



**Statement  
by  
Permanent Mission of Chile to the United  
Nations on behalf of the of the Group of  
Like-Minded States on Targeted Sanctions**

Security Council Open debate

“Ensuring transparency, efficiency and effectiveness in the work of the  
Security Council”

May 15th, 2020

## Statement by Chile on behalf of the Group of Like-Minded States on Targeted Sanctions

### UN Security Council Open VTC Meeting “Ensuring transparency, efficiency and effectiveness in the work of the Security Council”

15 May 2020

Mr. President,

Ms. Chair,

- I would like to thank the Estonian presidency and the Saint Vincent and the Grenadines Chairmanship of the Informal Working Group on Documentation and Other Procedural Questions for convening this open debate and the briefers for their remarks.
- This statement is on behalf of the **Group of Like-Minded States on Targeted Sanctions**, Austria, Belgium, Chile, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.
- Ensuring transparency, efficiency and effectiveness in the work of the Security Council includes the **strengthening of fair and clear procedures and due process** in UN subsidiary bodies - the sanctions committees.
- December 2019 has marked the **10<sup>th</sup> anniversary of the Office of the Ombudsperson** to the ISIL (Dae’sh) and Al-Qaida Sanctions Committee. The Office of the Ombudsperson provides important **due process guarantees** in the listing and de-listing procedures of this sanctions regime.
- At the anniversary event held on 17 December 2019 the various briefings demonstrated and acknowledged the **achievements** of the Office since its establishment. The mechanism has a real impact on individuals’ rights. The role of the Ombudsperson has also been recognized by different regional and national courts.
- The Office of the Ombudsperson should be able to carry out its mandate in an **independent, effective and timely manner** as stated in resolution 2368 (2017). The members of the Group of Like-Minded States on Targeted Sanctions are still concerned that this independence is undermined by the current contractual status and institutional arrangements for the Office of the Ombudsperson in the UN Secretariat.
- We urge the Secretary-General to strengthen the capacity of the Office of the Ombudsperson and to make the necessary arrangements to ensure its continued ability to carry out its mandate independently and effectively. The Office must also be given the necessary resources and support.
- The Office of the Ombudsperson is mandated to review cases from the ISIL and Al-Qaida sanctions list only. There are 13 other sanctions committees, which

provide no independent and effective review of sanctions. **Due process concerns** exist in relation to **other Security Council sanctions regimes**. Courts and tribunals are increasingly facing questions in relation to sanctions regimes without an Ombudsperson mechanism and have underlined their lack of due process protection.

- For this reason, we ask the Council to address these concerns by creating an **Ombudsperson mechanism that provides equivalent protection** for other sanctions regimes. To support these discussions, Belgium and Switzerland hosted a retreat in November 2019 to discuss possible ways to improve due process in all the sanctions regimes. The meeting note titled "[Due Process in UN Targeted Sanctions: Old Challenges, New Approaches](#)" has recently been published on the website of the United Nations University.<sup>1</sup>
- The concept note of today's meeting outlines the scenarios when the Council acts in "ordinary" and "extraordinary" circumstances. We shall remember that sanctions are **always extraordinary** for the targeted individuals and deeply affect their lives. The Council can show **agility** in tailoring **independent and effective review mechanisms for all the sanctions regimes**.
- Furthermore, in the current circumstances, the Security Council needs to ensure business continuity in its subsidiary bodies. Sanctions committees shall carry on their mandate in a timely and effective manner.
- We all have an interest in the Security Council imposing targeted sanctions to counter breaches of international law and proliferation, to constrain terrorism, to staunch the flow of arms into war zones, to combat human rights abuses, and to constrain spoilers of peace processes.
- We must strengthen the **legitimacy** and thus the effectiveness of these Council actions through **adequate due process guarantees** for the individuals targeted by them. Therefore, the Group of Like-Minded States on Targeted Sanctions urges the Security Council and the Secretary-General to continue their efforts to ensure that due process is afforded and **human rights** are respected, both in the **process of imposing sanctions**, and in **subsequent implementation measures**.

Thank you.

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<sup>1</sup> [https://i.unu.edu/media/cpr.unu.edu/post/3849/DueProcess\\_ConferenceBrief.pdf](https://i.unu.edu/media/cpr.unu.edu/post/3849/DueProcess_ConferenceBrief.pdf)