



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK**

NEW YORK, 10 MAY 2013

SECURITY COUNCIL: BRIEFING BY SUBSIDIARY BODIES

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

**PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS
(ON BEHALF OF THE GROUP OF LIKE-MINDED STATES ON TARGETED SANCTIONS)**

Let me thank you, Mr. President, for giving me the floor in order to speak on behalf of the group of like-minded States on targeted sanctions: Austria, Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland. As is well known, our group aims to support efforts by the Security Council to enhance the fairness and transparency of its various sanctions regimes, thereby contributing to their credibility and effectiveness.

We commend the concrete actions taken by the Security Council so far to address serious due process concerns regarding the Al Qaida sanctions regime. In particular, the Council has done the right thing by establishing and subsequently strengthening the Ombudsperson process. We would like to reiterate our full support for the work of the Ombudsperson, Ms. Kimberly Prost. She continues to fulfill her mandate with remarkable integrity and commitment and has made a substantial contribution to the fairness and effectiveness of the Al Qaida sanctions regime. The fact that the Sanctions Committee has so far resolved 27 cases on the basis of her recommendations, and that 16 new cases are pending, speaks volumes about the quality of her work. The Ombudsperson process and the improved listing and de-listing procedures have significantly contributed to the accuracy and fairness of the Al Qaida sanctions list. This has already been noted by relevant actors, such as the Advocate General of the Court of Justice of the European Union. In his opinion on the *Kadi II* case, he recently considered that “the listing and delisting procedures within the [Al Qaida] Sanctions Committee provide sufficient guarantees [...] to presume that the decisions taken by that body are justified”.¹ We are looking forward to the ECJ’s final ruling in this case.

Mr. President

The Ombudsperson process is a success story. Within a few years, it has turned from a necessary initiative to a well-established safeguard for due process.

¹ Opinion of Advocate General Bot delivered on 19 March 2013 on the Joined Cases C-584/10 P, C-593/10 P and C-595/10 P, N. 87.

But there is an inevitable next question: what about other sanctions regimes?

How can we explain that fair and clear procedures are available to persons who have been found to be associated with the terrorist group Al Qaida, but not to other individuals and entities who may find themselves, rightly or wrongly, on other sanctions lists? How can we explain a situation where a person delisted from the Al Qaida list appears on another list, is subjected to the sanctions of that other regime, yet deprived of any meaningful recourse to verify the rightful inclusion on that particular list?

We believe that the time has come for the Security Council to consider these questions and to improve the remedies available to individuals and entities targeted by other sanctions regimes, addressing them on a case-by-case basis. The urgent attention given to the Al Qaida sanctions regime was justified in light of the nature and size of its list, and in light of numerous judicial challenges. But such challenges are also underway with respect to other sanctions regimes. More importantly, the underlying principles should apply across the board: Every individual or entity put on a Security Council sanctions list should have the right to be informed of the reasons for listing, the right to be heard, and the right to an effective remedy. Security Council sanctions regimes that grant fair and clear review procedures will benefit from improved credibility and effectiveness.

The good news is that we do not need to re-invent the wheel. We believe that the Ombudsperson process should, on a case by case basis, be gradually extended to other appropriate sanctions regimes, in particular those with broad criteria for listing. We are of course fully aware that each sanctions regime and its underlying political situation is unique, and that some sanctions regimes are more suitable for such an extension than others. The renewals of the Somalia and Eritrea sanctions regime in August 2013 and of the Liberia sanctions regime in December 2013 would provide useful opportunities to make such progress. We therefore respectfully invite Council members to consider this step.

In making this request, we would like to emphasize that the Ombudsperson process is ultimately a mechanism to ensure proper implementation of Security Council decisions. Extending the mandate would not allow the Ombudsperson to question the way in which the Council designs sanctions regimes, nor to overturn the criteria for listing established by the Council. Quite to the contrary, extending the mandate would help ensure that listings under other sanctions regimes are in full conformity with the respective criteria established by the Council itself, while addressing due process concerns that may hamper implementation by UN Member States.

The group of like-minded States would be glad to provide any assistance necessary to consider such steps, in the interest of strengthening fair and clear procedures, and in the interest of effective sanctions implementation. We look forward to a constructive engagement with the Security Council in this regard.

Thank you, Mr. President.