



Security Council

Seventy-eighth year

9278th meeting

Wednesday, 8 March 2023, 3 p.m.

New York

Provisional

<i>President:</i>	Mr. Fernandes	(Mozambique)
<i>Members:</i>	Albania	Mr. Spasse
	Brazil	Mr. De Almeida Filho
	China	Mr. Dai Bing
	Ecuador	Mr. Montalvo Sosa
	France	Mr. Olmedo
	Gabon	Mr. Doumbeneny Ndzigna
	Ghana	Mr. Korbieh
	Japan	Mrs. Shino
	Malta	Mr. Camilleri
	Russian Federation	Mr. Polyanskiy
	Switzerland	Mr. Hauri
	United Arab Emirates	Mrs. Nusseibeh
	United Kingdom of Great Britain and Northern Ireland . .	Ms. Jacobs
	United States of America	Mr. Kelley

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

Letter dated 7 February 2023 from the Panel of Experts on the Sudan addressed to the President of the Security Council (S/2023/93)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

Letter dated 7 February 2023 from the Panel of Experts on the Sudan addressed to the President of the Security Council (S/2023/93)

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/2023/179, which contains the text of a draft resolution submitted by the United States of America.

I wish to draw the attention of Council members to document S/2023/93, which contains the text of a letter dated 7 February 2023 from the Panel of Experts on the Sudan addressed to the President of the Security Council.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Albania, Brazil, Ecuador, France, Gabon, Ghana, Japan, Malta, Mozambique, Switzerland, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

China, Russian Federation

The President: The draft resolution received 13 votes in favour, none against and two abstentions. The draft resolution has been adopted as resolution 2676 (2023).

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

Mr. Kelley (United States of America): The United States wishes to thank Council members for their constructive engagement on a resolution (resolution 2676 (2023)) to renew the mandate of the Panel of Experts. The text adopted today incorporates the views

of all Council members following nearly two months of consultations and negotiations. The Panel of Experts continues to play a critical role in reporting on conflict and promoting peace in Darfur. We welcome the extension of its mandate for a further 12 months.

We believe this resolution will facilitate further progress in the Sudan, not only by providing crucial insight on the implementation of the arms embargo and ongoing security concerns but also by highlighting the progress that we hope the Sudan will make on political and security commitments in Darfur. The situation in Darfur remains extremely fragile. The fundamental causes of the conflict persist, the proliferation of small arms and light weapons continues and the Sudanese authorities are often unable to provide security for civilians. Robust monitoring and reporting by the Panel of Experts therefore remain essential.

The resolution we adopted today establishes realistic, achievable and relevant benchmarks to advance peace and security in Darfur. Those benchmarks are anchored in commitments that the Government of the Sudan made in the Juba Peace Agreement and the National Action Plan for the Protection of Civilians. Progress in those areas would move the Sudan and its people towards the peace and prosperity they deserve.

We remain committed to the Sudanese people and will continue to work closely with the Government of the Sudan, our fellow Council members and all stakeholders to facilitate peace for the country and the region.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): The Russian Federation abstained in the voting on the resolution prepared by the United States on the sanctions regime in relation to the Sudan (resolution 2676 (2023)). We continue to believe that the Sudan sanctions regime no longer reflects the actual situation in Darfur. Moreover, it hinders the Sudanese Government's socioeconomic development. In principle, we favour Security Council sanctions being perfectly justified, regularly reviewed and modified until they are fully lifted. It is unacceptable to use them as a punitive measure. The League of Arab States, the Organization of Islamic Cooperation and the Group of African States have all spoken out in favour of lifting the sanctions on the Sudan.

At the same time, the only concession made by the authors of the resolution was to make the sanctions regime limited in time — and not even for one year, as

is customary in the Security Council, but by 18 months, namely, 12 September 2024. In addition, as a basis for the revision sanctions measures, they included benchmarks 2 and 3 from the report (S/2021/696) of the Secretary-General published on 31 July 2021, on which there was and still is no consensus in the Security Council. We also regret that, despite the appeal of seven members of Council to continue consultations on the draft resolution, the United States delegation decided to force a vote on the document.

Persistent attempts to maintain the Sudanese sanctions regime, attempts to sabotage previous decisions of the Security Council regarding benchmarks and ignoring the positions of almost half the members of the Security Council, in particular its African members — none of that surprised us. It only strengthened our view that all this is being done to further the narrow national interests of Western countries, which are focused on further pressuring the Sudan.

Mr. Dai Bing (China) (*spoke in Chinese*): China abstained in the voting on resolution 2676 (2023). I would like to explain our position.

The Security Council's sanctions on Darfur, the Sudan, which began in 2004, were aimed at ending the armed conflict that broke out in Darfur and helping the Sudan return to peace and stability. With the help of various parties working in concert, the Sudanese transitional Government and the armed opposition signed the Juba Peace Agreement in 2020. The African Union-United Nations Hybrid Operation in Darfur completed its mandate and withdrew from Darfur at the end of 2020. Those positive developments point to a fundamental shift for the better in the situation in Darfur. The fact that the Council's sanctions against the Sudan are outdated and should be lifted, in the light of the improved circumstances on the ground, keeping those sanctions in place is not only untenable in the context of the country's political and security realities, but also limits the Government's security capacity, thereby negatively impacting its ability to maintain stability in Darfur, protect civilians and combat crimes there.

On 27 January, the Sudan sent a letter to the Council describing the Government's efforts to resolve intercommunal clashes and implement the National Plan for the Protection of Civilians in Darfur. The letter also lists the restrictions that the Council's sanctions pose on the Sudan's ability to maintain law and order in Darfur and to be deeply involved in international affairs. The letter requests, in no uncertain terms, that the Council

lift the sanctions immediately and without conditions. On 3 February, Qatar on behalf of the Group of Arab States; on 10 February, Egypt on behalf of the Group of African States; and, on 10 February, Pakistan on behalf of the Organization of Islamic Cooperation all sent letters to the Council positively acknowledging the remarkable improvement in the situation in Darfur and supporting the Sudan's legitimate request for the immediate and unconditional lifting of the sanctions by the Council. That reflects the voice of justice among a broad part of the membership of the Organization.

In those circumstances, the right course of action for the Council is to immediately lift the sanctions without conditions. Regrettably, however, the first draft submitted by the penholder completely sidestepped that issue. During the consultations, that draft was rejected by Council members. The three African members of the Security Council — Gabon, Ghana and Mozambique — along with the United Arab Emirates, put forward a constructive proposal to incorporate a sunset clause specifying that the sanctions would terminate in February 2024. That could have been a compromise proposal to bridge the gaps. But the penholder dug in its heels and held on to its national position on the matter. The next iteration of the draft first proposed renewing the sanctions for 24 months, which was later revised to 18 months. All of that was contrary to the Council's established practice with regard to extending sanctions. No assurance of the automatic lifting of sanctions was included either. This is hardly a sunset clause in its true sense.

The resolution also endorses two benchmarks for the adjustment of sanctions. On its face, that appears to be a road map for the lifting of sanctions. In reality, however, it is neither realistic nor workable. China and some other members initially proposed discussions on the establishment of benchmarks with a view to creating conditions for the lifting of sanctions at an early date. But the Council's discussions over the past two years led us to believe that certain members have no intention of lifting sanctions, but rather attempt to perpetuate sanctions by setting benchmarks that are too high to ever be met. The resolution proposed by the penholders does not address our concerns in that regard.

In recent years, the controversial nature of the Council's sanctions regimes has attracted increasing attention. Sanctions are an important tool entrusted to the Council by the Charter of the United Nations. Originally intended to create conditions for the political settlement of relevant issues, in practice they have increasingly

become a substitute for diplomatic efforts — and even a means for political pressure on some countries. Individual members have also abused their penholderships to impose their positions on countries in the Council. All of that should not have happened, let alone continue.

China once again calls for a comprehensive assessment of existing Council sanctions regimes and the formulation of clear and feasible exit criteria. The Council should conduct periodic reviews of relevant sanctions and, once benchmarks are met, sanctions should be adjusted or lifted in a timely manner. We should use this discussion on the Sudan sanctions to reflect seriously on what measures to take to improve the design and implementation of Council sanctions.

Mr. De Almeida Filho (Brazil): During the negotiations, we tried to work constructively with all the members of the Security Council. Although we would have preferred a different text, with a shorter sunset clause and clearer and more concise benchmarks, we also believe that the facilitators were able to take into consideration many of the concerns raised.

On the other hand, progress on the negotiations should not be measured only by the text discussed, but also by its correlation with the reality on the ground. We recognize the significant progress made by the Government of the Sudan, and we welcome the fact that the adopted text introduces specific timelines for the review, modification, suspension and termination of the measures. After all, both the arms embargo and the targeted sanctions are, by definition, temporary measures. We also view as positive the review and evaluation mechanisms that will be implemented by the resolution.

We hope that this resolution will be a tool to encourage the full implementation of the Juba Peace Agreement and that it can improve security in Darfur.

Mrs. Nusseibeh (United Arab Emirates): I deliver this explanation of vote on behalf of the three African members of the Security Council (A3) — Ghana, Gabon and Mozambique — and the United Arab Emirates.

The A3 and the United Arab Emirates would like to recognize and thank the penholder for its efforts in facilitating the negotiations process. In the same vein, we negotiated in good faith by laying bare our concerns and engaging with all Council members throughout the negotiations. We regret that the proposal by the A3 and the

United Arab Emirates for a sunset clause of 12 months' duration was not adopted, as we felt that it reflected both the current best practice of the Security Council on sanctions measures and the strong support expressed by Council members during the negotiations process.

Nevertheless, the A3 and the United Arab Emirates voted in favour of this text (resolution 2676 (2023)) in the spirit of compromise and in order to recognize that some progress has been made. In particular, the adoption of a sunset clause that changes the sanctions regime from open-ended to time-bound is an important development as we chart a pathway for the lifting of sanctions.

In that regard, the A3 and the United Arab Emirates would like to make clear that sanctions are not intended to be an end or to last forever; they are simply tools intended for maintaining or restoring international peace and security. The A3 and the United Arab Emirates would like to reaffirm their principled position, which is the full lifting of the sanctions on Darfur. We appreciate Council members' support and openness to engage on the initiative of the A3 and the United Arab Emirates for a sunset clause. Overall, however, we believe that additional improvements could have been made, and there were still opportunities for us to continue to engage to build consensus for the consolidation of a text that would better reflect the views of all.

The reality in Darfur today is very different from the security and political contexts in 2005 that led the Council to impose the sanctions regime under resolution 1591 (2005). Substantial progress has been made in the implementation of the Juba Peace Agreement, and the parties remain committed to finding solutions to materialize its provisions. While we had hoped we would have established clear, well-identified and realistic benchmarks, we are confident in the Sudan's ability to demonstrate progress, and we trust in the Council's ability to take appropriate measures next year based on the developments on the ground.

In conclusion, the A3 and the United Arab Emirates, as regional representatives, are committed to constructively engaging within the Council to support the progress in the Sudan, including by ensuring that the decisions taken by the Council do not have unintended negative consequences.

The meeting rose at 3.25 p.m.