



AUSTRALIA



AUSTRALIAN MISSION TO THE UNITED NATIONS

E-mail australia@un.int

150 East 42nd Street, New York NY 10017-5612 Ph 212 - 351 6600 Fax 212 - 351 6610 www.AustraliaUN.org

BRIEFING ON THE HIGH LEVEL REVIEW OF UN SANCTIONS

FRIDAY 31 OCTOBER 2014

Statement by H.E. Gary Quinlan as Chair of the Working Group of the Review examining UN integration and coordination on the implementation of UN sanctions

Good afternoon, ladies and gentlemen. It's a pleasure for me to have this opportunity to report back on the contribution of Working Group 1 to the High Level Review of UN sanctions.

Working Group 1's terms of reference focused on how the UN system comes together, both internally and with all relevant States, in giving effect to the Council's sanctions regimes, with a view to developing a plan to improve implementation of UN sanctions.

Our working method was to consult with the key stakeholders of UN sanctions regimes, meaning Member States to which sanctions currently apply, their immediate neighbours, and Member States that regularly transact with the sanctions system, for example through requests for exemptions under the sanctions, or to propose listing or delisting of individuals or entities on the various sanctions lists.

I reached out to a total of 57 Member States not otherwise represented on the Working Group itself. I am very pleased to say that 32 States took up my invitation to participate in the consultations, either through the workshops we held in July, or in writing, or both. Of these, 8 were States to which sanctions currently apply, 13 were the immediate neighbours of such States, and 11 were States transacting with the sanctions system. This gave us a genuinely representative sample of stakeholder States.

The Working Group also held consultations with the Chairs of Security Council sanctions committees; the coordinators of Security Council expert groups; the Ombudsperson; the Secretariat, including the Focal Point for Delisting; and technical assistance providers.

Our consultations coalesced around six themes:

- the technical implementation of the sanctions measures by Member States
- the availability of technical assistance for States
- the system for monitoring implementation and compliance

- the way Sanctions Committees take decisions
- how well the UN system integrates sanctions with its other responses to the same crisis
- and finally, how the UN system supports , the Committees, the Expert Groups and other UN bodies involved in sanctions implementation.

On the question of **implementation**, two points were very clear, one political, one technical. The first is that the UN needs to do better at making the case for its sanctions regimes, particularly amongst key stakeholder states. Despite sanctions Committees in particular becoming more open, routinely inviting affected and regional States to participate in Committee meetings and more often reporting to the Council in public meetings, the fact remains there is a lingering sense of alienation from the process amongst the States with the greatest stake in the effectiveness of the sanctions.

For sanctions to be effective, those States need to be partners in the process.

At the technical level, the UN needs to make it easier to comply with sanctions. A sanctions regime often develops incrementally over a series of resolutions, but it's rare for the Council to give the complete picture of the regime when it renews or amends the measures. This means States have to piece together what the technical obligations are for themselves.

Making things even harder is the fact that each Committee decides for itself the substantive arrangements for the sanctions they administer, including on technical guidance on the sanctions and on their dissemination to the Member States. Given that each of the 15 sanctions regimes are essentially made up of the same series of measures – usually an arms embargo, targeted financial sanctions and travel bans – the potential for inconsistency and thus confusion for national authorities is obvious.

We need to improve our communication on the requirements of sanctions.

Related to this is the **availability of sanctions-relevant technical assistance**. The Working Group heard from many participants about the importance of technical assistance and capacity building to support UN sanctions implementation. But we also heard from a number of bodies that provide capacity building assistance on matters directly related to sanctions implementation (such as border and customs controls and financial regulation), who would be able and willing to provide sanctions-related assistance in consultation with recipient States.

Assistance providers need clear direction from both recipient governments and donors to include a sanctions assistance component in their broader assistance programs, which target sanctions-style measures, for example those relating to arms and weapons management, or customs and border control, or even financial regulation.

There is a clear need for coordination on technical assistance to support States on sanctions implementation and ensure dual benefit outcomes. For example, by Sanctions

Committees inviting potential recipient States to initiate a dialogue about their views, burdens and needs.

There is also a need to better coordinate sanctions measures with related international efforts and disarmament regimes, which could also minimise competing obligations on the part of States. For example, arms embargoes with existing arms control measures.

When it comes to **monitoring sanctions implementation**, the focus was on how to reconcile what is meant to be a technical process of determining whether and how sanctions are implemented on the ground, with the political sensitivities that process inevitably generates.

The independent monitoring mechanism is one of the strengths of the UN sanctions system; but for it to work as intended, the Expert Groups mandated by the Council to report on compliance to the sanctions Committees need sensitive information and access from Member States; who, in turn, need to be confident about how that information is used and protected. States therefore want a clearer understanding of the limits of the Expert Groups' authority and an opportunity to set the record straight prior to the Expert Group's report being finalised.

In the middle is the sanctions Committee, with its clearly political function of engaging States in dialogue on questions of implementation and compliance. Both Member States and Expert Groups feel the Committees could play a more active role.

The **Committees' decision-making** processes were also a recurring theme. For those decisions that affect Member States, most particularly, to grant exemptions to arms embargoes, there was again a sense that Committees could be more responsive: not just making their decisions more quickly; but also engaging the affected States more. For decisions that affect individuals or entities, the focus was on procedural fairness and the Working Group considered ways to improve transparency and review within the existing framework. The question of further institutional reform in this area fell within the terms of reference of Working Group III.

How UN sanctions integrate with other UN responses to the same crisis was a subject of some concern for a number of participants. Some UN field presences, for example, have a specific mandate to assist on sanctions that apply to their host State. This could be a mutually beneficial relationship; but there is also lingering concern amongst some missions that a relationship with the sanctions system could compromise the mission's relationship with the host State.

UN human rights and protection agencies, on the other hand, welcome their interaction with the UN sanctions system in the field, and the possibility of proposing names of human rights abusers to Committees to be placed under sanction. But there are complications here, too, mostly in ensuring the proper use and protection of information shared between the human rights offices and the sanctions Committees or Expert Groups.

Humanitarian agencies, however, believed that an association with sanctions could adversely affect their ability to negotiate access for humanitarian relief to areas controlled

by armed groups either subject to sanctions or potentially so. They also believed funds for relief work were harder to raise when sanctions applied to the relevant State.

Finally, the Working Group looked at the **substantive advice and support provided to the UN sanctions infrastructure**, including the sanctions Committees, the Expert Groups and the Ombudsperson. We examined such issues as how best to prepare the Committee Chairs and their Missions for the critically important role of chairing a sanctions Committee and how to manage the workload. We also considered ways to ensure the UN system can both recruit the very best experts to join the Council's Expert Groups and to prepare them for their unique and difficult roles, as well as how the UN could support them, particularly in the field, as appropriate. Finally, the Working Group discussed how to reconcile the administrative arrangements for both the Expert Groups and the Ombudsperson with their independent status.

The Working Group is now looking at **a range of possible recommendations** to bring the institutional arrangements of UN sanctions into better alignment with the UN's broader peace and security objectives, as well as with the needs of Member States. These recommendations will form part of the final report of the High Level Review in December this year.

But I am very pleased to say that the consultation process itself has already triggered positive change: not least the interagency working group on UN sanctions established for the process within the Secretariat, including 20 distinct UN agencies and offices; and the heightened awareness amongst technical assistance providers of the interest in sanctions-related assistance.

I would like to take this opportunity to thank both the Members of the Working Group and all of the Member States, assistance providers and other entities for their generous contribution of time, insights and ideas to the Review.