



# Best Practices Guide for chairpersons and members of sanctions committees

Briefing paper for chairpersons' review and comments

## Introduction

This draft-briefing paper summarizes existing practices, divided into 25 sections. For each section, relevant points and considerations contained in the Note by the President of the Security Council, *S/2017/507*, are included. Additional recommendations from the Compendium of the High Level Review of UN Sanctions (designated with C plus number), and from the Assessment of the HLR report (designated with AR plus number), are added where these recommendations are still pertinent. Some are already firmly integrated into the UN sanctions processes and require no further elaboration. Where appropriate, additional comments and suggestions are inserted to stimulate discussion.

The consultations are intended to distill existing practices, and note 507 paragraphs, and supplemental recommendations as a basis for discussion and for formulating elements of the Best Practices Guide for chairpersons. The resulting Guide should serve as a one-stop source of information, covering all aspects of the UN sanctions procedures and practices that may be relevant to chairpersons of sanctions committees.

Consultations with current and former chairpersons are tentatively scheduled to take place during November 2019.



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## Role and election of chairpersons

Sanctions committee chairpersons manage the work of the committee, and serve as the principal liaison to the Security Council, member states, expert groups and the secretariat.

The chairpersons and vice-chairs of each committee are elected by Security Council members (following informal consultations) and are announced in a note by the President of the Council.

As stated in Note 507 (S/2017/507), Council members have agreed on the following practices and measures:

111. that the members of the Security Council should make every effort to agree provisionally on the appointment of the Chairs of the subsidiary bodies for the following year no later than 1 October.

112. that the members of the Security Council will start an informal process of consultations, with the participation of all Council members, on the appointment of the Chairs of the subsidiary bodies from among the members of the Council for the following year as soon as possible after each election of members of the Council. The members of the Council should also consult informally with the newly elected members in the process.

113. that this informal process of consultations will be undertaken in a balanced, transparent, efficient and inclusive way so as to facilitate an exchange of information related to the work of the subsidiary bodies involved and will be facilitated jointly by two members of the Security Council working in full cooperation.

114. that all members and newly elected members of the Security Council should be informed of the outcome of the informal process of consultations on the appointment of the Chairs of the subsidiary bodies in a transparent and substantive way prior to the provisional agreement on the appointment.

Chairpersons are elected in their personal capacity; therefore if the permanent representative chairing a committee is replaced in the course of his or her term, the Council must elect a new chair, normally but not necessarily from the same delegation, to assume the vacated chairmanship.

***Proposal 1:*** *Would informational events dedicated to aspiring chairpersons of candidate-states be desirable in order to provide these individuals an opportunity to share their preference for chairing particular sanctions committees, and their vision for chairing a committee?*

**Proposal 2:** The Security Council could consider redistributing chairperson positions for the Security Council subsidiary bodies among all Security Council member states, including the permanent members.

## Handover and preparation

Council members have agreed under Note 507 (S/2017/ 507) to assist in the preparation of incoming chairpersons through the following procedures:

115. The chairs of the subsidiary bodies are encouraged, with the assistance of the Secretariat as required, to provide those members of the Council that will take over the chairmanships with written and oral briefings about the work done during the outgoing chairmanship and to maintain informal meetings with the incoming Chairs, as necessary, including with the assistance of the Secretariat.

116. The briefings will be accompanied by documents adopted during the outgoing chairmanship and all informal documents and background information the outgoing Chair deems pertinent for enlightening the incoming Chair, including draft documents being discussed by the subsidiary body. Taking into account that such documents and information might not have been made public, they will be provided to the members that will take over the chairmanships as soon as possible after the chairmanships have been provisionally decided.

117. The members of the Security Council acknowledge the support given to incoming Chairs by the Secretariat and request the Secretariat to consider further measures to provide incoming Chairs and their staffs with additional substantive and methodological briefings on the work of relevant subsidiary bodies.

118. The members of the Security Council encourage early consultations between sanctions monitoring teams, groups and panels and incoming Chairs of the sanctions committees.

While they address incoming E10 delegations, the following paragraphs of Note 507 (S/2017/ 507) have obvious benefits for incoming chairs:

140. Incoming E10 delegations be invited to observe all meetings of the Council and its subsidiary bodies and the informal consultations of the whole for a period of three months, beginning on 1 October immediately preceding their term of membership. The

Council also invites the Secretariat to provide all relevant communications of the Council to the newly elected members during the above-mentioned period.

141. Notwithstanding the foregoing measure, the Security Council will not invite the newly elected members to a specific private meeting of the Council or to specific informal consultations of the whole if a request to that effect is made by a member of the Council where exceptional circumstances exist. The newly elected members will not be invited to the meetings of the Council or the informal consultations of the whole related to the selection and appointment of the Secretary-General. The newly elected members may be invited to the monthly luncheon with the Secretary-General held in December immediately preceding their term of membership, at the discretion of the President of the Council for that month.

142. The Security Council invites the Secretariat to continue to take appropriate measures to familiarize the newly elected members with the work of the Council and its subsidiary bodies, including by providing briefing materials and holding seminars before they begin to attend Council meetings.

#### **Additional recommendation:**

C 31. Member States joining the Council should include a sanctions specialist to be sanctions coordinator for the Mission. The Security Council Affairs Division should support the sanctions coordinator network, to help coordinate work in the sanctions subsidiary bodies and work in the Council.

## Induction and training

The call for sanctions-specific training and induction programs for E10 has grown considerably over recent years, beginning perhaps with the first UN system-wide sanctions training offered with the assistance of the government of Canada in March 2011. Since that time, induction and training events have been held by the Sanctions Branch, the Security Council Report or the Finnish government with its Annual Workshop for the Newly Elected Members of the Security Council. However, these existing opportunities, as some authors of the recommendations below have remarked, do not offer comprehensive sanctions-specific skills enhancements.

C 32. The subsidiary organs branch should organise private meetings between the outgoing and incoming chairs to discuss the committee's work and encourage the preparation of written handover notes.

C 33. The subsidiary organs branch should develop a comprehensive induction programme for incoming chairs and vice-chairs focused on management and procedural dimensions of sanctions committees. The Branch should consult with UNITAR, the Permanent Mission of Finland and Security Council Report, to ensure sanctions elements complement the content of the Branch's induction programme. Such an induction should also clearly set out the substantive and administrative support provided by the Secretariat.

**Proposal 1:** While the Secretariat's induction program and briefings are essential, incoming chairs will also have opportunities to interact bilaterally with their predecessors and other PRs.

These important sources of information do not replace briefings by practitioners who can speak freely, without institutional or national prerogatives or constraints.

**Note:** C 34/ C35 / AR 1 / AR 6 recommend training in the form of a manual for incoming chairs and E10

**Proposal 2:** Many member states have indicated that the preparation of incoming chairs insufficiently focuses on the positive and negative potential impacts sanctions can have to mitigate the impact of conflicts on women, girls and children. Specifically, the tasking of committee members and expert groups to look out for unintended gender consequences of sanctions, perhaps applying formalized monitoring criteria, is seen as an overdue and crucial enhancement of the UN sanctions system.

**Proposal 3:** An alternative to Proposal 2 was advanced to avoid the impression that the consequences of sanctions on the population in general will be ignored, i.e., that S/GBV and CRSV issues be address with "*unintended consequences of sanctions on the population and, in particular, on women, girls and children in conflict-affected regions*".

## Committee set up

Upon establishment of a sanctions committee, the chairperson should ensure that:

- The secretary of the committee prepares a note for the Under-Secretary-General describing the important provisions of the resolution.
- A Note Verbale to member states is prepared, approved by the committee under the no-objection procedure, drawing attention to the obligations of member states under the resolution.
- The secretary of the committee prepares a memo to the executive office setting out the budgetary requirements to establish and operate a group of experts, if the resolution establishes one, to monitor a sanctions regime or to expand the number of members of an expert group.

- Adequate secretariat staffing is allocated to the committee, including an experienced secretary, an assistant to the secretary, political affairs officers, administrative staff, including staff to assist the expert group, if one is being established.
  - The website, including all relevant sanctions material, is updated.
  - The committee considers and organizes open briefings to inform the international community of the progress of the sanctions regime.
- The committee guidelines are reviewed after the adoption of each new resolution or of additional criteria, and updated as required.

## Committee meetings

[Convening meetings](#) The chairperson can convene a committee meeting at any time he/she deems necessary, or at the request of a member of the committee. The committee can hold a formal meeting to take decisions, or informal consultations, to discuss any issue the members decide to address.

[Provisional agenda](#) The chairperson, in consultation with the Secretariat, proposes a provisional agenda for each meeting and will accept additional items by member delegations proposed either prior to the meeting, or at the beginning of the meeting, if submitted under 'Other Matters'.

Agenda items are normally agreed prior to each meeting. Should the unusual circumstance occur of an objection raised at the beginning of a meeting, and given that the committee operates on the consensus principle, the chair would remove the item from the agenda.

The provisional agenda and all documentation for formal meetings are made available in the six official languages (one extra day for translation must be scheduled).

[Announcements in the Journal](#) Following adoption of the report of the Informal Working Group on General Issues of Sanctions, (S/2006/997), sanctions committees have announced the convening of formal and informal consultations.

[Attendance](#) In addition to the delegations of member states, the committee secretary, the political affairs officer, and the assistant to the secretary attend.

With the chairperson's permission and explicit invitation, staff members from other UN divisions and departments may also attend.

Members of expert groups may be invited to attend all or portions of formal and informal meetings during which their work and reports are discussed.

Other representatives of states that are non-members of the Security Council, whether accredited, or not, may be invited by the chair, in consultation with the members.

(Delegations request a UN grounds pass for non-accredited members of their delegations invited to participate in committee meetings).

[Quorum](#) The chairperson decides when to begin the consultation/meeting.

While there is no requirement to meet a quorum, the chairperson will usually commence a meeting only once the penholder or delegations particularly engaged in the issue are present.

The chairperson will seek to facilitate consensus committee decisions. The consensus practice applies to procedural and substantive decisions. Normally, the Chair consults bilaterally regarding the agenda, and/or it is subject to a silence procedure before the meeting.

[Chairing of meetings](#) The chairperson or one of the vice-chairpersons chairs formal meetings. Informal consultations are chaired by the chairperson or the designated representative.

[Chairperson's speaking notes](#) The secretariat supports the chairperson in the preparation of the speaking notes and other documentation for formal meetings, and delivers them in one of the official languages or in the national language, provided that the Permanent Mission provides interpretation into English for subsequent interpretation into other official languages.

[Documentation for meetings](#) For formal meetings, the chairperson should ensure that the secretariat has allocated adequate time for translation into the six official languages of all primary communications, reports or documentation required under the agenda.

The length of time needed for translation depends upon the number of pages to be translated. A final report of an expert group typically may take anywhere between 2- 5 weeks, to be translated and printed.

[Records of meetings](#) For formal meetings an official record is prepared by Meetings Services.

[Interpretation](#) Chairpersons should ensure that interpretation services are confirmed prior to announcing a formal meeting, which always requires interpretation services.

Informal meetings do not require interpretation services, except where specifically required as in the case of the DPRK committee.

The secretary facilitates interpretation services for meetings of sanctions committees. However, Security Council meetings have priority for such services.

## Penholders

Note 507 indicates agreement of the participating states in regards to issues identified in the following paragraphs:

78. Without prejudice to the rights accorded by the charter of the United Nations and the provisional rules of procedure of the Security Council, the members of the Security Council support, where appropriate, the informal arrangement whereby one or more Council members (as "penholder(s)") initiate and chair the informal drafting process. This informal arrangement, where appropriate, aims to facilitate timely initiatives to ensure Council action while preserving an element of continuity, with a view to enhancing the efficiency of the Council's work.

79. Any member of the Security Council may be a penholder. Members of the Council are encouraged to act as the penholder(s) in the drafting of documents, including resolutions, presidential statements and press statements of the Council. More than one Council member may act as co-penholders, when it is deemed to add value, taking into account as appropriate the expertise and/or contributions of Council members on the subjects.

81. To that end, the members of the Security Council encourage the penholder or co-penholders, as early as possible in the drafting exercise, to ensure the exchange of information among all Security Council members and to engage in timely consultations with all Council members with openness and flexibility. For each draft resolution which is not a technical rollover or for each presidential statement, the members of the Security Council encourage the penholder or co-penholders to present and discuss the draft with all members of the Security Council in at least one round of informal consultations or informal-informals.

82. The members of the Security Council also encourage the penholder or co-penholders, depending on the subject as well as the urgency of the situation on the ground, to provide a reasonably sufficient time for consideration by all Council members when draft resolutions, presidential statements and press statements of the Council are placed under a silence procedure, recognizing that any Council member may request extension of and/or break silence if further consideration is required.

**Additional Recommendation:** The Permanent Representative of Japan, Ambassador Bessho suggested (S/PV.8175 of 6 February 2018): that the drafting process for Council outcome documents remains at the core of the Council's working methods. Any Council member with willingness and ideas should be encouraged to take the initiative. The chairs of sanctions committees may be in a position to contribute more on the drafting of sanctions-related resolutions. Troop-contributing countries may be able to contribute on mandate renewals. Co-penholding may not solve everything, but could be explored further in practice.

## Decisions and voting

Sanctions committees normally take decisions by consensus, including in formal meetings, except where decisions are made through a no-objection procedure.

A decision to accept an issue or a recommendation requires the consensus of member states that are present.

Details of sanctions committee decisions are not publicly released.

Because sanctions committees normally take decisions by consensus, each E10 can exercise voting powers equivalent to a veto. This considerable power can be leveraged to force the chairperson to carefully seek consensus on all issues up for a decision.

In recent years, chairpersons and others have expressed an interests to curtail these powers of E10.

**Additional Recommendations:** (AR - Recommendation 2.) *New Zealand recommended that committee members avoid decisions that encumber the effectiveness of the committee's work. It also proposed that the Council review committees' consensus decision-making practice with a view to changing it. (Note: This issue has proved to be intractable in the past, notably in the Informal Working Group on General Issues of Sanctions.)*

*The Permanent Representative of India, Mr. Akbaruddin appeared to propose (S/PV.8175 from 6 February 2018) that:*

*The confidentiality of committee votes should be reconsidered;*

*Procedures to resolve the lack of consensus in committee votes should be addressed.*

*(Note: It is acknowledged that there is little that committee chairs can do in this regard.)*

Quote: "There are 14 such sanctions committees established under various resolutions of the Council. Drawing on delegated authority from the Council, those committees perform the functions of the Council in terms of designation of individuals, entities and undertakings deemed to be threats to international peace and security. Cumulatively, as of 31 December 2017, those committees have listed a total of 678 individuals and 385 entities as subject to United Nation targeted sanctions and restrictive measures such as assets freezes, travel bans and arms embargoes. In terms of numbers, those decisions far exceed the outcomes arrived at by the Security Council in open meetings during public sittings over the same period. That large number of decisions flows from the universe of sanctions committees that comprise representatives of Council members who decide on behalf of the Council. Those decisions are binding on Member States.

Yet each of those decisions of the sanctions committees is taken beyond the gaze of the public, with no explanation of the inputs that go into the decision-making. For want of a better depiction, it would appear that the committees form the subterranean universe of the Council. That universe functions in accordance with decision-making methods that are not the same as those of a normal functioning Council.

For example, in practical terms, the decisions of the sanctions committees can be placed on hold or blocked by any of the 15 members of the committees. While decision-making on Security Council resolutions is based on clearly defined thresholds provided for in the Charter of the United Nations and the provisional rules of procedure, in the case of the subterranean universe, each and every one of the Council's members now has an effective veto on decision-making.

What is worse is that no one except the members of the subterranean universe is aware of the use of a veto while deciding on a reference made to any of the sanctions committees. Such is the effective impact of that anonymous veto that a proposal that has been blocked is not even made public. In addition, no rationale is provided for the anonymous vetoing of a submission. Unlike in the Security Council, where vetoes are cast in public meetings and explanations made publicly, in the subterranean universe no such practice exists; in fact, the principles of anonymity and unanimity reign.

That is not the only difference between the working methods of the subterranean universe of the Council and the official Council meetings. No one other than the members of the Council is aware of the total number of decisions made by the sanctions committees. For example, in 2017, by our estimates, an additional 53 individuals and 19 entities were listed by the sanctions committees. However, how many others were considered but placed on hold or blocked from being listed is neither available on the record nor made public. The rationale for the use of the anonymous veto is never provided to the general membership.

Even though the Permanent Representative of Kazakhstan — your predecessor as President of the Security Council last month, Mr. President — has set high standards of

transparency by issuing press statements after every consultation of the Council, no such practice exists in the subterranean universe of the sanctions committees. The challenges relating to the Sanctions committees' working methods have to do not only with transparency and accountability, but also with the diversity of the mechanisms for reviewing decision-making in cases of differences among members.

For example, if after consultations consensus still cannot be reached, two of the committees provide that the matter may be referred to the Security Council by the member concerned; in four other committees, the matter may be referred to the Security Council by the chair; in six more committees, the matter may be submitted to the Security Council, without specifying by whom; in one other committee, the matter may be referred to the Security Council by the chair or by the committee member concerned; and in one final committee, we could not find any explicit option for referring the matter to the Council."

A member state proposes to explore whether other sanction committees could adapt the Al-Qaida / Daesh Committee's practice of 'negative consensus', that is that a sanctions committee's decision is adopted automatically unless it is rejected by consensus.

## Objections to decisions by the committee

Once a chairperson receives an objection to a decision by the sanctions committee in writing and with a copy to the secretariat, it must be circulated to all committee members.

If consensus cannot be reached on a particular issue, the committee chairperson may undertake consultations to facilitate agreement. The guidelines of specific Committees set out who has the discretion in such cases to submit the matter to the Security Council.

## Implementation of committee decisions - Draft documents

Decisions of the committee, usually drafted by the secretary in consultation with the chair, who will also request circulation of the document for approval of the members under a no-objection procedure

Following bilateral consultation between the chairperson and one or more members as necessary and a no-objection procedure, the document will be finalized.

## Committee documentation - Types of committee documents

General Rules The chairperson should ensure that confidentiality rules for committee documents are respected by members of the committee and those in the secretariat assisting the committee. The secretariat attempts to protect the confidentiality of the most sensitive documents, such as draft panel reports, by watermarking each copy with the name of the addressee.

Types of Communications The following types of committee documents require the chairperson's specific action:

NOTE - The secretariat conveys the committee's Notes with a "Note by the Chairman", as a cover note identifying the document concerned, and setting out whether the document attached is being circulated "for information (no action required)" or "for consideration (for action)" by the members of the committee which require no action; or whether it is distributed for "attention and consideration", for example to initiate a potential committee decision through the silence period, indicating date and hour of the no objection deadline.

A note may also communicate that a document attached

- will be discussed at a forthcoming meeting.
- is accompanied by a draft reply circulated for the approval of the committee members, or for information.

Notes help to standardize committee procedures and serve as the backbone of communications between the chairperson, the members and the Secretariat.

COMM documents (identified with S/AC.\_\_/YEAR/COMM.\_\_ ) designate incoming communications to the committee, usually from governments, international organizations or groups of experts. They require no special action by the chairperson.

OC documents (identified with symbol: S/AC.\_\_/YEAR/OC.\_\_) identifies outgoing communications from the chairperson (via the Secretariat) to any addressee under the "OC" symbol. Unless the chairperson is dispatching a simple letter of acknowledgement, the text of the OC is usually approved in advance by the committee under the silence procedure.

CRP documents (identified with S/AC.\_\_/YEAR/CRP.\_\_) signify conference room papers, such as evolving versions of draft guidelines. They require no special action by the chairperson.

INF documents (identified with S/AC.\_\_/YEAR/INF.\_\_ ) are for the chairperson (or the Secretariat) to send notes to transmit published material to committee members, for their information or action.

Note verbale documents (identified with SCA/\_\_/YEAR (\_\_) ) convey official communications from the chairperson of a committee to all Member States and observers of the United Nations issued in either English, French or Spanish as per the preference of the recipient. A template provided by the Correspondence Unit of DGACM should be used for all Note verbal communications.

Press releases are disseminated with symbol: SC/\_\_\_\_ and are used to communicate with Member States, observers, international organizations and/or the general public, typically in the working languages English and French. Press Releases will be posted on the Sanctions committee webpage, as well as on the UN's Press Releases and Meeting Coverage website. Press releases are usually approved by the relevant committee, if so specified in committee guidelines, but do not require any special action by the chairperson.

Affixes are used with existing symbols (for example) S/AC.\_\_/YEAR/NOTE.\_\_/Rev.1) whenever an addition, revision or correction to a previous communication is circulated. Such supplementary communication is disseminated under the symbol of the original, but with the appropriate designation Add./Rev./Corr. These documents require no special actions by the chairperson.

While prevailing confidentiality rules prevent many of these documents from being circulated among interested member states, enhancing the transparency of committee proceedings and documentation is one of the most frequently raised issues by member states. For example, Council members agreed with Note 507 (S/2017/507) that:

109. The members of the Security Council intend to intensify their efforts to publicize decisions and other relevant information of the subsidiary bodies of the Council to the Member States and other organizations through correspondence, websites, outreach activities and other means, when appropriate. The members of the Security Council intend to continue to examine ways to enhance its activities in this regard. The members of the Security Council encourage subsidiary bodies of the Council to continue to review periodically policies concerning access to their documents, as appropriate

## Preparation of documents

[Sanctions review](#) Periodically, a chairperson will make a statement to the Security Council, prepared in consultation with the secretary, following a sanctions committee meeting.

Where the committee is supported by an expert group, the statement will focus on the expert group's report and the recommendations.

The chairperson's draft statement to the Council is circulated to committee members, either for informational purposes and comments only, or in some cases, it must be adopted by them.

[Committee and chairperson's reports to the Security Council.](#) The chairperson is required to provide periodic reports to the Security Council as mandated in sanctions resolutions.

Such reports are usually required in connection with presenting an expert group's report, work of the committee, sanctions reviews, or any other reporting as necessary and agreed by the committee.

The chairperson is also required to present the sanctions committees annual report to the Security Council.

These reports are typically prepared by the secretariat, in consultation with the chairperson's office or the committee and require approval of the members.

[Press releases and briefings to the press](#) The chairperson may, with the approval of the sanctions committee, periodically provide information to the public, issue a press release or give a press briefing. He/she would normally share the talking points with the committee members in advance but the actual text need not be cleared.

## Processing documentation

[Implementation reports from Member States](#) Many sanctions resolutions require Member States to report their implementation efforts to the relevant sanctions committee. These reports are initially circulated to the members of the committee as is. Unless a Member State requests that its report be kept confidential, the reports are translated into the six official languages and published on the sanctions committee webpage. These reports require no action by the chairperson.

[Annual reports of committees](#) The Note by the President of the Council (S/1995/234) requires sanctions committees to summarize their activities in an annual report to the Council. The report, which is usually approved under a no-objection procedure, is submitted by the chairperson to the President of Security Council, preferably before the chairperson's mandate expires.

[Expert group reports](#) Expert group reports are conveyed to the committee through a transmittal letter signed by the experts of a particular group, and are addressed to the committee chairperson.

There appears to be a discrepancy of views among member states whether all experts of a group have to sign their report, or whether an expert's withholding his signature may invalidate the report

Expert group reports are to remain confidential until they are referred by the chairperson in his personal capacity to the Security Council, without requiring unanimous consent by the committee members.

Chairpersons are to ensure that the scheduling of formal or informal meetings to discuss the expert reports, vote or initiate a no-objection procedure on their recommendations, allows adequate time for text editing by the Secretariat, translation into six official languages, and printing.

## Joint meetings

[Joint meetings of sanctions committees](#) Chairpersons of sanctions committees may decide to hold joint meetings or joint briefings, as long as the members of the concerned committees agree.

During these meetings no vote on specific issues will be usually scheduled. They are intended for the exchange of information, or in the case of joint public briefings, to interactively inform other member states.

If committees and their chairs decide to hold formal or informal joint meetings, the chairperson must ensure that their respective committees have agreed on procedures on an ad hoc basis prior to the meeting.

The chairperson should also ensure that documentation for joint meetings, such as chairpersons' notes, the meeting's provisional agenda or documents for discussion, can be issued jointly referencing the involved subsidiary organs.

Furthermore, for a formal joint meeting, the chairperson should ensure that adequate time is scheduled for all requisite documents to be translated in all six official languages.

### **Additional recommendations:**

Under Note 507 (S/2017/507), Council members also agree under paragraph 108. that the members of the Security Council encourage all chairs, including those chairing subsidiary bodies with similar themes and geographical scope, to meet regularly to discuss common concerns, best practices and ways to improve mutual cooperation, and request the Secretariat to provide support for such meetings.

C 2. Chairs of sanctions committees with similar themes (non-proliferation, counter-terrorism) or geographical scope (West Africa, Horn of Africa) should organise regular joint meetings (including in the regions) to promote understanding of similar issues and challenges. Similarly, the Secretariat should organise targeted meetings with New York-based regional groups on challenges to sanctions implementation and possible assistance.

## Outreach

General outreach. The call for more outreach efforts by sanctions committees to better inform and engage non-Council member states and other sanctions stakeholders, including UN agencies, and regional and subregional organizations (AU, EU, LAS, OAS, ECOWAS, IGAD, SADC) has increased over the past years.

General public briefings and targeted forms of outreach have become fairly common for chairpersons to set up with the assistance of the secretariat.

**Additional recommendations:** With Note 507 (S/2017/507) Council members agree that:

105. Chairs of all subsidiary bodies of the Security Council or their designates give, on a regular basis, informal substantive interactive briefings, when appropriate, on their activities to non-Council members, recognizing that doing so can add value to the work of those bodies. The members of the Security Council agree that the time and place of such briefings should be published in the Journal of the United Nations. The members of the Security Council encourage Chairs of all subsidiary bodies to consider any other opportunities for non-Council members and other sanctions stakeholders to provide input to their work.

C 1. All sanctions committees should present their reports to the Council during a public session. Briefings not only allow member states to be kept informed of developments related to sanctions, but also serve to mobilise relevant agencies in member states to better understand implementation requirements and become more involved in the work of the committees, by virtue of the reports of the briefings sent by New York-based Permanent Missions to capitals.

C 70. The Security Council should initiate and conduct cross-regime thematic discussions with a broad range of actors on sanctions issues.

[Interactions and communication with affected states, designated individuals, companies and entities](#) With Note 507 (S/2017/507) Council members agree to involve states, companies, entities and individuals targeted or affected by sanctions with a number of measures, outlined in paragraphs:

106. The members of the Security Council encourage subsidiary bodies of the Council to seek the views of Member States with strong interest in their areas of work. The members of the Security Council in particular encourage sanctions committees to seek the views of Member States that are particularly affected or concerned by the sanctions and to foster early and periodic engagement and dialogue between them and relevant sanctions monitoring teams, groups and panels throughout the course of their mandate.

C 16. To bring the respective roles of committees and expert groups into a more effective alignment, sanctions committees should take a more proactive approach to managing relationships with the focus and key stakeholder States. This could include formalising the committee's expectations in terms of cooperation, information-sharing and implementation requirements. On the basis of this "action plan," the committee's role as the forum to discuss implementation and compliance would be clear, and the expert group's mandate to investigate better understood. The committee could coordinate with the focus State on the question of exemptions to the sanctions measures and on appropriate technical assistance.

C 23. The Council should encourage all sanctions committees to provide reasons for decisions taken with regard to listing, delisting, and granting or denying exemptions to relevant Member States, national and regional courts and bodies, so as to enhance coordination between the UN and regional organizations.

C 120. The Subsidiary Organs Branch, sanctions committees, and expert groups should promote greater awareness of existing assistance relevant for sanctions.

[Communication with other stakeholders](#) In response to a growing need for chairpersons of sanctions committees to interact with a growing circle of sanctions stakeholders, including sanctions decision-makers of regional and subregional organizations, the following recommendations have been made:

AR - Recommendation 3. Some States recommended enhancing collaboration and communication between the United Nations sanctions actors and their counterparts in regional organizations and institutions to ensure more timely adoption of Security

Council sanctions by their States members. Several States also expressed support for additional collaborative assistance to enable sanctions-affected States to strengthen their institutional capacities.

C 71. DPA and sanctions committees should organise periodic meetings of officials responsible for sanctions at the UN, regional, and national levels to discuss issues of implementation.

C 73. DPA, sanctions committees, and expert groups should involve civil society (e.g., academia, non-governmental organizations (NGOs)) to facilitate cross-cutting engagement, raise awareness, and promote greater understanding of sanctions.

C 105. The Security Council should strengthen relationships between expert groups and regional and sub-regional organizations to enhance the implementation of UN sanctions.

C 106. Sanctions committees should foster cooperation and exchange of information with regional organizations and establish best practices in terms of tracking and monitoring sanctions, in particular with regard to designated persons and entities.

C 107. The Security Council and DPA should enhance the role of regional organizations and Member States in the implementation of UN sanctions through regional capacity building efforts and designating regional liaison officers within the Secretariat.

C 108. Regional and sub-regional organizations which include a Member or Members subject to Security Council sanctions should appoint a sanctions liaison officer, to engage both with the relevant sanctions committee and the affected Member State and other members of the organisation, to promote coherence between regional initiatives and the Council's, to monitor implementation of the measures, and to facilitate the availability of technical assistance.

C 109. Regional and sub-regional organizations could help to increase transparency of the Security Council's targeted sanctions measures through providing additional details for statements of case of listed individuals or entities who are active within the territories of their Members, and in ensuring detailed statements of case are prepared by their Members who propose listings under relevant sanctions regimes to the relevant sanctions committee.

C 118. The Security Council and Member States should emphasize overall outcomes and efficiency of sanctions in monitoring implementation and compliance, rather than focus predominantly on technical compliance.

C 119. The Council, sanctions committees, expert groups and member states should engage civil society to take advantage of their research and promotional capabilities to raise awareness and encourage greater understanding of the objectives of UN sanctions among relevant actors.

[Missions and visits by chairpersons and sanctions committees](#) Visits to countries in order to engage with governments and other actors who are either subject or affected by sanctions, such as neighboring countries or subregional organizations, have increasingly become an important tool used by the Security Council and by sanctions committees. Such missions demonstrate the Security Council's determination to apply sanctions measures to resolve conflicts, show support to UN mediators, and can represent the first step towards implementation capacity assistance.

Under Note 507 (S/2017/507) Council members propose that:

107. The members of the Security Council encourage Chairs of all subsidiary bodies to continue to travel periodically to regions applicable to their work to seek the views of and engage with affected or concerned States and explain and promote the objectives of the subsidiary body's mandate.

119. The members of the Security Council underline the value of Security Council missions for understanding, assessing and preventing escalation of particular conflicts or situations on the agenda of the Council. Security Council missions should be planned as early as practicable with the members of the Security Council that will be participating in the mission in a transparent, efficient and inclusive manner. Members of the Security Council will designate a member or members to coordinate a particular Security Council mission.

120. As soon as the members of the Security Council agree to conduct a particular mission, the President of the Security Council will continue to inform the Secretary-General of that decision with the intended destinations and dates, in order to request the support of the Secretariat in making all the necessary arrangements to facilitate the mission.

121. The designated member or members will draft terms of reference for the mission as early as possible in consultation with Security Council members and the Secretariat. The terms of reference should outline the dates of the mission, its purpose, the proposed agenda and the composition of the mission. The terms of reference should be issued as a Security Council document.

122. With a view to enhancing synergy and maximizing impact, the members of the Security Council agree to consider joint missions of the Security Council and the

Peace and Security Council of the African Union to conflict situations in Africa. The modalities of joint missions will be discussed and agreed on a case-by-case basis by the two Councils.

123. The members of the Security Council encourage Security Council missions to have a focused itinerary with a schedule of meetings which would allow meaningful exchanges at each meeting. The members of the Security Council encourage Security Council missions to continue to avoid restricting their meetings to those with governmental interlocutors and interlocutors of conflict parties and to hold, as appropriate, meetings with local civil society leaders, non-governmental organizations and other interested parties.

124. The members of the Security Council agree that Security Council missions should be followed up as appropriate. Upon the return of the mission, the designated member or members should brief the Security Council on the mission, as early as possible and preferably within one month after the return of the mission, orally and/or with a written report which should be issued as a document of the Security Council.

***Proposal 1:*** The lack of formalized monitoring criteria for unintended gender consequences of sanctions should be addressed in the terms of references for chairperson and committee visits to countries and regions affected by sanctions. These criteria could include, among others:

- Reviews of national laws and regulations, as well as their implementing government agencies, tasked with safeguarding the welfare of women, girls and children in conflict-affected regions;
- Reviews of the performance of UN field-organizations in monitoring and protecting women, girls and children in conflict-affected regions, as well as in reporting failures;
- Reviews of the performance of UN expert groups in monitoring and reporting gender violence, unintended gender consequences of sanctions, and their monitoring criteria;
- Visits and interviews, in protected UN spaces and with adequate language interpretation, of vulnerable women, girls, and children to obtain a first-hand account about the performance of the UN sanctions system.
- Follow-up investigations of reported incidences where the UN sanctions system has failed individual or communities of women, girls or children.

***Proposal 2:*** A member state proposes to mitigate the possible impression that the consequences of sanctions on the population in general are not adequately considered, by addressing S/GBV and CRSV issues with “unintended consequences of the sanctions on the population and, in particular, on women, girls and children in conflict-affected regions”.

## Private Sector

In the context of counter-terrorism, non-proliferation and conflict mineral / commodity sanctions, Security Council resolutions mandate expert groups to interact with private sector groups to ensure the effective implementation of sanctions measures.

Industries that are particularly sensitive to sanctions measures include financial, transportation, defense manufacturing, and certain extractive companies, including their diverse intermediaries, brokers, agents or legal advisors.

Chairpersons and sanctions committees have on occasion to host open briefings that included representatives of key industries; but no systematic approach exists to support Chairpersons in taking a proactive role.

During consultations for the Assessment Report, an additional aspect of private sector concerns became apparent when institutional shareholders who own significant percentages of companies operating around the world, expressed concerns that their investee shareholder capital might be at risk because of material or reputational risks associated with United Nations sanctions. Such possible losses signal clear investor interest in avoiding possible corporate violations of United Nations sanctions or human rights.

As a possible solution, the formation of an informal working group was discussed, perhaps with the participation of interested states, to develop guidelines and compliance verification procedures.

### **Additional Recommendations:**

C 93. Sanctions committees and expert groups should conduct outreach to raise awareness regarding the specific requirements of UN sanctions with private sector groups and to understand in greater detail risk factors and data-protection and privacy concerns which may contribute to over-compliance.

C 111. Member States should invigorate sanctions-relevant outreach to the private sector (such as the Wiesbaden Process) to ensure compliance with sanctions, dual use controls, end-use catch-all provisions, and supply chains guidelines.

C 116. Member States and DPA should conduct targeted awareness-raising initiatives with the private sector to explain requirements and learn about risk, data-protection, and privacy concerns that may contribute to over-compliance.

C 117. The Security Council should encourage Member States to enact national legislation, develop regulatory mechanisms, and reach out to relevant manufacturing and `transportation sectors to promote effective implementation of UN sanctions.

***Proposal 1:*** Chairpersons could ensure that the gender-specific impact of individual companies operating within or with sanctions-affected regions and populations are being monitored. Financial service, transportation, or health care providers, as well as commodity trading and refining companies could be held accountable not only for potential conflict-promoting commerce. They should also be monitored for treating men preferentially to the detriment of the safety and economic wellbeing of women, girls, and children.

***Proposal 2:*** A member state proposes to mitigate the possible impression that the consequences of sanctions on companies will not be viewed as adequately addressing the needs of the population in general. Therefore, it is proposed to address the gender issues companies might encounter by the following language: *“unintended consequences of the sanctions on the population and, in particular, on women, girls and children in conflict-affected regions”*.

## Standardizing sanctions terms

The following additional issues were recently raised in regards to the compiling of frequently used texts and terms and making them available to interested member states:

AR - Recommendation 4. A number of participants, including current and former chairs of sanctions committees, suggested that an informal working group of interested States could compile texts and definitions for terms routinely used for sanctions implementation and draft, where appropriate, standardized forms or language. In order to maximize buy-in for these drafting products, they further recommended that committee chairs, E10s and non-members of the Council be invited to participate in such a working group.

C67. The Security Council and sanctions committees should utilise standardised terms and guidelines to reduce uncertainty and the potential for over-compliance of UN sanctions.

C 74. DPA, sanctions committees, and expert groups should develop standardised definitions and guidelines of terms used in connection with financial measures. Those benefiting from clarification include financial assets, economic resources, prohibited

financial assistance in relation to export, import and transport bans, exercising vigilance, and those related to commodity bans. In the case of asset freezes, the Transnational Organised Crime Convention, Corruption Convention and Terrorism Financing Convention should be taken into account, as well as FATF's guidelines.

C 75. DPA, sanctions committees, and expert groups should develop and use clear standard definitions and baselines in UNSCRs for terms such as "arms and related material" and "transfer", taking into account definitions contained in existing instruments and technical work done in arrangements such as the Wassenaar Arrangement.

C 76. Where necessary, DPA, sanctions committees and expert groups should endeavour to clarify partially-defined terms contained in certain sanctions resolutions, such as of what constitutes luxury items and "exercising vigilance".

C 77. DPA should enhance dialogue on implementation through discussion of functional clusters of issues (e.g. on arms embargos, non-proliferation) which should also be cross-cutting among organizations.

**Additional Recommendation:** Given the strong interest in a central depository of frequently used texts and terms, the Best Practices Guides currently under development could include in an annex an appropriate selection of such texts, as well as a dictionary of frequently used sanctions terms.

## Sanctions measures and implementation

The Security Council through its sanctions resolutions imposes specific sanctions measures, including embargoes and bans on conventional arms, weapons of mass destruction, related dual use items and any item applicable to a catch-all clause, as well as restrictions on the trade in specific commodities; an assets freeze and other economic restrictions; an individual travel ban; prohibitions on the export of luxury goods (applies only the DPRK); as well as the curbing of diplomatic, cultural, or educational activities.

The chairperson and the sanctions committee administer the implementation of these measures. Therefore, the chairperson and committee members must understand evolving technical implementation procedures.

**Embargoes and bans** UN embargoes and bans relate to the supply of arms, related military material, weapons of mass destruction and related components, technology, and services, as well as dual use items and anything that might fall under catch-all restrictions.

UN embargoes can also restrict the supply or delivery of certain commodities and other natural products such as wildlife.

Some exemptions may apply to these restrictions.

Currently, chairs and sanctions committees are undertaking efforts to streamline the use of harmonized system codes (HSC) used by the World Customs Organization, as the Permanent Representative of Thailand, Mr. Chandrtri acknowledged (S/PV.8175 of 6 February 2018): "We welcome the inclusion of the harmonized system codes for prohibited items in the latest sanctions resolutions, and hope that will continue to be the practice in the future. "

The following recommendations were made by interested member states:

C 78. The Security Council should encourage cooperation between UN sanctions actors and non-proliferation and arms control entities. Member states should encourage, and as necessary authorise, governing bodies of arms and export control supplier regimes to discuss sanctions-related issues with relevant UN bodies.

C 79. Relevant sanctions committees should routinely update sanctions commodity lists (via decisions or resolutions and reflected in guidelines) in a timely manner and make them available on the UN website.

C 80. The Security Council should strengthen catch-all provisions in resolutions by clarifying the need to go beyond lists to focus on prohibited end-use, according to the models used for existing catch-all provisions in the multilateral non-proliferation control regimes.

C 81. Sanctions committees and expert groups should develop guidance on how to deal with risks in the supply chain through transport, front companies, etc., making use of available best practices developed in relevant international organizations and arrangements.

C 82. The Security Council should consider expanding lists of sanctioned dual-use goods to those items just below thresholds prohibited by existing non-proliferation regimes but easily modifiable, based on implementation experience and new knowledge of procurement trends.

C 83. Relevant export control regimes should be encouraged by Member States to review existing technology transfer controls to ensure they keep pace with technological advancements (e.g., 3D printing of weapons and ammunitions, modular weapons) and the availability of technical knowhow for weapons manufacturing on the internet.

**Additional proposal:** In order to promote the use of HSC, the chairpersons could request expert groups to include in their reports and the secretary to include in committee communications the correct HSC wherever items restricted under UN sanctions are mentioned.

Assets Freeze Assets under direct or indirect control of an individual, company or entity designated for targeted sanctions are blocked.

Important exemptions apply in most sanctions regimes to protect legitimate concerns of those that are subject to these restrictions.

The implementation of assets freezes and other economic restrictions is highly integrated into the international anti-money laundering mechanisms and into automated due diligence systems in use primarily by the financial industry.

Nevertheless, member states have expressed interest in further enhancing implementation mechanisms with the following recommendations:

C 89. Financial experts from expert groups, in cooperation with the FATF, should develop typologies of sanctions violations and illicit financing techniques generally to better understand and disrupt such activities.

C 90. Financial experts from expert groups should jointly examine existing analysis by the FATF and similar organizations of informal sector financing methods to determine the degree to which those methods are being employed to evade sanctions.

C 91. The Security Council and member states, in consultation with relevant bodies, academia and NGOs, should explore the possibility of employing new instruments to counter changing ways to finance conflict (e.g. kidnapping for ransom, extortion and other forms of rent, etc.) and consider the applicability of sanctions to counter conflict financing.

De-Risking Chairpersons should ensure that as part of the sanctions committee's efforts to institute due process throughout the sanctions implementation processes, no over-compliance takes place.

A particular concern is that vulnerable communities are penalized because they reside in regions under the control of organizations or entities that are subject to the UN assets freeze. Proponents believe that at a minimum, the financial flow to recognized aid providers in those regions should be exempt from the UN assets freeze.

AR - Recommendation 8. While recognizing that de-risking (or minimizing) the effects of conflict and instability on innocent populations is a concern that the global financial system has been grappling with for some time, participants pointed to the need for a very narrow United Nations sanctions system-relevant solution. Taking into consideration the need for a very focused de-risking approach, participants suggested that model exemption language should be drafted by an informal working group of interested States. It was also suggested that the concerns of financial institutions must be alleviated so as to facilitate an effective but narrow flow of funds to aid providers in sanctioned territories. At the same time, recipients must be accountable to the relevant sanctions committees for the transmitted funds to ensure that they are used for authorized purposes and are not diverted to individuals and entities under an asset freeze.

C 94. The UN through DPA, relevant sanctions committees, and expert groups should be prepared to participate in international discussions such as are foreseen within FATF in the coming years on risk aversion and de-risking.

Exemptions The chairperson has an important role in managing the committee's obligations to review requests and grant exemptions to sanctions measures, if such exemptions are mandated in the relevant sanctions resolutions

A well-managed exemption regime helps to add credibility to UN sanctions by addressing issues of potential humanitarian suffering and human rights violations.

Exemptions can be granted to designated individuals because they require one-time relief from:

- An assets freeze in order to pay for ordinary living expenses, cost of medical treatment and related travel costs to deal with life-threatening health conditions, for educational expenses, and any contractual obligations pre-existing the imposition of the financial restrictions.

- A travel ban in order to facilitate travel for important medical purposes, for the exercise of religious duties, for participation in international mediation efforts, or for attending judicial procedures.

- Exemptions from arms embargoes can also be granted, usually permitting the introduction of non-lethal equipment into an area under embargo for UN personnel, for training purposes of security forces, for the personal protection of UN personnel, aid organizations or the international media.

The chairperson should ensure that the sanctions committee has available standardized application forms for exemptions from the assets freeze and the travel ban.

C 25. The Council should conduct a review of all exemptions with respect to their adequacy, dissemination of information, and implementation, and standardise exemptions and procedures across regimes, possibly through an omnibus resolution. Standing exemptions for humanitarian actors should be adopted.

C 26. Each committee should indicate available exemptions in clear and precise language on the main page of its website, including a simple explanation based on relevant resolutions and committee guidelines concerning: who can apply, how to apply, the documentation required to substantiate a claim, where to submit the application, and the time for committee decisions on exemptions.

C 27. The Council should allow requests for humanitarian exemptions, as well as communications from listed individuals/entities for all sanctions regimes.

C 28. Sanctions committees should encourage Member States to inform international law enforcement agencies when an individual is granted an exemption to a travel ban.

C 103. The Security Council and sanctions committees should simplify procedures to request exemptions for travel related to judicial procedures. A standard application for submitting requests for exemptions should be developed.

Thematic sanctions As conflicts and threats evolve and those who are responsible for atrocities, terrorism, or proliferation of WMD refine their harmful strategies, sanctions procedures must adjust in order to act as an effective deterrent.

The chairperson should alert the committee and expert group to consider and propose solutions to these emerging threats.

The chairperson should schedule periodic briefings of the sanctions committee with SRSs, Under Secretaries or Special Envoys with specialized mandates covering, for example, sexual violence in conflict, children and armed conflict, humanitarian assistance, international migration, human rights of internally displaced persons, human rights and transnational corporations and other business enterprises.

A number of recommendations were made to better prepare the UN sanctions system for emerging or evolving threats:

C 132. The Security Council should consider adopting thematic sanctions regimes in addition to country-specific sanctions to address global threats, such as incitement to genocide, sexual violence in conflict, human trafficking, and gross violations of women's rights.

C 137. The Security Council should make better use of existing mechanisms (e.g. listing criteria, due diligence guidelines and panel of expert reporting) to address linkages between natural resource management, private sector actors, financing of targeted entities, and armed conflict.

C 138. The Security Council should adopt a carefully monitored due diligence-based approach that rewards legal trade while members of illegal armed groups or organised crime organizations are blocked from benefiting from such trade.

C 141. The Security Council should establish a coordination mechanism between the thematic SRSs and the women and child protection advisers within peacekeeping operations and special political missions to enhance the sharing of information between relevant actors on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and the recruitment and use of children in conflict.

C 142. The Security Council should continue to include the protection of women and girls, particularly against acts of rape or other forms of sexual violence, in SRSs mandates in conflict regions. The Secretariat should in turn improve coordination of UN-system wide efforts for their protection; conduct more sensitization and training; introduce a more results-based approach, and more frequent and accurate reporting, and sensitization regarding the protection of sources and victims.

C 143. The Security Council should include in the mandate and in existing mechanisms for the protection of women and girls an obligation to report perpetrators and their military and political leaders to expert groups and to the relevant sanctions committees.

C 145. Consistent with the three principal pillars of the UN Women, Peace and Security agenda established through Security Council resolution 1325 (2000) (prevention, protection and participation), and with General Assembly resolution 65/69, and its subsequent versions (women, disarmament, non-proliferation and arms control) greater emphasis should be placed on efforts to increase the participation of women in decision-making processes for preventing and combatting conflict.

C 146. Member States should address transnational threats and new technologies, including the use of the Internet for illicit activities, within existing frameworks, including under Security Council resolutions 2161 and 2178. Other

stakeholders including Internet users and the IT industry should be engaged to address such threats in the implementation of sanctions.

C 147. The Security Council should enhance investigative capacities and strengthen international cooperation to determine which countries and/or individuals or entities are responsible for abuses of cyberspace affecting international peace and security, facilitating the imposition of UN sanctions.

## Sanctions and Human Rights

The protection of human rights and international humanitarian law , particularly of victims of conflict-related sexual violence (CRSV), but also of the delivery of humanitarian assistance is an important objective of virtually all sanctions regimes, although it is rarely spelled out with sufficient clarity.

The chairperson should periodically review whether more effectively targeted sanctions measures could better protect the human rights of displaced people, women and children in conflict regions, and aid providers.

These reviews could include periodic briefings of the sanctions committee by SRSGs, Under Secretaries or Special Envoys with specialized mandates covering, for example, sexual violence in conflict, children and armed conflict, humanitarian assistance, international migration, human rights of internally displaced persons, human rights and transnational corporation and other business enterprises.

The chairperson should also ensure that the expert group pays close attention to and reports about any violations of human rights, international humanitarian law and in particular, concerns regarding conflict-related sexual violence, and that the group includes an expert trained and experienced in issues of CRSV.

The chairperson should further insist that the experts analyze any interruptions of humanitarian assistance and report their findings particularly if threats or violent acts obstruct aid and aid providers.

The chairperson should pay close attention to unintended socio-economic and humanitarian impacts of sanctions measures.

Although no formal impact assessments by qualified experts are mandated in most sanctions regimes, the chairperson, along with the penholder and the members of the

committee should question experts closely about their efforts to ascertain that sanctions do not cause harm to innocent populations.

The following recommendations were made by interested member states:

C 64. The Council should include in the mandates of expert groups assessment requirements and reporting of impacts of sanctions on humanitarian activities.

C 65. Expert groups and humanitarian experts should increase dialogue between them, including on potential impacts of sanctions on humanitarian activities such as the effects of national implementation of financial sanctions. To the extent possible, expert groups should consult humanitarian organizations regarding pre-assessments of the impacts of sanctions on the ground.

C 66. Regular, standardised, evidence-based assessments should be conducted to consider the extent to which proposed measures may impact humanitarian initiatives. If concerns exist that sanctions could impact humanitarian action, the Council should consider standing exemptions for UN humanitarian actors and implementing partners in that situation.

C 135. The Council should conduct periodic assessments of the impact of its measures, including in consultation with humanitarian actors and other agencies operating in the field, as well as with the host State, where appropriate. These assessments should be made public.

C 136. The Security Council should, to the extent possible, commission pre-assessments of the humanitarian and socio-economic effects when contemplating imposition of broad sectoral or financial sanctions.

## Sanctions and Mediation

A prerequisite of effective sanctions measures is that they are widely perceived to be used only as a last resort, short of the use of armed force, and that they are consistent with international law. Important legitimization results if the implementation of UN sanctions is closely coordinated with UN mediators.

Chairperson could periodically invite UN mediators to sanctions committee meetings to exchange information and to ensure that sanctions implementation efforts are supportive of the objectives of the mediator.

C 58. The Secretariat should improve coordination and information-sharing within the UN system, including among SRSGs and mediators on the role and multiple goals of sanctions, including the benefits of sanctions used as an incentive or disincentive in negotiations.

C 59. The Security Council should ensure that exemptions permitting individuals to travel for participation in mediation processes are available in relevant sanctions regimes.

**Additional Recommendation:**

Chairpersons should take advantage of the important initiative by member states of the Non Aligned Movement who wish to emphasize that measures taken under Article 41 of the UN Charter should only be considered after all measures under Chapter VI are exhausted.

AR - Recommendation 9. Some participants suggested that interested States should convene a High-level Review-style informal consultation to explore whether and how Chapter VI measures could be applied more effectively before sanctions are adopted. More active engagement of States members of the Non-Aligned Movement of Countries, as the largest block of States and populations in the world, could assist in building a more effective United Nations sanctions system.

## Designations, due process

[Designations – General issues](#) The quality of the evidence that underpins designations is an ongoing struggle in every sanctions committee, and directly reflects on the credibility of the sanctions regime.

Chairpersons should use their unique position to exhort experts, and member states, to prepare the most authoritative evidence possible before they issue a recommendation for a designation.

Chairpersons are also in a unique position to set on the committee's agenda periodic reviews of all designations. Sanctions committees should ensure that original evidence from the past is still valid, and that experts can provide ongoing justification for designations.

The following recommendations have been made in the recent past:

C 10. Sanctions committees, supported by expert groups, should intensify efforts to provide more specific information and updated identifiers on all UN-designated individuals and entities.

C 18. The names of individuals and entities suspected of acting in contravention of sanctions measures, or proposed by expert groups for designation by a sanctions committee, should be conveyed to the committee in confidence, and should not be included in the published report. The committee and the expert group should liaise with the authorities of Member States with jurisdiction over the conduct concerned to share information in support of designation under sanctions or prosecution under national law.

C 99. The Security Council should consider developing standardised criteria for the listing of persons in relation to genocide, crimes against humanity and war crimes, the detailed grounds of which would then be specified for each relevant sanctions regime.

C 100. With the ICC as an example, sanctions committees should consider enabling the automatic listing of persons sought by the Court once a warrant for their arrest has been issued by a Pre-Trial Chamber for the alleged commission of crimes within the jurisdiction of the Court, particularly where the situation has been referred by the Security Council itself.

C 114. Sanctions committees should include as many detailed identifiers (names, location, business registration numbers, alias, etc.) as possible, and make sanctions requirements more user-friendly

C 131. The Security Council should expand sanctions designation criteria, where appropriate, to better address existing and emerging threats in relation to the situation targeted by sanctions, for example, by including specific human rights violations not explicitly covered under the existing regime. In general, the Security Council should use existing sanctions regimes more effectively to enforce thematic priorities, including those related to the Children and Armed Conflict and Women, Peace and Security agendas.

[Due Process](#) Nowhere is the UN sanctions system more vulnerable to criticism than regarding the lack of due process.

Narrowly defined, chairpersons have applied and paid attention to the application of due process in designations and delistings.

Recent deliberations have however helped to highlight the need for due process applications across the entire sanctions implementation procedures. It is recommended that chairpersons verify that:

- At the start of their mandate, expert groups develop and adopt evidentiary standards, and working methods for the collection and handling of evidentiary material, as well as reporting standards;
- At the initiation of a specific monitoring / investigation of a target, experts act on credible prima facie information, that meets reasonable standards to justify inquiries and information requests;
- Experts consider, record and report all exculpatory information that they find during their investigations on a particular subject;
- Sanctions committees verify the prevalence of evidence and exculpatory information before considering the designation of a subject;
- Experts afford all persons and entities mentioned in their reports the right of reply and report the substance of the reply, while taking all precautions to preserve the effectiveness of an eventual asset freeze; and respecting any member states' national security prerogatives;
- Experts report conditions under which the right of reply was granted and ensure evidence for culpability meets expert groups' methodology standards.
- Experts' reports of evidence in confidential annexes also meets UN fairness standards and the experts' methodologies and evidentiary standards;
- Sanctions committees ensure that the target is informed about designation and the ensuing consequences;
- Sanctions committees advise targets about opportunities to communicate new information via the expert group;
- Sanctions committees advise the target about the functions and services of the UN Focal Point, and for counter-terrorism sanctions, about the availability of the Office of the Ombudsperson;
- Sanctions committee performs periodic review of designation criteria and updates the evidence supporting ongoing listings;
- The Focal Point and Ombudsperson consult with the relevant expert group on any new evidence or requests before submitting recommendations to the committee.
- Sanctions committees notify relevant member states' law enforcement, border control and other organizations when an exemption is granted;
- Sanctions committees communicate delisting decision in all relevant UN documents, inform all member states and follow up with corrective actions where a delisted individual, company or entity continues to suffer restrictions in regards to assets or travel privileges.

The following recommendations have been made:

C 20. The Council should continue to improve the fairness and transparency of sanctions procedures to address human rights and due process issues, including the criteria for sufficiency and transparency of information as the basis for individual listings.

C 21. Committees should refer petitions received through the Focal Point to relevant expert groups and relevant Member States for their views. Committees should commit to positive consideration of petitions, and in cases where petitions are denied, committees should provide reasons.

C 22. Committees should routinely review individual/entity designations, even in the absence of a petition, to ensure listings remain appropriate. Such reviews should not only seek to update the narrative summary of the reasons for the listing, they should also seek an update from the relevant Member States (State of residence or incorporation, State of nationality, etc.) as to the contact, if any, that Member State has had with designated individuals/entities, and confirm that they are aware of the availability of exemptions and petitions for the removal of sanctions.

C 23. The Council should encourage all sanctions committees to provide reasons for decisions taken with regard to listing, delisting, and granting or denying exemptions to relevant Member States, national and regional courts and bodies, so as to enhance coordination between the UN and regional organizations.

C 29. Committees should continually monitor (through expert groups) the conduct of individuals and entities designated under sanctions, to ensure the reasons for listing are current and that the listing remains appropriate. Regular contact with sanctioned individuals/entities can promote greater awareness of the purpose of sanctions and encourage subjects to modify their conduct.

C 139. The Security Council should consider the impact of sanctions on legitimate livelihoods when adopting due diligence measures

## Expert groups

**Purpose** Chairpersons have a special responsibility and interest in facilitating the work of expert panels, once they have received a mandate from the Security Council. The chairperson also protects the independence of the panel, facilitates the execution of its tasks, and ensures speaking time for the panel during Committee meetings. Panels serve after all as the “eyes and ears” of the sanctions committees, and report on:

- the effectiveness of the sanctions measures,
- the nature of violators and the identity of those that do not comply,
- assistance some states may require to enhance their compliance with certain sanctions measures;
- recommendations to enhance the effectiveness of the sanctions regimes;

- any unintended consequences of the sanctions regimes on the population and, in particular, on women, girls and children in conflict-affected regions’.

Recruitment and Appointments The chairperson is usually the first to evaluate the secretariat’s slate of candidates for expert positions. CVs of the candidates will then be circulated for comments by the delegations of the P5 and other member states, before the appointments are the subject of a no-objection period and finally the Secretary-General’s signature.

***Proposal:*** The chairperson should emphasize with the secretariat the need for gender-balanced expert groups. To ensure that a proposed slate is the result of credible recruitment efforts, a chairperson should not hesitate to delay consent to a proposed slate until at least the secretariat provides evidence for having interviewed an equal number of female and male candidates.

Recruitment of consultants and interpreters Chairpersons should ensure that the Secretariat provides to expert groups, if required, short-term support with consultants that add competence in areas of expertise that the group requires to complete its mandate. He/she should also insist that groups have adequate assistance of language interpreters when working in the field, particularly where direct communication with victim communities or other individuals is critical to the mandate of the experts.

The recruitment of consultants or interpreters is not subject to approval by the committee.

Coordinator of expert group The chairperson has a particular interest in establishing an effective working relationship with the coordinator of an expert group. The coordinator is expected to ensure that sound methodological and evidentiary standards are implemented by all members of the expert group, as well as the work plan agreed by the committee, and he/she will set the agenda for the work of the group, in collaboration with the experts. A chairperson should ensure that the priorities of the expert group are aligned with the committee’s focus in the implementation of UN sanctions measures.

A number of recommendations were made by interested states in regards to enhancing the performance and status of experts:

C 36. The Secretary-General should ensure that appointments of experts are made on the basis of expertise and merit, to deliver a consistent standard of expertise across all expert groups, free of conflict of interests.

C 37. The Council should request the Secretary-General to review present arrangements and recommend options for the establishment of a sustainable system for appointing and supporting Security Council mandated experts. The conditions of service

should facilitate the performance of their functions, attract and retain the very best professionals for this role, as well as be supported with timely and high-quality administrative and logistical support.

C 38. DPA, OHRM, and representatives of expert groups should consult on terms and conditions that are reflective of their important, specialised role.

C 39. The Security Council should request that the Secretary-General ensure that expert groups receive the necessary administrative and substantive support to effectively, safely, and in a timely manner, fulfil their mandates, including with regard to duty of care in high-risk environments.

AR - Recommendation 10. The call made by the participating expert group members during the High-level Review consultations for proper duty of care from the United Nations, with effective duty-of-care policies in place remains the only pertinent suggestion. This point is self-evident considering that along with expert group mandates, the Security Council also mandates the Department of Political Affairs, the Department of Peacekeeping Operations and the Department of Safety and Security to assist logistically, with tactical information and security. The Security Council, the Secretariat and Member States should seek transparency on what specifically this duty of care entails, if these killings are to remain a tragic exception to the otherwise remarkably effective and safe United Nations sanctions monitoring system. The Security Council might wish to request briefings on the progress on any internal review that the Secretariat is conducting.

[Supporting expert groups with interlocutors](#) Expert groups often depend on the personal interventions of the chairperson to convince governments, companies or representatives of UN organizations to comply with certain sanctions measures. The support can be critical in situations where repeated requests by experts for assistance, specific documents or information is ignored.

The involvement of chairpersons can take many different forms, such as a personal phone call, a letter approved by the committee, an invitation to answer questions by the committee, a visit to the relevant capital, and the possibility that the committee might consider designating the resisting actor for targeted sanctions.

C 41. The Secretary-General should authorise upon request access by expert groups to UN system reporting on relevant situations, including code cables and the DSS feed, on the condition that such information would only be used for background understanding and would not be cited in public reports without the consent of the originators.

[Collaboration in preparation of reports](#) Chairpersons should ensure that expert groups collaborate with sanctions-affected states, individuals, companies and other entities as long as the independence and integrity of the experts will not be encumbered. The following proposals have been made in this regard:

C 15. Expert Groups should establish standard procedures for engaging Member States in the preparation of their reports, which provide that during the preparation of their reports, expert groups hold interactive discussions on draft conclusions with both the focus State for the regime and any other States to be named in their reports, and allow sufficient time in reporting timelines for such States to forward additional information relevant to a particular conclusion. In the event the State concerned continues to dispute the conclusion, the State's position should be included in the report itself. Such procedures would not only provide a form of "due process", but have the potential to improve the quality of engagement by Member States in the process, including the quality of information provided.

C 16. To bring the respective roles of committees and expert groups into a more effective alignment, sanctions committees should take a more proactive approach to managing relationships with the focus and key stakeholder States. This could include formalising the committee's expectations in terms of cooperation, information-sharing and implementation requirements. On the basis of this "action plan", the committee's role as the forum to discuss implementation and compliance would be clear, and the expert group's mandate to investigate better understood. The committee could coordinate with the focus State on the question of exemptions to the sanctions measures and on appropriate technical assistance.

[Reporting obligations of expert groups](#) Chairpersons have a unique ability to informally engage with the coordinator and the experts in informal meetings and visits by raising specific concerns highlighted by committee members.

The chairperson is usually also the first outside the secretariat who will have an opportunity to review final drafts of reports. He/she may provide constructive comments and suggestions without infringing on the experts' independence.

[Content and quality of expert reports](#) The degree to which a chairperson prioritizes evidentiary standards, due process practices, or the full application of methodological standards during committee meetings with expert groups can powerfully enhance the integrity and effectiveness of the UN sanctions system. The more experts are made to adhere to these norms, the more compelling their work result will be, the more the sanctions processes will be accepted.

A similar empowering impact of the chairperson will result from detailed inquiries about the experts' specific monitoring of "unintended consequences of the sanctions on the population and, in particular, on women, girls and children in conflict-affected regions", their methodology to conduct this aspect of their work, the extent to which the experts have achieved agreement or whether male and female experts have worked in an egalitarian manner.

Once a final report by the expert group has been discussed by the committee, the chairperson can schedule a formal meeting to vote on its recommendations. It is therefore important that the experts have fully explained to the committee the reasons and purposes behind their recommendations.

After the committee has concluded its review of the expert's report the chairperson refers the report in his personal capacity, not requiring the unanimous approval of the members of the committee, to the President of the Security Council. The report is issued as a Security Council document, publicly released, and accessible on the website of the sanctions committee.

[Follow-up on reports \(letters, notes verbales, press releases\)](#) The committee will determine on how to follow up on the findings and recommendations contained in expert reports. Possible follow-up actions include:

- A letter by the chairperson on behalf of the committee to member states, international and regional organizations, or to the heads of secretariat departments and/or special representatives of the Secretary-General (SRSGs) to bring pertinent findings and recommendations contained in the report to their attention and to ask for a reply;
- A note verbale addressed to all member states and observers informing them of the report, and providing a copy;
- The publication of a press release summarizing the committee's decisions in response to the expert group's findings and recommendations.
- Scheduling follow-up meetings with relevant interlocutors to explore the implementation of specific recommendations by the experts, or to obtain additional information from member states or UN organizations.

[Evaluation of experts' performance](#) The secretariat assesses each expert's performance according to a set of evolving criteria. The result of a performance review is an important aspect in the consideration of whether an individual may be proposed for re-appointment on the same or another expert group.

C 40. The Security Council should request an improved performance assessment system for expert groups to include both an assessment of expert groups, and an assessment of the UN's administrative and logistical support to expert groups, based on structured feedback from experts themselves.

***Proposal:*** *The chairperson should request from the secretariat periodically an outline of its efforts to recruit qualified female experts, and how the performance criteria reflect all experts' gender competence. This should include for the secretariat to clearly understand how each expert operates with respect to female experts, female interlocutors, and female civilians and victims in the field.*

**Confidentiality obligations** As detailed in their contracts, experts are bound by obligations and restrictions of confidentiality. This entails that experts should only provide information and findings obtained during the performance of their functions to those authorized to receive such information, primarily the Sanctions committee and the Sanctions Branch (SCSOB). Requests for information from the media on unpublished reports should therefore be answered with a "no comment" only.

The Coordinator/chairperson of the expert group is authorized to speak on background to the media on behalf of the expert group concerning matters that are not confidential in nature, i.e., on material contained in published reports, to provide information which will deepen the journalists' general understanding of the subject matter.

## Ombudsperson

The Office of the Ombudsperson was instituted in 2009 with Resolution 1904 (2009), as an independent and impartial reviewer of requests from individuals, groups, companies, or entities seeking to be removed from the ISIL (Da'esh) and Al-Qaida list for those designated for assets freeze and travel bans.

Currently, collaboration with the Office of the Ombudsperson concerns only the chairperson of the ISIL (Da'esh) and Al-Qaida sanctions committee.

However, many member states support the proposal to expand the mandate of the Office of the Ombudsperson across all UN sanctions regimes. If that were to occur, all chairpersons of sanctions committees would interact with the Ombudsperson.

Interested member states have proposed the following recommendations:

C 42. The Council should ensure that the term of appointment for the Ombudsperson matches the period of the mandate renewal for the Office of the Ombudsperson.

AR - Recommendation 5. A majority of participant Member States expressed their interest in further exploring opportunities to expand the mandate of the Office of the Ombudsperson, perhaps in incremental steps, across all United Nations sanctions regimes. One suggestion was to seek initially a conceptual consensus among permanent (P5) and elected 10 (E10) Member States on the expansion of the Ombudsperson's functions to non-counter-terrorism sanctions regimes, rather than seek immediate agreement on an expanded Ombudsperson's mandate.

C 24. The Council should consider extending the mandate of the Office of the Ombudsperson to other sanctions regimes, and consider favorably proposals by the Like Minded States to improve fair and clear procedures.

C 43. All actors should respect the independence of the Ombudsperson, and decisions on appointment or renewal of the Ombudsperson should be a matter for the Secretary-General alone, without input by the committee or Security Council.

C 44. The Secretary-General, in reviewing arrangements for appointing and supporting Security Council mandated experts, should propose options for ensuring that the administrative, contract and other support arrangements for the Ombudsperson are specific to the distinct role and include institutional protections to actually meet the definition of an "independent office".

## Secretariat

**Role** The secretariat, through the Security Council Subsidiary Organs Branch (SCSOB), assists, enables and facilitates the work of the committee members and the chairperson, and expert groups, in all administrative and institutional aspects. The secretariat's role divides into two types of assistance using different sections and branches:

- Direct support through the secretary of the committee, political affairs officers, and the Focal Point for De-Listing.
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- General support through interpretation and logistics services, the Office of Legal Affairs, the Office of the Spokesperson, Archives and Records Management Section (ARMS), and through many other branches and services. Increasingly, the

Sanctions Branch is advancing into substantive contributions, by providing research and analytical services to the committee.

[Secretary of the committee](#) The chairperson and his staff will depend heavily on the committee secretary who is the interface between all sanctions actors (expert group, members of the committee, Special Representatives of the Secretary General and senior officials of peacekeeping missions, and those of other UN bodies and organizations).

The secretaries are knowledgeable advisors in all procedural matters and will assist in drafting all documents the chairperson or the committee need to issue.

[Specific interactions](#) The secretary assists the chairperson and the committee with drafting all necessary documentation related to the work of the committee.

Experienced secretaries and political affairs officers can provide advice on various substantive or procedural questions, and will research briefing materials for the committee, chairperson, on precedents and practices pertaining to sanctions implementation generally, and for specific sanctions regimes.

The secretary meets with the chairperson of a newly established committee or with a newly elected chairperson to establish contact and operational procedures. Secretaries will support committees and chairpersons during all meetings, formal or informal.

They will also accompany them on visits to the region affected by the sanctions measures. Usually they will facilitate through peacekeeping missions or the office of the Special Representative of the Secretary General logistics and substantive support to committee and chairperson visits, including arranging meetings with counterparts in governments or civil society.

The secretary will also facilitate all interactions and meetings with the expert group, their coordinator, and any other representative of the UN system or from other organizations and with delegations of member states. He/she will also interact with the Office of Legal Affairs (OLA) to obtain legal opinions on issues that is relevant to the work of the committee.

The secretariat maintains electronic databases for committee records, Security Council resolutions, expert group reports and documents, and many other records and writings.

[Responding to inquiries](#) Furthermore, the secretary will act as a primary responder to media inquiries, but will refer any sensitive political queries to the chairperson or the coordinator of the expert group.

The secretary is the committee's primary responder to any other inquiries, be it from member states, UN agencies, the private sector, or other entities who require information related to the implementation of sanctions measures.

[Focal Point for De-listing](#) With Security Council resolution 1730 (2006) a mandate for the Focal Point for De-Listing was established.

The mandate is carried out by a senior official of the sanctions branch.

All de-listing requests by sanctions-affected individuals, companies or entities are processed by the Focal Point, who presents the request with supporting evidence to the relevant committee.

As is the case with the Office of the Ombudsperson, many member states would like to expand the mandate of the Focal Point. Recommendations for enhancements include:

C 21. Committees should refer petitions received through the Focal Point to relevant expert groups and relevant Member States for their views. Committees should commit to positive consideration of petitions, and in cases where petitions are denied, committees should provide reasons.

## Integrating sanctions with other UN instruments

The following recommendations were made:

C 49. On the basis of the Secretary General's report, the Security Council should require a regular review of all UN sanctions with the aim of enhancing their effective implementation or terminating sanction regimes.

C 50. The Security Council should request the Secretary-General, where applicable and feasible, to include a substantive section on UN sanctions issues in his reports to the Security Council.

C 51. The Secretary-General's report submitted prior to the potential imposition of sanctions should address the strategic connection between sanctions and other instruments employed, and demonstrate the place of sanctions as part of a broader partnership between the state in crisis and the various UN actors seeking to restore international peace and security.

## Capacity enhancements and assistance

The call for assisting states constrained by limited resources to enhance sanctions implementation capacities has been heard since the earliest days of the United Nations. In fact, some member states have argued that Article 50 of the UN Charter encompasses a right to consult the Security Council with regard to a solution in cases where states are confronted with special economic problems related to sanctions.

While the reference to Article 50 may not be shared widely, chairpersons will find it in their interest to keep an open mind to the capacity needs of states particularly burdened by sanctions.

Recommendations include:

AR - Recommendation 7. Participants recommended an exploration of the following priorities through an informal working group of interested States and private sector actors:

- The development of a self-assessment tool for States' requirements for technologies, services and institutional support in order to meet all sanctions implementation obligations;
- Enhancing knowledge of technologies, services and support available either from institutions or the private sector;
- Mobilizing the private sector's ability to provide pertinent services and technologies; exploration of funding technologies;
- Exploration of potential funding sources.

C 52. The reports of the Secretary-General should include an assessment of the likely requirements for technical assistance to implement the sanctions measures.

C 56. The Security Council should ensure that mandates of SRSGs, as heads of UN missions in countries to which sanctions apply, include the requirement to assist with sanctions.

C 122. Existing technical assistance programmes for financial and/or export controls should be tailored, to the extent practicable, to incorporate sanctions implementation.

140. The Security Council and sanctions committees should develop specific capacity assistance focused on compliance with natural resources sanctions.