



General Assembly

Distr.: Limited
25 February 2022

Original: English

Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

22 February–2 March 2022

Draft report

Rapporteur: Ms. Ligia Lorena **Flores Soto** (El Salvador)

II. Maintenance of international peace and security

B. Introduction and implementation of sanctions imposed by the United Nations

1. During the general exchange of views held at the 300th and 301st meetings of the Special Committee, on 22 February, and the 1st meeting of the Working Group of the Whole, on 23 February, reference was made to the issue of the introduction and implementation of sanctions imposed by the United Nations (see General Assembly resolution [64/115](#), annex).

2. During the general exchange of views and the 1st meeting of the Working Group of the Whole, a number of delegations reiterated their concerns regarding sanctions imposed by the Security Council. It was emphasized that sanctions should not be adopted indiscriminately or be used as blunt instruments that could inflict suffering on vulnerable groups in the target country, and that their objective should not be to punish or otherwise exact retribution on the population.

3. Many delegations emphasized that sanctions should be implemented in full compliance with the provisions of the Charter and international law, including international humanitarian law, international human rights law and international refugee law, by ensuring that sanctions procedures were fair and clear and did not violate the rights of listed persons. Mention was made in that regard of the important role of the Office of the Ombudsperson to the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (ISIL) (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities and to the need for the Council to enhance its due process standards. It was reiterated that sanctions should be imposed only as a measure of last resort when there existed a threat to international peace and security, a breach of peace or an act of aggression and that they should be in accordance with the Charter and based on evidence. Some delegations also noted that sanctions were not applicable as



a preventive measure and should be predicated upon the exhaustion of all other peaceful means. It was also emphasized that the objectives of sanctions regimes should be clearly defined and based on tenable legal grounds and that sanctions should be imposed with a clear time frame, be subject to monitoring and periodic review and be lifted as soon as their objectives had been achieved. The need to maintain pathways for further negotiation after sanctions are imposed and for a return to the pre-sanctions status quo was highlighted. Several delegations noted that sanctions should not produce unintended consequences in the target State or in third States that might lead to violations of human rights and fundamental freedoms. It was stressed that sanctions should not hinder humanitarian assistance from reaching the civilian population. A number of delegations reaffirmed their concerns about the imposition of unilateral sanctions in violation of international law and the international rule of law, also noting that those most affected by such sanctions often belonged to groups of especially vulnerable people.

4. Several delegations reaffirmed that sanctions were an important tool for ensuring the maintenance and achievement of international peace and security. In that regard, the shift from comprehensive to targeted sanctions was welcomed. It was highlighted that the targeted nature of sanctions could minimize their adverse humanitarian and socioeconomic impact and that they had unintended consequences on the civilian population and third States. Some delegations noted the possibility of providing for exemptions in sanctions regimes, including for the facilitation of humanitarian aid. Further discussions on the strengthening of implementation of sanctions were encouraged.

5. Delegations expressed appreciation for the regular briefings by the Secretariat on the document entitled “Introduction and implementation of sanctions imposed by the United Nations”, contained in the annex to General Assembly resolution 64/115. The Secretariat’s efforts to increase transparency and equity in the implementation of sanctions were welcomed. It was suggested that the Secretariat should develop its capacity to properly assess the unintended side effects of sanctions imposed by the Security Council, as such capacity had not been sufficiently developed in the past, in order to fully assess the short-term and long-term socioeconomic and humanitarian consequences of the Organization’s sanctions regimes.

Briefing

6. At its 1st meeting, the Working Group of the Whole was briefed by a representative of the Department of Political and Peacebuilding Affairs on the document contained in the annex to General Assembly resolution 64/115, as requested by the Assembly in paragraph 4 of its resolution 76/115. He provided information on the elements of the document and general information about United Nations sanctions regimes, the role of the sanctions committees and expert panels in the implementation of sanctions, issues of international humanitarian law and international human rights law relating to sanctions, the monitoring and review mechanisms and recent developments in the implementation of sanctions regimes following the requests made by the Special Committee at its previous session. He also responded to questions from delegations on several aspects of sanctions regimes. He indicated that relevant information was also available on the website of the Security Council, in particular in the fact sheets on the subsidiary organs of the Council.¹

7. Delegations generally expressed their appreciation for the briefing and the efforts made to enhance the transparency of the procedures relating to sanctions and due process.

¹ Available at www.un.org/securitycouncil/sanctions/information.

8. While the recent appointment of the new Ombudsperson to the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities was welcomed, the Secretariat was asked for further information on possible measures to improve due process procedures for those sanctions regimes not within the scope of the Ombudsperson's mandate. The representative of the Department of Political and Peacebuilding Affairs noted that it was within the authority of the Security Council to decide on delisting procedures. He highlighted that several ideas to strengthen the Delisting Focal Point had been expressed by the Secretariat in the context of the high-level review of United Nations sanctions, as well as by academia. However, these ideas would not bring the delisting focal point mechanism to the same level as the Ombudsperson.

9. The Secretariat was also asked about possible ways to further reinforce the independence of the Ombudsperson. The representative of the Department of Political and Peacebuilding Affairs noted that the Ombudsperson mechanism was already a robust mechanism for the consideration of delisting requests. While the Ombudsperson already enjoyed high operational independence, measures to strengthen the management and administration of the Ombudsperson's Office could nevertheless be considered.

10. The concern was raised that overcompliance with Security Council resolutions was contributing to the negative humanitarian impact of sanctions. It was stated that such overcompliance was particularly problematic as concerned financial regulations. In that respect, clarification was requested from the Secretariat on its role in ensuring that the respective mandates of each sanctions regime were fully respected. The representative of the Department of Political and Peacebuilding Affairs noted that it was the role of many actors to ensure the implementation of Security Council resolutions as intended. Those included the sanctions committees and panels of experts, as well as the Member States, who were responsible for the implementation of sanctions and the regulation of actors within their respective jurisdictions. He highlighted that the Secretariat provided feedback where mandated to do so and emphasized that the Secretariat remained available to all Member States for help, clarification and feedback.

11. Furthermore, a delegation highlighted the continuing relevance of resolution [64/115](#), adopted by the General Assembly on 16 December 2009, in which the Assembly took note of the document entitled "Introduction and implementation of sanctions imposed by the United Nations" as set out in the annex to the resolution.