



General Assembly

Distr.: Limited
23 February 2024

Original: English

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

20–28 February 2024

Draft report

Rapporteur: Ms. Gloria **Dakwak** (Nigeria)

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 308th and 309th meetings of the Special Committee, on 20 February, and the 1st meeting of the Working Group of the Whole, on 21 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, 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.

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. Some delegations welcomed the adoption of Security Council resolution [2664 \(2022\)](#) on a humanitarian exception to asset freeze measures across United Nations sanctions regimes. It was noted that the resolution was key to supporting the delivery of humanitarian assistance for those in need while advancing the mandate of the Council to maintain international peace and security. Some delegations noted that the carveout measures for humanitarian assistance contained in resolution [2664 \(2022\)](#) had been incorporated into their internal legal systems so as to address the impact of sanctions imposed at the domestic level while facilitating the provision of aid.



4. 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 also be imposed in accordance with the Charter and on the basis of evidence. Some delegations also considered 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, subject to monitoring and periodic review and lifted as soon as their objectives were achieved. 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. The view was expressed that the imposition of sanctions by the United Nations should take into consideration their potential negative impact on the Sustainable Development Goals, including the eradication of poverty. It was also noted that adequate resources should be allocated to the Secretariat and its capacity enhancement to ensure the provision of necessary goods and services for the affected population in third States.

5. A number of delegations reiterated their concerns about the imposition of unilateral sanctions by States and groups of States in violation of international law and the international rule of law. The view was expressed that unilateral coercive measures undermined the role of the Organization and affected the universally accepted principles and rules of international law enshrined in the Charter, such as non-interference and cooperation. Another view was expressed that sanctions should be imposed only in a multilateral context and that there should not be unilateral sanctions.

6. Several delegations reaffirmed that sanctions were an important tool for ensuring the maintenance of international peace and security without recourse to the use of force. In that regard, the shift from comprehensive to targeted sanctions was welcomed. Further discussions on the strengthening of implementation of sanctions were encouraged, including the termination of sanctions where an individual or entity would no longer need to be subjected to such sanctions. The view was also expressed that sanctions outside United Nations auspices did not fall within the scope of the Special Committee and were regarded as legal and legitimate tools.

7. 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](#). It was once again 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

8. 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 [78/111](#). The representative provided information on the elements of the document and general information about United Nations sanctions regimes, adjustments made to United Nations sanctions since the previous briefing, developments in the implementation of sanctions following the adoption of resolution [2664 \(2022\)](#), 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, and the monitoring and

review mechanisms. The briefing also referred to the Secretariat efforts to continue increasing the geographical diversity and gender balance among sanctions expert panels. She also responded to questions from delegations on several aspects of sanctions regimes.

9. 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.

10. Some delegations mentioned that strengthening due process and respect for fundamental rights was essential for the effectiveness and credibility of the United Nations sanctions regimes and asked the Secretariat how the independence, role and function of the Ombudsperson could be further enhanced with a view to the renewal of his mandate as an adequate step towards strengthening due process rights. The representative of the Department of Political and Peacebuilding Affairs explained that the Ombudsperson enjoyed substantive independence and that measures had been taken to strengthen his institutional independence. She recalled that the Secretariat had proposed options to the Security Council, including establishing the Office as a completely separate United Nations entity. However, the Council members could not agree to act on those options at the time. She indicated that the Secretariat remained ready to assist in implementing potential alternative administrative arrangements that could be requested by the Council in the context of the Ombudsperson's mandate renewal in June 2024.

11. Those delegations also enquired how Member States could better support sanctions expert panels. The representative of the Department of Political and Peacebuilding Affairs emphasized the importance of Member States providing the necessary access to sanctions expert panels and facilitating interactions with all relevant actors. She also underscored the significance of Member States recommending well-qualified candidates to specific recruitments and for inclusion in the pool of experts.

12. The Secretariat was also asked about the efforts to increase the number of nationals of States from underrepresented regional groups among expert panels and about possible sanctions training initiatives aimed at the wider membership of the United Nations. The representative of the Department of Political and Peacebuilding Affairs indicated that the Secretariat had already briefed the representatives of one regional group in 2023 on sanctions expert recruitment processes and was planning to brief additional regional groups in 2024. She also indicated that the Department was considering organizing sanctions training in New York in 2024 that would be open to the wider United Nations membership.