

118TH CONGRESS
1ST SESSION

H. RES. 267

Finding that the Russian Federation's presence in the United Nations Security Council violates the purposes and principles of the United Nations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. COHEN (for himself and Mr. WILSON of South Carolina) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Finding that the Russian Federation's presence in the United Nations Security Council violates the purposes and principles of the United Nations.

Whereas the Russian Federation has carried out an illegal, premeditated, unprovoked, and brutal war against Ukraine;

Whereas the Russian Federation in its war against Ukraine has perpetrated heinous atrocities against unarmed civilians, including pillage, torture, rape, summary executions, the destruction of entire cities, and other crimes, including crimes targeting women and children;

Whereas the Russian Federation in its war against Ukraine has repeatedly threatened to use nuclear weapons;

Whereas the Russian Federation in its war against Ukraine has forcibly occupied and taken deliberate actions that threaten to destroy civilian nuclear power stations, facilities the destruction of which would place millions of people in Ukraine and in other nations at risk;

Whereas the Russian Federation has carried out illegal so-called referendums in Ukraine and adopted legislation purporting to annex regions, notwithstanding that the overwhelming majority of nations unambiguously recognize, and the Russian Federation itself had unambiguously recognized, that those regions are sovereign territory of Ukraine;

Whereas the Russian Federation has indicated its intention to destroy Ukraine as a nation and has used rhetoric calling for further illegal purported annexations and violence against other nations;

Whereas the Russian Federation, under the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons signed at Budapest on December 7, 1994 ("Budapest Memorandum"), reaffirmed in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe its commitments "to respect the independence and sovereignty and the existing borders of Ukraine" and "to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine";

Whereas Ukraine, under the Budapest Memorandum in exchange for the Russian Federation's commitments, voluntarily relinquished the nuclear weapons in its territory and acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State;

Whereas the Russian Federation's flagrant violations of its commitments under the Budapest Memorandum set a dangerous example, injurious to future efforts to promote nuclear arms control and nonproliferation;

Whereas the Russian Federation, notwithstanding the commitment it made under the Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports adopted upon the proposal of the United Nations Secretary-General on July 22, 2022, to enable the resumption of exports of Ukrainian grain, other foodstuffs, and fertilizer through a safe maritime humanitarian corridor, repeatedly threatens to obstruct that corridor and the security of the world's food supply;

Whereas the purposes of the United Nations ("UN") include—

(1) to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression, and to bring about by peaceful means adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

(2) to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; and

(3) to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

Whereas the principles of the UN include—

(1) respect for the sovereign equality of all UN Members;

(2) good faith in the fulfilment of all obligations under the Charter of the United Nations (“UN Charter”);

(3) peaceful settlement of international disputes; and

(4) refraining from the threat or use of force against the territorial integrity or political independence of any State;

Whereas Article 4 of the UN Charter opens the UN only to countries that are peace-loving;

Whereas Article 6 of the UN Charter allows the UN upon two-thirds vote of the UN General Assembly and recommendation of the UN Security Council to expel a member that has persistently violated the principles of the UN Charter;

Whereas international aggression is a fundamental violation of the purposes and principles of the UN Charter;

Whereas the United Nations General Assembly (“UN General Assembly”) meeting in Emergency Special Session has acknowledged by overwhelming majorities that—

(1) the Russian Federation’s conduct constitutes aggression against Ukraine;

(2) the Russian Federation’s aggression against Ukraine is the cause of a dire humanitarian crisis on a scale not seen in Europe in decades; and

(3) the illegal so-called referendums organized by the Russian Federation in regions of Ukraine have no validity under international law and form no basis for any alteration of the status of any region of Ukraine;

Whereas the Russian Federation has ignored its responsibility to observe and implement determinations by UN organs and officials, including determinations by—

(1) the UN General Assembly, which has demanded repeatedly that the Russian Federation immediately, completely, and unconditionally withdraw all of its military forces from the territory of Ukraine within Ukraine's internationally recognized borders;

(2) the UN Human Rights Council, which has called upon the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law committed in the course of its aggression against Ukraine;

(3) the International Court of Justice, which has ordered that the Russian Federation shall immediately suspend all military operations against Ukraine, including the military operations that the Russian Federation commenced on February 24, 2022, and refrain from actions violating the human rights of the Crimean Tatar and Ukrainian communities in the Crimean region of Ukraine, which region the Russian Federation has illegally occupied by force since 2014 and illegally purports to have annexed;

(4) the President of the UN Security Council, who has condemned the continuous violations of the earlier cease-fire regime under the Minsk Agreements and has called on the Russian Federation to facilitate the work of the Special Monitoring Mission of the Organization for Security and Cooperation in Europe (OSCE) in Ukraine; and

(5) the UN Secretary-General, who has called on the Russian Federation to stop its military offensive against Ukraine and who has declared that Russia's illegal pur-

ported annexation of territory in Ukraine “flouts the Purposes and Principles of the United Nations”;

Whereas the Russian Federation’s repeated threats to use nuclear weapons and rhetoric about raising its nuclear alert levels are inconsistent with and in flagrant disregard of the Joint Statement on Preventing Nuclear War and Avoiding Arms Races that the Russian Federation, along with the other four permanent members of the UN Security Council, adopted in 2022;

Whereas the Russian Federation has abused the power of the veto that it holds in the UN Security Council under Article 23, paragraph 1, of the UN Charter, including by exercising the veto in order to prevent the Security Council from taking necessary actions and reaching appropriate determinations in regard to the Russian Federation’s aggression against Ukraine;

Whereas the Russian Federation further has abused the procedures of the Security Council, including—

(1) by attempting to prevent senior representatives of Ukraine from addressing the Security Council;

(2) by exploiting the Security Council as a venue in which to make patently false accusations, including false accusations that Ukraine has committed genocide against Russians, that the President of Ukraine is a Nazi, and that Ukraine is preparing a nuclear attack;

(3) by advancing a draft resolution that would attempt to portray Ukraine as responsible for the humanitarian disaster resulting from the Russian Federation’s aggression, a draft resolution having no purpose except to obstruct the orderly conduct of Security Council proceedings and distract attention from the Russian Federation’s aggression;

(4) by lodging repeated complaints in the Security Council under Article VI of the Biological Weapons Convention (“BWC”) falsely accusing Ukraine of hosting biological weapons programs involving birds, bats, and mosquitoes and providing no evidence to support its complaints, while ignoring statements by the UN Office for Disarmament Affairs that that Office is unaware of any biological weapons programs in Ukraine, ignoring that consultations with 89 countries convened under the BWC did not find any BWC violations in Ukraine, and ignoring the damage that the Russian Federation’s baseless allegations have done to multilateral cooperation under the BWC;

(5) by demanding that the Security Council convene in order to entertain the Russian Federation’s patently false and abusive claim that the atrocities that the Russian Federation committed at Bucha in Ukraine, which numbered among the worst atrocities up to that time in the Russian Federation’s aggression against Ukraine, were the result of a “provocation” by “Ukrainian radicals”;

(6) by issuing false and groundless procedural complaints in the Security Council, including false accusations against the President of the Security Council that that Security Council officer had prevented the Russian Federation from making the claim that atrocities at Bucha were “provoked”, despite the clear and unambiguous indication in the verbatim record that the President in fact had given the Russian Federation more than one opportunity in which to make that claim notwithstanding its falsity and the Russian Federation’s abusive purpose in making it; and

(7) by demanding further Security Council meetings in order to continue to abuse that UN organ by issuing from a permanent member's seat blatantly false accusations, including accusations that it is Ukraine, not the Russian Federation, that is responsible for the Russian Federation's atrocities and aggression;

Whereas nations in international organizations, in light of the Russian Federation's egregious violations of international law, have taken steps to protect the integrity of those organizations and their procedures and to hold the Russian Federation to account, including in—

(1) the UN General Assembly, which by Resolution ES-11/3 of April 7, 2022, suspended the Russian Federation from the UN Human Rights Council;

(2) the International Civil Aviation Organization, which on October 4, 2022, voted not to reelect the Russian Federation to that organization's Governing Council;

(3) the Danube Commission, which by Decision of its 12th Extraordinary Session, on March 17, 2022, declined to accept the credentials of the Russian Federation and excluded those representatives from participation in all meetings of the Danube Commission and its working bodies until cessation of the Russian Federation's aggression against Ukraine;

(4) the Permanent Council of the Organization of American States, which by Resolution CP/RES.1195 (2374/22) of April 21, 2022, suspended the Russian Federation's status as a Permanent Observer of the Organization of American States;

(5) the UN World Tourism Organization, which by Resolution of April 27, 2022, suspended the Russian Federation's membership in that organization;

(6) the Committee of Ministers of the Council of Europe, which by Decision of February 25, 2022, suspended the Russian Federation from its rights of representation in the Council of Europe and by Decision of March 16, 2022, declared that the Russian Federation has ceased to be a member of the Council of Europe; and

(7) the Parliamentary Assembly of the Council of Europe, which by Resolution 2463 (2022) of October 13, 2022, resolved that the Russian Federation's threats to use nuclear weapons and threats to use civilian nuclear power facilities as weapons are incompatible with the responsibilities of a country holding a permanent seat on the UN Security Council;

Whereas the Security Council is the principal organ of the UN having primary responsibility for the maintenance of international peace and security; and

Whereas the Russian Federation, notwithstanding its war of aggression against Ukraine, the heinous atrocities it has committed, its nuclear threats, its threats to the world food supply, the further threats to international peace and security it makes through baseless territorial claims against Ukraine and other countries, its abuse of the rights and privileges of permanent membership in the UN Security Council, and the flagrant violations of the purposes and principles of the UN that these actions of the Russian Federation entail, has continued to sit in the seat of a permanent member of the Security Council under Article 23, paragraph 1, of the UN Charter and to exercise other rights and privileges in UN organs and specialized agencies: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) finds that the Russian Federation has re-
2 peatedly, deliberately, and flagrantly violated the
3 purposes and principles of the United Nations;

4 (2) finds that the continued exercise of rights
5 and privileges by the Russian Federation in the Se-
6 curity Council of the United Nations under United
7 Nations Charter Article 23, paragraph 1, further
8 violates the purposes and principles of the United
9 Nations and is contrary to the interests of the
10 United States in the maintenance of international
11 peace and security;

12 (3) finds that the participation and membership
13 of the Russian Federation in other organs and spe-
14 cialized agencies of the United Nations violates the
15 purposes and principles of the United Nations and
16 is contrary to the interests of the United States;

17 (4) urges the President of the United States—

18 (A) to direct the Department of State and
19 other relevant Federal departments and agen-
20 cies to pursue all appropriate steps with Allies,
21 partners, and other countries to limit, suspend,
22 or terminate rights and privileges that the Rus-
23 sian Federation exercises in the Security Coun-
24 cil of the United Nations under United Nations
25 Charter Article 23, paragraph 1; and

1 (B) to direct the Department of State and
2 other relevant Federal departments and agen-
3 cies to pursue all appropriate steps with Allies,
4 partners, and other countries to limit, suspend,
5 or terminate the participation or membership of
6 the Russian Federation in other organs and
7 specialized agencies of the United Nations; and
8 (5) supports the deployment by the United
9 States of all necessary diplomatic and other re-
10 sources to ensure the success of the steps that it
11 herein urges the President to direct.

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