible for the Armed Forces of Ukraine to target peaceful areas of Donbas that Ukrainian artillery had previously been unable to reach.

Examples abound. Yesterday in the Security Council and the General Assembly, we circulated a letter from a Donetsk civil society organization named Fair Protection, which provides an account of the indiscriminate shelling of residential and densely populated areas. The document shows that what we are witnessing in Donetsk in recent weeks is a massacre using Western weapons. Encouraged by the West, Ukrainian death squads are literally trying to raze the city to the ground. With great hatred they carry out

daily indiscriminate strikes on residential areas that do not, and cannot, contain any military targets.

Another such criminal shelling incident took place this morning. Crowded places are being hit during rush hours, which leads to significant casualties and destruction. For example, on 4 December, a 155-millimetre guided artillery M982 Excalibur shell hit the Druzhba sports complex, where drinking water is being distributed to civilians. The reason for that is because, back in February, Ukraine disconnected Donbas from its only water source. But our Western colleagues do not notice that because they effectively denied the people of Donbas their right to a decent human existence as early as eight years ago. We also regret that the members of the Secretariat did not have the courage to condemn the shelling of Donetsk, even as they remained very vocal on strikes launched against the territory of Ukraine.

Since 27 November, 22 civilians have been killed in Donbas, most of them residents of Donetsk — 83 civilians were wounded, 234 residential buildings and 106 private houses were damaged, as were 31 educational facilities and 92 infrastructure objects. I underscore that those were not the consequences of an air defence missile falling on residential buildings, as has been known to happen in a number of Ukrainian cities, but rather of targeted intentional strikes against civilian objects and houses.

Ukrainian armed units do not hesitate to use NATO-supplied artillery to strike facilities that store hazardous materials. On 7 December, for example, they carried out a strike on the Stirof chemical facility in Horlivka. The shells hit the sulphur warehouse, which caught fire. Sulphur catching on fire is not dangerous, but when combined with water, sulfuric acid is formed, which can trigger acid rain in certain weather conditions.

Among the weapons that the West supplies Ukraine, American HIMARS rocket launchers deserve a special mention. We know for a fact — and it has been indirectly confirmed on many occasions by both Kyiv and Washington — that American experts participate in the work of the HIMARS. They are using American satellite information and other American military assets on the ground to coordinate satellite data, enter it into the HIMARS software, and control the effectiveness of the missiles. Their representatives in Kyiv have themselves stated that not one single HIMARS strike takes place without coordination with the Americans.

We are being told all the time that this weapon's advanced technology makes it "high-precision", guaranteeing that they always strike their exact target. What, then, are the military targets in Donbas that have ended up being struck by these missiles launched with Washington's approval? I offer a list of just some of the targets: a kindergarten in Snezhny, an art school in Bryansk, a hotel in Krasny Luch, a volunteer centre in Stepano-Krynok, a swimming pool, a school and a bakery in Stakhanov, a sanatorium in Alchevsk, cultural centres in Nyzhnia Duvanka, Gorsky and Yasinovataya, and the agrarian college in Novoaidar. Among the people hit were individuals working in these places — doctors, teachers, volunteers and bakers — dozens of peaceful people who died because of American missiles. This Sunday, HIMARS missiles hit buildings of Donbas technical institutes in the city of Alchevsk. More detailed information on this is contained in the note we have disseminated.

Could those numerous documented strikes against civilian objects be the result of a mistake or an accident? Obviously, it represents the conscious and intentional participation of the United States and NATO in the Kyiv regime's crimes and the victimization of civilians. They bear the same personal responsibility for this damage to social and civilian infrastructure as the Ukrainian artillery and gunnery personnel do.

The direct involvement of the United States and NATO in attacking civilian infrastructure in Ukraine is now a matter of fact, but that is not all: we have information that the Russian airbases in Dyagilevo and Engels were attacked using American satellite data. Modern Soviet drones TU-141 were found and targeted using the American GPS global-satellite system. Secretary of State Blinken commented on that, stating that the United States does not encourage or does not enable the Ukrainians to attack the Russian territory. Nevertheless, at the same time, the Chief Executive Officer of the American corporation, Raytheon Technologies Corporation, Mr. Gregory Hayes, stated the following on 8 December:

"We work with the Government to provide real-time intelligence on the battlefield in Ukraine [including when missiles are launched]."

Of course, we very carefully note all such crimes committed by United States and its allies, and there will be legal consequences for everyone involved. We also track and destroy the equipment they provide.

This equipment is also dwindling in warehouses, and, because of that, Washington and its allies are trying to work with third countries, buying equipment and material from them and giving it to Ukraine. This was recently acknowledged by the Minister for Foreign Affairs of Ukraine Kuleba.

We should assess to what extent this is legal. Obviously, when Western countries do this, they are violating the obligations they have under the international Arms Trade Treaty, which provides for a ban on exports to those regions where such exports could lead to violations of international humanitarian law and an intensification of conflict. However, they are not held back by that, and they go even further: on 30 November, Secretary Blinken talked about resuming the manufacture of Soviet combat systems in Eastern European countries so as to then supply them to the Kyiv regime. Organizing the manufacture of Soviet and Russian weaponry in these factories is regulated by international agreements that stipulate the commitment not to provide such goods without our consent. In other words, the United States is currently pushing those countries to violate foundational arms control standards, which is an example of how it upholds the so-called rules-based order, namely, by violating international law in actual fact.

Another important topic is the spread of the weapons supplied to Ukraine throughout the world. In the September meeting on this topic (see S/PV.9127), we warned about the risk of these weapons ending up in the hands of terrorists and criminals. This is not conjecture. It is, rather, a warning — and the concern of the police forces across Europe. For example, the Finnish police have received information about weapons supplied to Kyiv falling into the hands of criminals in their country, as well as in Sweden, Denmark and Poland. NATO weaponry that Helsinki hoped would help Finland defend itself is now threatening the lives of Finnish citizens.

I would like to remind members that the issue of weaponry being stolen from Ukrainian warehouses first arose a long time ago. Recent reports by the United Nations Office on Drugs and Crime and the United Nations Institute for Disarmament Research state that in 2020 they discovered a scheme to illegally divert weaponry — heavy weaponry, including tanks — which could only have come from army warehouses. Of course, Washington and European capitals are well aware of this, but pumping Ukraine with weapons is

more important to them. The situation has gotten so out of control that the weaponry for Kyiv is now appearing on the black market, not just in Europe, but also in the Middle East and in Africa.

Mr. Kovalik today quoted the President of Nigeria, who said that the Ukrainian conflict is a main source of weapons for Boko Haram terrorists in the Lake Chad area. Why are these egregious cases of cross-border trafficking in illegal weapons, in which corrupt Ukrainian officials participate — as do, obviously, European and American officials — not being investigated? Is this not a direct threat to international peace and security to which the international community should be paying attention?

The same also applies to the billions in so-called assistance — for military and humanitarian purposes — to Kyiv, a large part of which remains in the pockets of interested persons. We know about the discussions of this topic in European parliaments and the American Congress, but we also see that the ruling elites there basically silence any opposition when a careful audit of every dollar or euro sent to Ukraine at the expense of the Western taxpayers is called for. In the course of Senate hearings on the bill authorizing an audit of United States assistance to Ukraine, Democratic representative Gerald Connolly said that he supports transparency and accountability, but not right now, which is probably the best illustration of the double standards of the American establishment and its desire to support its vassal.

I know that all the representatives of those Western countries who will take the floor after me will try to shift the blame and start talking about the military supplies being transferred from Iran to Russia, which is an assertion that has already been refuted many times. The military-industrial complex in Russia is working perfectly fine and does not need anyone's assistance, whereas the Ukrainian military industry basically does not exist, so it needs to assistance from Western industry. Western companies are enjoying huge profits from this situation, so they certainly are not going to give it up simply to bring about peace.

I would like to call upon those who can objectively look at the information and soberly assess the risk coming from the uncontrolled pumping of the Ukrainian regime with weapons and look at the threat it poses to the maintenance of international peace and security, which is the Security Council's main responsibility.



These threats are not diminishing; rather, they are growing, because Western countries do not understand that they are fuelling the fire with their uncontrolled arms transfers.

**Ms. Heimerback** (Norway): I thank the briefers for their statements. I will make five short points.

First, we condemn Russia's war against Ukraine in the strongest possible terms.

Secondly, we reiterate our unwavering support for Ukraine's sovereignty and territorial integrity within its internationally recognized borders. Ukraine has a right to self-defence, as enshrined in Article 51 of the United Nations Charter, as well as the sovereign right to ask for and receive support from other States in the exercise of this right. Norway will continue to stand with Ukraine.

Thirdly, Russia's war against Ukraine is a blatant violation of international law, including the United Nations Charter. It is a violation of the core principles on which the Organization is built, namely, the sovereign equality of its members and the inadmissibility of the acquisition of territory by force. Russia must abide by international law and must stop its war of aggression now.

Fourthly, we are alarmed by the recent increase in Russian attacks on civilians and civilian infrastructure. The massive waves of missile and drone strikes on Ukraine clearly demonstrate Russia's complete disregard for the horrible suffering that they are causing millions of people. In addition to causing casualties, those cynical attacks destroyed a large number of power facilities, leaving Ukraine's population freezing in the middle of the winter. Children, persons with disabilities and the elderly are in a particularly vulnerable situation. They must be protected.

Fifthly, on the transfer of lethal weapons from Iran by Russia, we recall that all States are obligated to respect the restrictions of resolution 2231 (2015). The use of such drones is a further addition to the list of Russia's total disregard for international law, the Charter of the United Nations and the decisions of the very Security Council on which it sits as a permanent member.

Finally, Russia is the one driving weapon flows into Ukraine. It does that through its illegal war against Ukraine. Almost one year has passed since Russia's aggressive invasion. It is not too late for Russia to do the right thing: respect the United Nations Charter,

withdraw all troops and work for a peaceful solution through dialogue and diplomatic efforts.

**Dame Barbara Woodward** (United Kingdom): I thank the High Representative for Disarmament Affairs for her briefing.

I will be brief because we discussed Russia's war of aggression in Ukraine just three days ago (see S/PV.9208). During that meeting, we heard Under-Secretary-General Griffiths's harrowing account of the horrific consequences of Russia's war and his deep concerns about the impacts of Russia's systematic attacks on Ukraine's critical infrastructure and civilian centres, particularly ahead of winter. We just saw further reporting by the Office of the United Nations High Commissioner for Human Rights on the potential atrocities against civilians committed by Russia.

Given the topic of this meeting, the irony is that Russia is perpetrating this war including with weapons sourced from Iran, in violation of resolution 2231 (2015), and is almost certainly seeking to source weaponry from other United Nations-sanctioned States, such as North Korea, as its own stocks dwindle.

We note that, despite the resounding calls in the Council again on Tuesday for a ceasefire and for peace, dialogue and diplomacy, the Russian President on Wednesday doubled down, confirming that the invasion would continue and that it would be protracted. He also reaffirmed the neoimperialist nature of the campaign, claiming that, unlike Peter the Great, he had made the Sea of Azov a Russian internal sea.

In the face of Russia's relentless efforts to seize Ukraine's territory, in violation of the Charter of the United Nations, and to dehumanize, kill and subjugate its people, Ukraine has no choice but to exercise its right to defend itself. If it did not, it would cease to exist. In a similar situation, all of us would do the same, and, due to the deep determination to live, Ukraine is prevailing.

The United Kingdom is proud of the support that it is providing to the Ukrainian people in the face of that aggression: defensive and humanitarian support and assistance to rebuild the critical infrastructure destroyed by Russian attacks.

Russia can end the suffering immediately by ceasing attacks against Ukraine, including critical national infrastructure and innocent civilians, and withdrawing all its forces illegally present in Ukraine. We welcome and support Ukraine's initiative for a just

and sustainable peace. We again join the international community in calling on Russia to similarly commit to meaningful dialogue and negotiations based on upholding Ukraine's rights under international law and the United Nations Charter.

**Ms. Oppong-Ntiri** (Ghana): I thank Mrs. Izumi Nakamitsu for her briefing. My delegation has also taken note of the information provided by the civil society representative, Mr. Daniel Kovalik.

I begin my statement by reaffirming Ghana's complete and unwavering commitment to the sovereignty, political independence and territorial integrity of Ukraine, and affirm Ukraine's inherent right to self-defence under customary international law, codified in Chapter VII of the Charter of the United Nations.

The stability of our international system has been carefully built on the established norms of inter-State relations, one of which is the cardinal prohibition on the use of force by one State against another. Any contrary actions, as we witnessed by the Russian Federation against Ukraine, undermine the fundamental principles of international law and the values and purposes of the United Nations Charter and constitute serious threats to international peace and security.

Over the past nine months, Ukraine has deployed its military and strategic capabilities in asserting its inherent right to self-defence against the armed attack of the Russian Federation and in a courageous endeavour to preserve its national interests. There is no prohibition on such action, neither do the rules of international law or the Charter prohibit the supply of conventional weapons to a State under armed attack by another.

Regrettably, the war has come at the great cost of destruction, damage and the loss of lives. With each passing day of missile attacks, the toll in civilian casualties and damage to Ukraine's critical infrastructure continues to compound as the United Nations registers some of the worst humanitarian statistics since the Second World War. We also remain acutely aware of the looming danger of a nuclear catastrophe as the integrity of the Zaporizhzhya nuclear power plant is persistently violated.

Beyond Ukraine, the war has spurred unprecedented levels of global energy, food and financial crises, which have derailed the capacity of many developing States

to rebound from the impact of the global coronavirus disease pandemic, further worsening socioeconomic conditions for many communities far removed from the theatre of war.

It remains in our common interest to end the war and the trail of devastation that it is leaving in its path. It is therefore our view that the preoccupation of the international community should be the immediate cessation of military hostilities, a key aspect of which is the unconditional withdrawal of Russian forces from the internationally recognized borders of Ukraine. We reiterate our call on the Russian Federation to end its aggression against Ukraine and respect Ukraine's sovereignty and territorial integrity, in line with the norms and principles of international law.

While diplomatic efforts to end the war may appear to have eluded the international community, we must remain steadfast and unified in our efforts to facilitate a political dialogue with credible guarantees of addressing the respective security concerns of the parties. In its enduring wisdom, the Charter of the United Nations provides several modes of pacific settlement, which promise to deliver our present and collective aspiration for peace in Ukraine if undertaken with the genuine commitment and greater determination of the warring sides and all stakeholders. We must pursue the path of dialogue, as there can be no military solution to the conflict.

Finally, we urge the parties to uphold the rules of international humanitarian law, in particular the requirements for distinction and proportionality to avoid causing needless harm to civilians and civilian infrastructure.

**Mr. Geng Shuang** (China) (*spoke in Chinese*): I thank High Representative Nakamitsu and Mr. Kovalik for their briefings.

The Ukraine crisis has been unfolding for almost 10 months now and a large number of weapons and ammunition have poured into the country. Human lives appear so fragile in front of gun barrels. Both sides have suffered huge losses and immense trauma in the fighting, with ordinary people bearing the brunt of it. In her briefing to the Security Council in September (see S/PV.9127), Mrs. Nakamitsu stated that a large-scale influx of weapons to conflict-affected zones raises concerns about their potential diversion. Mrs. Nakamitsu re-emphasized that point in her briefing today.

In June this year, INTERPOL also indicated that weapons destined for Ukraine could end up on the black market and fall into the hands of criminals. Unfortunately, those warnings have indeed materialized. There have been reports that some armed groups and terrorist organizations in the Middle East and Africa have obtained, through illegal channels, weapons and ammunition flowing from Ukraine. The international community should pay attention to that issue and take preventive measures.

From a long-term perspective, the large stockpile of weapons, ammunition and explosives on Ukrainian territory may pose security risks to post-conflict recovery and reconstruction. Afghanistan, Iraq and Somalia are among the countries that have had painful experiences in that regard.

On the Ukrainian issue, China has always advocated the cessation of hostilities, as well as dialogue and peace talks. Since the onset of the crisis, China has always stressed that a political solution is the only way out. Flooding the battlefield with weapons and continuously expanding the categories and scope of deployed armaments will only aggravate the existing strife, prolong and amplify the conflict and make ordinary people pay a high price. The facts have shown that resolving the crisis through dialogue and negotiation is the only way to effectively minimize casualties and help to restore peace in Ukraine and Europe as a whole.

China once again calls on the international community to redouble its efforts to encourage peace talks, promote a favourable atmosphere for the parties involved to return to negotiations and create conditions for a political settlement of the Ukraine crisis.

During his recent meetings with the leaders of several countries on the issue of Ukraine, President Xi Jinping underscored that conflicts and wars produce no winners and that such a complex issue has no simple solution. In the current situation, China believes that the international community must work together on the following four fronts.

First, we must jointly support all efforts aimed at a peaceful settlement of the Ukraine crisis, calling on all parties concerned to stay level-headed, exercise restraint and make direct contact as soon as possible in order to create the conditions for relaunching negotiations.

Secondly, we must collectively reject the use and threat of use of nuclear weapons, reaffirming that nuclear weapons should never be used and that nuclear war should never be fought in order to prevent a nuclear crisis on the Eurasian continent.

Thirdly, we must make joint efforts to stabilize the global industrial chain and supply chain and prevent any disruption to international cooperation in the energy, food and financial spheres that may undermine global economic recovery, especially the economic and fiscal stability of developing countries.

Fourthly, we must jointly provide winter relief for civilians in crisis-affected areas. We must improve the humanitarian situation on the ground and prevent a humanitarian crisis on an even larger scale.

China will continue to uphold objectivity and impartiality and will work with all peace-loving countries in the world to play a constructive role in the peaceful settlement of the Ukraine crisis.

**Mr. De Rivière** (France) (*spoke in French*): Once again, Russia would have us believe that its war is being waged by Ukraine, encouraged by the United States and Europe. On 24 February, however, it was indeed Russia that invaded Ukraine, in defiance of international law and the Charter of the United Nations. It was Russia that started the war by unilaterally attacking its neighbour, and it was Russia that has taken the decision to continue and escalate the war every day for the past nine months. Let us not reverse responsibilities by confusing the aggressor and the aggressed. Russia alone is responsible for the deterioration of the humanitarian situation. We heard from Mr. Griffiths on Tuesday about the disastrous repercussions of the conflict in that regard (see S/PV.9208).

France continues to give the Ukrainian people all the support they need to exercise their right to legitimate self-defence and to preserve their freedom, sovereignty and independence. It does so by providing military support to Ukraine, both nationally and at the European level, in particular through the European Peace Facility. That is a conscious choice: Ukraine is also fighting to defend the principles of the Charter of the United Nations, namely territorial integrity, the inviolability of borders, the independence and sovereignty of States, the prohibition on territorial conquest by force and the condemnation of wars of aggression. Only respect for those principles can guarantee peace.

The General Assembly's adoption of the resolution entitled "Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations" on 12 October (resolution ES-11/4) is further proof of Russia's isolation. President Zelenskyy recalled that by placing the abovementioned principles at the heart of his 10-point peace plan. In response, Russia offered nothing but the continuation of its indiscriminate bombing of Ukraine's civilian infrastructure and population. We welcome the peace plan and stand ready to help Ukraine to build a just and lasting peace.

Russia does not hesitate to violate international law by attacking another State and procuring weapons illegally. As its stockpiles dwindle and it finds itself in great difficulty on the ground, it seeks to obtain supplies by any means, including in violation of Security Council resolutions. It has been well documented that it is using combat drones supplied by Iran and continues to use them as part of its strategy to systematically target the Ukrainian civilian population and infrastructure. We call on the United Nations Secretariat to investigate those transfers — as it is mandated to do — as they constitute a violation of resolution 2231 (2015), and to report back to the Security Council.

France will continue to provide military support to Ukraine for as long as Russia's aggression continues, as well as humanitarian, economic and political assistance. If Russia wants to stop the transfers it is now denouncing, the solution is simple and can be found in the order issued on 16 March by the International Court of Justice. Russia must immediately cease all military operations in Ukraine. It must withdraw from Ukrainian territory and respect its internationally recognized borders.

**Mr. Abushahab** (United Arab Emirates): I thank High Representative Nakamitsu for her briefing. We also listened carefully to Mr. Kovalik's remarks.

When the Council last considered the issue of arms transfers in the context of the conflict in Ukraine three months ago (see S/PV.9127), we expressed our concern that the risk of those arms transfers would be compounded if both sides were intent on achieving a military victory and the conflict were to become a protracted one. Unfortunately, the prospects of reaching a negotiated settlement have not grown appreciably closer in the intervening months. Still, there have been signals of a widening recognition that talks are the inevitable path to a durable peace. The United Arab

Emirates is steadfast in its belief that there is simply no military solution to the war. A sustainable end will have to come through negotiations.

With that in mind, as the war continues, we must mitigate the attendant risks. In all military conflicts, it is vital to safeguard weapons during transfer, storage and deployment so that they may not inadvertently fall into the wrong hands, particularly those of terrorist groups.

On that note, the United Arab Emirates welcomes announcements of efforts to mitigate risks associated with arms transfers, which includes plans tailored to the transfer of high-tech weapons systems and regional programmes to enhance anti-trafficking capabilities in the region. We also welcome other recent initiatives aimed at strengthening illicit arms trade prevention related to the conflict in Ukraine. The volume and type of arms involved in this case necessitate greater vigilance and transparency. We support calls, such as that made by the High Representative for Disarmament Affairs today, for effective arms control measures.

War is not only inhumane and causes untold suffering, but it is also fraught with unintended consequences. The Council has a responsibility for the maintenance of international peace and security and an obligation to Ukrainians and people around the world. For its part, the United Arab Emirates continues to actively support and facilitate mediation and de-escalatory confidence-building measures, and we stand ready to support all efforts towards a peaceful resolution.

**Ms. Dautllari** (Albania): I thank High Representative Nakamitsu for the information that she has provided.

Since the very beginning of the war, we have consistently pointed out a very key aspect of the war in Ukraine: it is a war of choice, an act of aggression against another country and a blatant violation of international law and the Charter of the United Nations. Everything else we hear or say about developments in Ukraine is derived from that. As a result, since the very first day, Ukraine has defended itself, has resisted, has pushed back the aggressor and has called on the world for help. Helping Ukraine defend itself from a brutal war is a moral duty. It is also an essential security imperative, since Russia's actions seriously undermine European and global security and stability. Albania is proud to be among those doing what they can to help Ukraine and Ukrainians. We are assisting a country the



very existence of which is under threat to resist and escape from a war that it has not chosen.

International law is crystal clear. A country under attack has every right to defend itself, under Article 51 of the Charter. Ukraine has been under attack for 10 months, and it is simply defending itself. Its sovereignty, territorial integrity and political independence have been assaulted, which makes self-defence not only a natural right, but also an existential imperative. Therefore, whoever is helping Ukraine, in whatever way legally and openly, is helping not only a nation in need, a nation in danger and a nation under threat. They are also upholding the law and protecting the Charter. Therefore, the issue here is not the means Ukraine is being provided to resist the aggression. In fact, as we have been called upon to speak about lethal weapons, the real and very disturbing issue is the transfer of killing drones to Russia by Iran, in flagrant violation of paragraph 4 of Annex B to resolution 2231 (2015). The drones, the existence of which were first denied and later admitted, delivered by Iran and used by Russia to attack civilians and civilian infrastructure throughout Ukraine, are the real question that requires a clear answer. We expect the Secretary-General to provide a full report on the matter, as soon as possible, in accordance with resolution 2231 (2105).

We have said it before and want to reiterate once again that, instead of abusing the time and resources of the Security Council with meetings like this one, we should concentrate on real issues. As we speak, Russian attacks are causing casualties and destroying civilian infrastructure, in particular the energy-supply system, leaving millions of people without access to electricity, heat or water, punishing everyone without distinction, which constitutes a violation of international humanitarian law. Those who disrespect the law must face the consequences; those who commit crimes must be held accountable.

Therefore, I would like to conclude by saying that nothing — even less so an overused and hackneyed false narrative — is preventing anyone from seeing the terrible reality in Ukraine, the crimes being committed there and, above all, the need to stand in full solidarity with Ukraine, its resistance and its rights to decide on its policies and choose its friends and future.

**Mrs. Toroitich** (Kenya): I thank Under-Secretary-General Nakamitsu and Mr. Kovalik for their briefings.

We note with extreme concern the ruinous damage that the war is causing to Ukrainian lives, as well as Ukraine's legitimate right to sovereignty, territorial integrity and regional and international security. As the Security Council debates the conduct of the war, as we have done so often, including two days ago (see S/PV.9208), we must reiterate our calls that every effort be deployed to stop it. We must be more responsive to our fundamental mandate to maintain international peace and security comprehensively. We acknowledge the heavy responsibility Ukraine must bear in defending its internationally recognized borders. While conscripting for, training and equipping one's army in times of war is expected, the impact of the proliferation of weapons is bound to have a significant impact not only in the country in conflict, but also beyond.

We are faced with a multi-pronged global crisis resulting from the war in Ukraine. Besides the magnitude of the food insecurity, threatening developing countries in particular, and the more complicated multilateral order, we must now move to urgently address the unprecedented proliferation of weapons. None of those challenges can be effectively addressed as the war rages on. As the first and most effective step, the war needs to end. Kenya therefore calls for specific and sustained efforts to reach arrangements to deliver a minimum level of de-escalation and deconfliction, while establishing channels of dialogue that will lead to stability.

Lastly, we once again call for the cessation of hostilities and a political settlement that respects the sovereignty, territorial integrity and political independence of Ukraine.

**Mr. Mills** (United States of America): I thank High Representative Nakamitsu for her informative briefing.

We all know that actions speak louder than words. But before we discuss Russia's actions, let us discuss Russia's words here in the Security Council today. It continues to confound my delegation that we are all once again brought into this Chamber to devote our attention to Russia's fictions. In the middle of and despite its war of aggression against its neighbour, Ukraine, Russia has wasted countless hours of the Council's time on fictional dirty bombs in Ukraine, a claim debunked repeatedly by the inspectors of the International Atomic Energy Agency. They have wasted our time on fictional biological weapons, supposedly to be delivered to Ukraine's near neighbours on the wings of birds and

bats — claims rejected by the Council and the States parties to the Biological Weapons Convention. Russia uses such stories and words to try to distract us from its own aggression. For example, Russia claims that its forces are not committing atrocities, when there is a host of credible reports from a broad range of sources that members of its forces have committed rape, torture and summary executions in Ukraine.

Russia has not come here today to present us with any credible solutions, and these are not credible accusations. What we are seeing is, frustrated on the battlefield, Russia has resorted to destroying Ukraine's critical energy infrastructure from afar, causing immense suffering to civilians, as we heard just three days ago, and defying the international community's call to end its aggression.

Despite all of this, Russia has the gall to demand today in the Council that the international community watch from the sidelines as Moscow seeks the destruction of another State Member of the United Nations. Western assistance to Ukraine, in the face of Russia's illegal, brutal invasion, is not the problem here. It is Russia's invasion itself. That is the one attribute common to all of Russia's fictions and words: to find any distraction, no matter how odious or transparently false, to try to shift our focus from the immense and needless suffering Russia has caused, and continues to cause, to the people of Ukraine.

It is Russia that cynically called for today's meeting, alleging an illicit conspiracy of weapons transfers from Ukraine when, in fact, as others around the table have noted, it is Russia that is complicit in Iran's illegal transfer of unmanned aerial vehicles (UAVs) to Russia, in violation of Annex B of resolution 2231 (2015). Russia continues to use Iranian UAVs in its war against Ukraine and attacks against civilian infrastructure and cities, which have led to the deaths of civilians.

Let me be clear. We have seen no credible evidence of the diversion of United States-provided equipment. We have heard no credible evidence of diversion today in the Council. We would certainly review evidence to support those claims, whether it came from a Head of State or international law enforcement official, if it were produced. We would do that because the United States takes very seriously its responsibility to protect its defence and dual-use technologies and prevent their diversion.

At the same time, the United States is committed to continuing to support the people of Ukraine as they defend their country and their freedom. We are not hiding that support. As others have said, Ukraine has every right to defend itself, and we have every right to continue our long-standing support to its defence.

Although we have seen no credible evidence of Ukraine diverting United States-origin arms and munitions, we must all recognize the inherent risk of weapons' capture and diversion on the battlefield in any armed conflict. We have always taken, and the United States continues to take, proactive steps to mitigate that risk. What we have seen are Western-origin systems captured by Russia in Ukraine. Indeed, Russia is the only known vector of diversion. Russia has an incentive to spread disinformation about diversion and indeed to actually divert United States weapons in order to create a false narrative about United States assistance that spuriously discredits Ukraine and seeks to weaken international support for Ukraine's self-defence.

The Ukrainian Government has committed to appropriately safeguarding and accounting for transferred defence equipment. It is important that we remind ourselves that that equipment is vital to Ukraine's defence, and so Ukraine has a strong incentive to protect it. We welcome the Ukrainian Government's formation, just this summer, of a commission to strengthen the monitoring of donated military equipment.

We continue to work closely with our Ukrainian Government partners to ensure that all assistance continues to be properly used and safeguarded, as Ukraine defends its sovereignty and territorial integrity against Russia's ongoing aggression. Helping Ukraine to keep and regain control of its sovereign territory is an important factor in limiting potential illicit diversion by Russia's forces, Russia's proxies, criminal groups, terrorist organizations or other non-State actors.

Consistent with its commitment to the serious responsibility of safeguarding against diversion, in October, the United States Government published the United States Plan to Counter Illicit Diversion of Certain Advanced Conventional Weapons in Eastern Europe. This is a comprehensive whole-of-Government approach that also engages our allies and partners. While it is a recent publication, it is not a new plan. We have been working to address the risk of diversion since well before last February, including in close cooperation with our allies and key partners. The plan has three main

lines of effort: first, working with Ukraine's authorities to monitor and control sensitive and dangerous arms; secondly, strengthening border controls inside and around Ukraine; and thirdly, enhancing law enforcement capability in neighbouring countries.

While the Russian Government is heavily invested in spreading disinformation to justify and distract the international community from Russia's unprovoked war against Ukraine, we and our allies remain firmly committed to supporting Ukraine as it defends its territorial integrity and civilian population against Russia's aggression. We therefore take those allegations of diversion of United States-origin weapons from Russia's officials or pro-Kremlin sources with a healthy dose of scepticism.

I will conclude on the subject of diversion with a statement of fact. The most effective path towards reducing conflict and any risk of illicit diversion of arms would be for Russia to end the war that it started and withdraw its forces from all of Ukraine's sovereign territory. That may begin to relieve Russia of its dependence on its many corrosive fictions.

**Ms. Koumy Missambo** (Gabon) (*spoke in French*): I thank the High Representative for Disarmament Affairs, Izumi Nakamitsu, and Mr. Daniel Kovalik for their respective briefings.

I welcome the participation of the representative of Ukraine in today's meeting.

The Council is meeting again today for the second time this week on the issue of the war in Ukraine. I would like to reiterate our opposition to the war. I also reiterate my country's repeated calls on the parties to engage in good faith negotiations, with a view to finding a diplomatic solution.

No one can predict the destabilization and insecurity that could result from the many deliveries of weapons used in the war. My country calls upon the parties to honour their commitments under international humanitarian law by refraining from the use of weapons of mass destruction and the targeting of civilians and civilian infrastructure. The parties are duty-bound to prevent civilians from falling victim to landmines. The parties must avoid any action that could inflict further suffering on civilians and must allow unhindered delivery of humanitarian aid.

As the war becomes entrenched, accusations abound about the threat of use of weapons of mass

destruction and even of nuclear weapons. Such an outcome would make the perpetrators responsible for a disaster of irreparable consequences. My country condemns the use of weapons that have indiscriminate effects, as well as any use of remote-guidance weapons that target civilians. We urge the parties to cease all verbal or military escalations and actions that could escalate tensions.

It is time to silence the weapons in Ukraine. Undoubtedly, more weapons will mean more war, death, destruction, suffering and civilian victims. One upmanship in that area would benefit no one. It will jeopardize efforts towards peace and merely stir up animosity.

I wish to conclude by recalling that the Council has a crucial role to play in seeking peace. My country will continue to stand with those who propose alternatives to the language of weapons.

**Mr. De la Fuente Ramírez** (Mexico) (*spoke in Spanish*): I thank High Representative Nakamitsu and Mr. Kovalik for their briefings.

As we said in September (see S/PV.9127), over the many months that the Security Council has been debating the conflict in Ukraine, Mexico has constantly pointed to the importance of and need to pay attention to the implications of arms transfers. In the light of Article 51 of the Charter of the United Nations, Mexico's concern regarding arms transfers is not limited to the current situation — it dates back the beginning of the conflict in eastern Ukraine in 2014. The use of weapons in this conflict is ubiquitous. But it is civilians who have paid the highest price — that of their lives and the destruction of residential areas and infrastructure, including hospitals and schools.

While some exporters have made statements concerning the precautions they have taken in selling and shipping weapons, given the high volume of transfers, it is virtually impossible to maintain control of these weapons over their life cycle — not to mention the inherent risks of trafficking and diversion. Criminal organizations inevitably exploit the situation. The proliferation of civilian-owned weapons also has many very serious implications.

More recently, we have taken note of the various allegations of transfers of uncrewed aerial vehicles. Regardless of their origin, they too have been used against civilians and civilian infrastructure, which is

a violation of international humanitarian law by any measure. The Small Arms Survey project has published reports of transfers of a wide range of weapons — from rifles to man-portable air defence systems. Those reports also warn of the growing number of unregistered civilian-owned weapons. In mid-November, a court in the Netherlands issued a judgment against those involved in the downing of Malaysia Airlines flight MH-17 in eastern Ukraine in 2014, arguing that it was the result of the transfer of a Buk surface-to-air missile system. All of those reports suggest there is, in fact, no effective arms-transfer control system in place.

All countries that are party to the Arms Trade Treaty (ATT) must adhere to its provisions, especially those relating to the prohibition of transfers that would be in violation of the Treaty and the application of the strict risk analysis that the Treaty itself stipulates. But we equally call on those who are not yet party to the ATT to responsibly comply with the highest precautionary standards in their transfers, with objective criteria that transcend private corporate or geostrategic interests. That is an issue of utmost importance because the lives of thousands of people truly depend on it. We therefore highlight the fact that, beyond the current decisions to approve new sales and transfers, it is also time to establish more specific arms-control measures before entering the post-conflict stage — and we will get to that stage. The longer we take to do that, the harder it will be to get there, and the consequences of not having planned for it in time will once again be felt by civil society.

This may be one of the last occasions on which Mexico will make a statement on the subject of Ukraine as an elected member of the Security Council. I would therefore like to reiterate my country's position: the military route clearly does not offer a timely or viable solution. It is time for the Council and the international community to focus on promoting more dialogue and diplomatic understandings. Mediation options — those that exist already and those that may arise — should not be ruled out. Ending the supply of weapons implies negotiations and truces. Mexico reiterates its commitment to respecting the sovereignty, political independence and territorial integrity of Ukraine within its internationally recognized borders.

**Mr. Costa Filho** (Brazil): I would like to thank High Representative Nakamitsu and Mr. Kovalik for their input.

Over the years, the Security Council has sought to incorporate into its agenda issues for which the relationship with international peace and security is not always clear. Interestingly, the nexus between weapons and armed conflict has received less attention. That linkage is explicitly recognized by the main instrument of international law on conventional arms exports, the Arms Trade Treaty (ATT), which commits exporting States to consider whether arms transfers would contribute to or undermine peace and security. On the other hand, all States have the inherent right to self-defence, as enshrined in the Charter of the United Nations, and, consequently, the right to acquire arms for their security, including from outside sources.

It should also be recalled that the ATT explicitly prohibits transfers of arms and ammunition that would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes.

In the past years, we have witnessed the phenomenon of the growing urbanization of conflicts, the increasing involvement of non-State actors and the use of methods and means of war that do not comply with the principles of distinction and proportionality. Additionally, we see a risk regarding the problem of the illicit trafficking of conventional weapons and ammunition. The weapons now being used in the conflict in Ukraine will possibly fuel other conflicts in different regions of the world in the future.

As to the case being considered, it should be recognized that the supply of arms and ammunition to the parties to the conflict in Ukraine might result in prolonging it and in more suffering for the civilian population. On the other hand, it is undeniable that a State has a right to self-defence in the case of the violation of its sovereignty and territorial integrity. That is a principle enshrined in the Charter.

This discussion, however, distracts us from fulfilling our mandate, which is to maintain peace and security and, therefore, work towards a ceasefire and negotiations. We must bear in mind that the norms and principles of international humanitarian law are mandatory at all times and under all circumstances. Respecting and ensuring respect for international humanitarian law is not only a legal obligation, but also an effective way to protect civilians.



Article 33 of the Charter of the United Nations assigns to the Council the responsibility to explore avenues of dialogue in favour of the peaceful solution of disputes: “The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.” After more than nine months of conflict in Ukraine, we must recognize that the Council has yet to fulfil its mandate.

Brazil is concerned that signs of openness to dialogue have been in short supply. Last July, the Black Sea Grain Initiative provided, in the words of Under-Secretary-General Rosemary DiCarlo, a beacon of hope for all in the face of a global food crisis (see S/PV.9104). There have also been occasional arrangements to exchange prisoners of war. The harsh reality, however, is that the belief in the feasibility of a military solution continues to be present, and not only on the part of the parties to the conflict, whatever the cost in terms of human suffering.

Once again, we reiterate the call for an immediate ceasefire without preconditions. Saving human lives must take precedence over any consideration, including the just desire for reparations and punishing those responsible for war crimes. Brazil adds its voice to that of other members in favour of dialogue and recalls that the world looks to the Security Council in the expectation that it will fully exercise its responsibility to stop the spiral of violence.

**Mr. Mythen** (Ireland): I thank High Representative Nakamitsu for her briefing. I note the presence of Mr. Kovalik.

The facts surrounding the war in Ukraine are clear. Ukraine was a peaceful, independent country. Russia chose to upend that peace and to violate Ukraine’s sovereignty and territorial integrity. It did so in 2014 when it illegally annexed Crimea. It did so again this year when it launched its brutal war of aggression.

What is less clear is the justification for today’s meeting, called by the Russian Federation. Ukraine did not commit or threaten to commit an armed attack against Russia. It was Russia that attacked Ukraine and that cynically sought to justify its invasion by invoking Article 51 of the Charter of the United Nations. It is Russia that now seeks to deny Ukraine its entirely legitimate right of self-defence, as enshrined in the Charter of the United Nations

Ireland, along with all European Union (EU) member States, rigorously implements its international obligations. We apply the EU common position under which EU member States assess exports of military technology and equipment against a range of criteria, including a specific criterion on the risk of diversion. Attempts by the Russian Federation to frame the urgent and necessary support for Ukraine’s defence as an uncontrolled supply of weapons are, once again, a poor attempt at obfuscating its grievous actions. The EU and its member States are determined to support Ukraine for as long as it takes.

We are greatly concerned by the manner in which Russia is acquiring and using unmanned aerial vehicles in Ukraine, as well as reports of ballistic missiles obtained from Iran in contravention of resolution 2231 (2015). The comments by the Ambassador of the Democratic People’s Republic of Korea to Moscow that his country is to supply Russia with ballistic missiles in contravention of resolution 1718 (2006) is also of serious concern. Russia’s actions risk undermining those essential resolutions and the authority of the Council.

For its part, Ukraine has sought to restore peace. President Zelenskyy has offered a road map to peace: his 10-point peace plan to end this senseless war. Russia has responded with a barrage of missile strikes, bringing with it further death and destruction and further worsening the humanitarian crisis that Russia’s war has caused.

We ask that Russia stop trying to use the Security Council as a platform for its disinformation, to paint itself as the victim of its own aggression, in the face of the heinous actions it has committed. Instead of using disinformation to falsely blame others, Russia should cease its aggression against Ukraine, and it should do so immediately.

Ireland once again calls on Russia to withdraw its troops and engage in good faith in dialogue and diplomacy to bring about a peaceful resolution of the conflict in line with international law and the Charter of the United Nations. Millions of lives in Ukraine depend on that.

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

At the outset, we thank the Under-Secretary-General for Disarmament Affairs, Mrs. Izumi Nakamitsu, for her detailed briefing.

The trajectory of the Ukraine conflict is a matter of profound concern for the entire international community. We believe that internationally agreed principles and regimes should be respected and upheld by all countries.

The Security Council will recall that, since the commencement of the conflict in Ukraine, India has been consistently calling for an immediate cessation of hostilities and for an end to violence. We have emphasized that dialogue and diplomacy are the only way forward. Actions that exacerbate the conflict should be avoided. Rather, all efforts should be made to de-escalate and bring both sides to negotiating table. As our Prime Minister has said, today's era is not an era of war.

In a globalized world, the impact of the conflict has not just been limited to Europe. We have all experienced its consequences in terms of surging costs and shortages of food grains, fertilizers and fuel. The global South, in particular, is feeling the pain acutely. We must therefore not initiate measures that further complicate the struggling global economy.

For our part, we are providing humanitarian assistance to Ukraine and economic support to our neighbours under economic distress. We very much hope that the international community will continue to respond positively to the call for humanitarian assistance. India has dispatched 12 consignments of humanitarian aid to Ukraine so far, and we stand ready to do more.

India's approach will be to promote dialogue and diplomacy with an overarching aim to end the ongoing conflict and work with other partners to mitigate emerging economic challenges, particularly for developing countries.

It is in our collective interest to work constructively, both inside and outside the United Nations, towards seeking an early resolution to this conflict.

In conclusion, I reiterate that the global order is anchored in the principles of the Charter of the United Nations, international law and respect for the sovereignty and territorial integrity of States.

I now resume my functions as President of the Council.

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

**Mr. Polyanskiy** (Russian Federation) (*spoke in Russian*): We listened very carefully to all the speakers and asked for the floor to draw Council members' attention to the following.

Our former Western partners have not said a peep about the topic of today's meeting — the consequences of supplying weapons to Ukraine — despite the facts and evidence that we provided today. They simply have nothing to say, and that is why they continue to repeat the same talking points at every meeting. According to their worldview, Russia is guilty of everything everywhere. There are no other explanations, and neither have there been any for a long time. In their blindness, they continue on a pathway that could lead to global consequences. That has become even clearer to us after today's meeting.

Therefore, I would like to stress that Council members will not be able to blame Russia for the fact that Ukrainians, using their weapons, have killed — and continue to kill — the peaceful citizens of Donbas, who they have been terrorizing since 2014, as punishment. Neither will they be able to blame Russia for the fact that, because of the flourishing corruption of Ukrainian, American and European officials, weapons from Ukraine flow to international terrorists and help fuel conflicts in other regions of the world and kill peaceful civilians there. No one who watches our meetings will be left with any doubt about the consequences of what they are doing and the consequences in terms of undermining international peace and security and the denial into the microphone by our American colleagues of obvious facts and trends. Their desire to continue uncontrollably pumping Ukraine with weapons will be fully assessed by the unbiased Members of the United Nations and the American taxpayers themselves. If only for that fact, convening today's meeting has definitely been worthwhile.

**The President:** I now give the floor to the representative of Ukraine.

**Mr. Kyslytsya** (Ukraine): I thank Under-Secretary-General Nakamitsu. I also recognize the remainder of representatives of terrorist Russia in the permanent seat of the Soviet Union.

It is becoming grotesque, and soon it will not be a surprise to see Leo Tolstoy's major work called *Special Operation and Peace* in order to comply with Putin's laws. After all, it is also a mix of fictional narrative,

history and, often, perverse philosophy, like many Russian statements delivered here in the Chamber.

If someone tells me to my face that “eastern Ukraine had good reason to join Russia”, or, even more delusionally, that “Russia’s intervention in Ukraine is legal under international law”, who in their right mind would refer to the author of those statements as an authoritative source at this global watchdog of international law and order? Of course, there is freedom of speech in this country, including for alumnae of otherwise respectable universities. But for God’s sake, even in this city, where cannabis is now legal, there is no need to fill the Chamber with the smoke of conspiracies.

Russia is again attempting to legitimize its flagrant violations of the Charter of the United Nations by using the Council as a platform for circulating its propagandist narratives. It is a very simple algorithm that Moscow has explored since Soviet times. But as Mr. Kovalik himself said, he is an American, and he can say what he wants. Of course he can. But why in the world is he wasting our time. Neither American taxpayers nor ours approve of the frittering away of their money. Let me remind the Council that the largest country in the world, the Russian Federation, pays less than 2 per cent of the United Nations regular budget. It hardly covers this debauchery.

In this algorithm, one must first blame the victim. The more resolutely the victim resists, the more assistance it receives from responsible nations, the graver the accusations should be.

Secondly, the lie should be wrapped up in numerous terms and names, technical characteristics and numbers. All those lies are supposed to make fakes look like facts. In particular, we have never heard from Moscow why mass graves and torture chambers have been found only in the places where Russian troops were deployed. We can only imagine what we will find in the territories that still remain under Russian occupation.

What we do know for sure is that, the sooner those territories are liberated, the more Ukrainians can be saved. We will therefore continue to de-occupy our sovereign territories in strict accordance with Article 51 of the Charter of the United Nations. Anything else would be a betrayal of our compatriots who have been compelled to stay in the occupied territories and are now waiting for liberation.

We are grateful to all friends and allies who support Ukraine in this noble endeavour, including by supplying modern weapons. Their use has been an element of Ukraine exercising the inherent right to self-defence under Article 51 of the United Nations Charter.

Russia brought the same allegations to the attention of the Security Council on 8 September (see S/PV.9127). Let me remind the Council what happened afterward. The Armed Forces of Ukraine launched its operation to liberate the east and south of the country. Since September, thousands of square kilometres in Kharkiv, Kherson and Luhansk regions have been liberated. That is the most powerful and viable evidence that all weapons in Ukraine’s possession serve their intended purpose — to help Ukrainian soldiers to liberate our people and our territories.

To prevent their illegal use, Ukraine has created and ensured the effective functioning of a multilevel system of arms control. It is carried out on three tracks: circulation and use of small arms and light weapons, export control and control and supervision of weapons and military equipment transferred by foreign countries. The circulation and use of small arms and light weapons has been controlled on an inter-agency level that includes the Ministry of the Interior, the Security Service, the State Border Service and other governmental structures responsible for combating illegal arms trafficking.

The State service of Ukraine for export control, as well as the inter-agency commission on military and technical cooperation and export control, are responsible for the practical implementation of the State policy in the area of export control over international transfers of dual-use and military goods, as well as for the implementation of measures to prevent their use for terrorist and other illegal purposes.

Ukraine has also established a three-level system of control and supervision for weapons supplied by our foreign partners. Parliamentary oversight is carried out by the temporary special commission. The President exercises its constitutional duties through the National Security and Defense Council of Ukraine. A special system called SOTA, implemented there to monitor weapons and equipment supplied by foreign partners, makes it possible to receive information about every single sample of such weapons.

At the governmental level, the Ministry of Defence and the Armed Forces of Ukraine, together with foreign

partners, carry out direct control and monitoring, including through the use of the Logistics Functional Area Services system, which allows the monitoring of arms supplies to Ukraine, as well as the movement of international technical assistance. In addition, auditors of the Ministry of Defence of Ukraine carry out field inspections of weapons supplied by foreign partners.

At the same time, we remain extremely concerned about the activities of illegal armed formations, including the infamous Wagner Group, in the temporarily occupied territories of Ukraine. Those formations widely recruit people with criminal backgrounds in Russia and use weapons that are not subject to any control mechanisms, including internal Russian mechanisms. Given the fact that the Wagner Group is reported to operate on other continents as well, the threat of illicit arms trafficking arising from the activities of Russian private military companies

is more than real and worth being addressed by the Council and relevant international mechanisms. In turn, the Ukrainian side, through both its civil and military representatives, demonstrates transparency and a commitment to cooperating fully with our partners, as well as within international export-control regimes.

We will continue to act on that basis, as it is fully in line with our main task — the full de-occupation of the sovereign territory of Ukraine within its international recognized borders. Following the defeat of Russia and the end of the war, the demilitarization and denuclearization of Russia should take place. It will prevent the threat of the repetition of aggression, thereby laying a solid foundation for both the transformation of Russia into a peace-loving nation and for ensuring sustainable peace and security.

*The meeting rose at 6.05 p.m.*