



# Security Council

Distr.: General  
8 December 2021

Original: English

---

## **Letter dated 7 December 2021 from the representatives of Austria, Belgium, Chile, Costa Rica, Denmark, Finland, Germany, Ireland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland to the United Nations addressed to the President of the Security Council**

We, the undersigned representatives of Austria, Belgium, Chile, Costa Rica, Denmark, Finland, Germany, Ireland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland (the Group of Like-Minded States on Targeted Sanctions), submit the present letter for the attention of the Security Council on the important issue of Security Council sanctions.

The Group acknowledges the dedication and important contribution of the outgoing Ombudsperson, Daniel Kipfer Fasciati, to fairness and due process in the execution of his mandate.

In light of the upcoming renewal of the mandate of the Office of the Ombudsperson to the Security Council Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities on 17 December, and the upcoming appointment of a new Ombudsperson, we wish to draw, once again, attention to the need to improve due process and transparency in the implementation of this sanctions regime. We also recall the letters of the Group of Like-Minded States on Targeted Sanctions to the Security Council of 7 December 2018 ([S/2018/1094](#)) and of 19 June 2015 ([S/2015/459](#)) on this matter.

Ensuring transparency, efficiency and effectiveness in the work of the Security Council includes the strengthening of fair and clear procedures for United Nations sanctions regimes. Respect for international due process standards is key in this regard.

### **Independence and impartiality**

We note with concern the Ombudsperson's resignation letter to the Secretary-General of 3 June 2021,<sup>1</sup> as well as the matters set out in paragraphs 38–49 of the twenty-first report of the Office of the Ombudsperson to the Security Council ([S/2021/676](#)). In his letter, the Ombudsperson states that the mandate continues to represent an effective review mechanism for Security Council targeted sanctions but regrets that it has not proven possible to create an institutionally independent Office

---

<sup>1</sup> Available at [www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/20210603\\_letter\\_to\\_secretary-general\\_0.pdf](http://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/20210603_letter_to_secretary-general_0.pdf).



and to grant the Ombudsperson the contractual arrangements appropriate for the function, its status and its independence. The members of the Group of Like-Minded States on Targeted Sanctions, therefore, remain concerned that the Ombudsperson's independence is negatively affected by the current contractual status and institutional arrangements for the Office of the Ombudsperson in the Secretariat.

In light of the above, we urge the Secretary-General and the Security Council to strengthen the capacity of the Office of the Ombudsperson and to make the necessary arrangements to enhance its continued ability to carry out its mandate independently and effectively. These arrangements include taking the necessary steps to establish the Office of the Ombudsperson as a permanent and distinct United Nations entity. The Office must also be given the necessary resources and support to ensure the continuity of the Ombudsperson mechanism, and a Deputy Ombudsperson function should be established with the ability to review petitions and advance procedure in the absence of an Ombudsperson. Such changes are vital to enhancing the ability of the Office of the Ombudsperson to carry out its functions in a timely manner, efficiently and effectively.

We would also like to express our concern regarding the risk of a gap between the departure of the incumbent Ombudsperson on 17 December 2021 and the appointment of a duly qualified replacement, with the skills, professional experience and international standing necessary for this high office. We call for the swift completion of the recruitment and appointment process, and the avoidance of any gap before the appointment of a replacement that may lead to claims of a lack of due process in respect of any outstanding requests for delisting.

### Transparency

In its resolution [2368 \(2017\)](#) the Security Council requires that the summary of a decision to retain or terminate a sanctions listing, which the Ombudsperson provides to a petitioner, accurately describes the principal reasons for the decision. Due process requires that the reasons underlying the listing/delisting must be clear, understandable and substantiated. The Ombudsperson should be mandated to provide actual and specific reasons for decisions made to the petitioner without undue delay, and with appropriate safeguards regarding confidential material.

The Group is ready to support these efforts to improve due process in United Nations sanctions, in order to ensure that sanctions continue to be an effective tool for the Security Council in contributing to the maintenance and restoration of international peace and security. We look forward to continuing and deepening the dialogue on these important matters.

We would be grateful if you could circulate the present letter as a document of the Security Council.

*(Signed)* Alexander **Marschik**

Permanent Representative of Austria to the United Nations

*(Signed)* Philippe **Kridelka**

Permanent Representative of Belgium to the United Nations

*(Signed)* René Alfonso **Ruidíaz Pérez**

Chargé d'affaires a.i. Permanent Mission of Chile to the United Nations

*(Signed)* Rodrigo Alberto **Carazo Zeledón**

Permanent Representative of Costa Rica to the United Nations

*(Signed)* Martin Bille **Hermann**

Permanent Representative of Denmark to the United Nations

(Signed) Jukka **Salovaara**  
Permanent Representative of Finland to the United Nations

(Signed) Antje **Leendertse**  
Permanent Representative of Germany to the United Nations

(Signed) Geraldine **Byrne Nason**  
Permanent Representative of Ireland to the United Nations

(Signed) Christian **Wenaweser**  
Permanent Representative of the Principality of Liechtenstein to the  
United Nations

(Signed) Yoka **Brandt**  
Permanent Representative of Kingdom of the Netherlands to the  
United Nations

(Signed) Mona **Juul**  
Permanent Representative of Norway to the United Nations

(Signed) Anna Karin **Eneström**  
Permanent Representative of Sweden to the United Nations

(Signed) Pascale **Baeriswyl**  
Permanent Representative of Switzerland to the United Nations

---