

**Report on the High Level Review of UN Sanctions
31 October 2014**

**Statement of Ambassador Heiko Thoms
Deputy Permanent Representative of Germany to the United Nations**

Good afternoon, ladies and gentlemen.

Allow me to join my distinguished colleagues in welcoming you to this reporting session of the Working Groups of the High Level Review (HLR) of UN sanctions. Germany is very pleased to co-sponsor this important review of UN sanctions, and to contribute to it through several specific initiatives focused on national implementation, humanitarian impact and exemptions, and eventually, the dissemination of the results of the High Level Review.

Our interest and involvement in making UN sanctions more effective is long-standing: nearly 15 years ago, in the framework of the “Bonn-Berlin Process,” Germany worked to refine United Nations arms embargoes, travel bans, and aviation sanctions, including consideration of ways to mitigate the humanitarian consequences of travel bans. While chairing the Al-Qaida and Taliban Sanctions Committees in 2011-2012, we promoted fair and clear safeguards for designated individuals and reformed procedures for listing and delisting, some of which became the standard for other sanctions committees. Germany is also an active member of the Group of Like-Minded States on targeted Sanctions aiming at improving fair and clear procedures for a more effective UN sanctions system. In our experience, sanctions are most effective in upholding international norms when they are perceived as legitimate; achieving just and effective sanctions, therefore, are mutually reinforcing goals. Germany remains strongly committed to strengthening UN sanctions regimes.

With regard to specific activities of the HLR working group activities, I am pleased to report on two initiatives:

National Implementation-Working Group 2

As part of our contribution to Working Group 2 of the High Level Review chaired by our distinguished colleagues from Sweden, Germany hosted a working session earlier this month highlighting the practical challenges faced by practitioners in implementing UN sanctions. Participants with day-to-day experience carrying out sanctions from our national Federal Office for Economic Affairs and Export, and the private sector, as well as representatives of other governments, the UN and civil society, focused on the need for interaction and exchange with those designing UN sanctions.

Greater clarity and consistency of terminology, detailed identifying information concerning designated individuals, consolidated lists, and development of practical implementation guidance were suggested as useful steps that would help both national and private sector actors in carrying out their important sanctions responsibilities. Recommendations for regular interaction among officials responsible for sanctions at the UN and regional levels with other national officials and the private sector to discuss issues of implementation were advanced.

Another important issue highlighted – indeed something that has come up in all three working groups – is the fundamental need for capacity building assistance to support Member States’ implementation of sanctions. From border controls, to export controls on dual-use products and arms, to financial sanctions, there is a significant need for technical assistance to support capacity in states and the private sector to implement UN sanctions. Clearly this is an issue that needs to be addressed

Humanitarian Aspects - Working Group 3

Germany was also pleased to co-chair Working Group 3 with Greece, where our focus was on two topics, namely: the ‘Minimizing the humanitarian consequences of sanctions’, and ‘Enhancing collaboration and information-sharing between sanctions monitoring and UN humanitarian actors’.

On the first topic, the Security Council has taken important steps in the past several years to address humanitarian concerns regarding the listing and delisting of persons and entities subject to individual targeted sanctions, such as travel bans and asset freezes.

Still, there is a certain complacency surrounding the unintended humanitarian consequences of targeted sanctions. Sometimes commodity and financial sanctions can have far-reaching consequences for innocent individuals and entities, or they can cause obstacles to the work of humanitarian actors in countries with sanctions regimes.

One reason for unintended humanitarian consequences has been termed over-compliance, a phenomenon whereby private sector actors close off legitimate financial channels, including to humanitarian organizations, because they fear the risks of non-compliance, and lack sufficient concrete information about the actual sanctions provisions.

The second issue concerns ways to manage the tensions that exist between UN mandates that allow greater collaboration in achieving mutual goals of peace and stability. Specifically we have looked at systems that can be put in place to enhance information-sharing between sanctions and humanitarian actors as well as actors dealing with the protection of women and children in armed conflict. Discussing these important issues we have to keep in mind the humanitarian principle of neutrality: Only if humanitarian actors are perceived as neutral actors can they effectively support those in need.

From our Working Group 3 deliberations, it has become clear that there are practical ways that issues under these two topics can be addressed, and I will touch on a few examples here.

We perceive the following needs: incorporating more pre- and post- sanctions assessments; generalizing some of the more recent humanitarian exemptions (e.g., contained in the most recent Security Council resolution on Somalia) across other sanctions regimes; and conducting a

review of all humanitarian exemptions with respect to their adequacy, dissemination of information, and implementation.

There is also a need for increased training on the roles of the various actors as well as increasing informal dialogue among humanitarian organizations, sanctions monitoring bodies, Special Representatives of the Secretary-General, and peace support missions, and other actors, as a way to foster understanding and trust.

Plans for the Way Forward

Dear colleagues, over the course of the next month or so, the substantive bases of the three working groups will be combined into a final outcome document – a Compendium of the High Level Review of UN Sanctions. With the assistance of the Watson Institute at Brown University and Compliance and Capacity International, the compilation will become a resource document on UN sanctions, and will be published in all six UN languages. In mid-December, we will convene a session at German House to present the Compendium and wrap-up the High Level Review Process. In addition, the HLR website will be opened as a living source of information for UN and member states' policymakers and civil society concerned with UN sanctions.