



# Security Council

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*The Security Council,*

*Recalling* resolution [1730 \(2006\)](#), and the relevant statements of its President,

*Recalling* resolution [1732 \(2006\)](#) and the work done by the Informal Working Group on General Issues of Sanctions which operated from 2000 to 2006,

*Emphasizing* that sanctions are an important tool in the maintenance and restoration of international peace and security,

*Further emphasizing* the obligations placed upon all Member States to implement, in full, the mandatory measures adopted by the Security Council,

*Continuing* in its resolve to ensure that sanctions are carefully targeted in support of clear objectives and implemented in ways that balance effectiveness against possible adverse consequences,

*Welcoming* the efforts to strengthen due process and to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them as well as granting exemptions,

1. *Adopts* the delisting procedure in Annex I of this resolution, which replaces the procedure set out in resolution [1730 \(2006\)](#) and will apply to delisting petitions submitted to the Focal Point on or after the date of adoption of this resolution;

2. *Directs* the sanctions committees established by the Security Council, with the exception of the Committee established pursuant to resolution [1267 \(1999\)](#), to revise their guidelines accordingly;

3. *Requests* the Secretary-General, in consultation with the informal working group referred to in paragraph 5 below, to appoint the Focal Point within three months of adoption of this resolution to take over all the mandates of the original Focal Point established pursuant to resolution [1730 \(2006\)](#);



4. *Expresses its intention* to keep the mandate and tasks of the Focal Point under continuous review;
5. *Establishes* an informal working group of the Security Council to examine general issues on the subject of United Nations Security Council sanctions, whose mandate and terms of reference are set out in Annex II of this resolution, and which will act by consensus; and,
6. *Decides* to remain seized of the matter.

## Annex I

### Delisting procedures

The Focal Point is authorized to carry out the tasks set out below upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity designated on the lists of the sanctions committees established by the Security Council (“the petitioner”) with the exception of the Committee established pursuant to resolution 1267 (1999).<sup>1</sup> Petitioners seeking to submit a request for delisting can do so either through the focal point process outlined below or through their state of residence or citizenship.<sup>2</sup>

1. Upon receipt of a delisting request, the Focal Point will:
  - (a) Acknowledge to the petitioner the receipt of the delisting request;
  - (b) Inform the petitioner of the general procedure for processing delisting requests;
  - (c) Answer specific questions from the petitioner about Committee procedures;
  - (d) Inform the petitioner in case the petition fails to properly address the original designation criteria (for example, how the circumstances that led to the original designation have now changed), as set forth in the relevant resolutions of the Security Council, and return it to the petitioner for his or her consideration;
  - (e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Focal Point and it does not contain any relevant additional information, return it to the petitioner for his or her consideration; and
  - (f) In the case that a petition is returned pursuant to subparagraphs (d) or (e), inform the relevant Committee of the request and reasons for its return to the petitioner.

#### Information Gathering (up to four months)

2. For delisting petitions not returned to the petitioner, the Focal Point will immediately forward the delisting request to the members of the relevant sanctions Committee, designating State(s), and State(s) of residence and nationality or incorporation, and will ask them to provide, within four months, any appropriate additional information relevant to the delisting request. The Focal Point may engage in dialogue with these States to determine:

- (a) Their opinions on whether the delisting request should be granted; and

<sup>1</sup> Petitions submitted before the date of the adoption of this resolution are, pursuant to paragraph 1 thereof, to be completed under the procedure set out in resolution 1730 (2006). Petitioners who have not yet received a decision on such petitions may, however, elect to withdraw their petitions without prejudice and resubmit them for consideration under the procedure set out in this annex; the [Secretariat] will notify such petitioners of the change in the role of the Focal Point, the new procedure set out in this annex, and of the possibility of resubmitting their delisting request as described herein. The Secretariat may also, in the period between the date of adoption of this resolution and the date of the appointment of the new Focal Point, inform petitioners who avail themselves of the opportunity to resubmit their petitions for processing under the revised procedure to the effect that the Focal Point’s appointment is pending, and advise them that the revised procedures will begin to be applied once this appointment is effective.

<sup>2</sup> A State can decide, that as a rule, its citizens or residents should address their delisting requests directly to the focal point. The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee’s website.

(b) Information, questions or requests for clarifications that they would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. The Focal Point will also forward the delisting request to any relevant Committee's groups or panel of experts or monitoring team, as well as any relevant UN envoys engaged in negotiations and peace processes relevant to the sanctions, as appropriate, and invite them to provide to the Focal Point:

(a) All available information that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with it or with the Committee;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

(c) Fact-based input regarding the petitioner's role in ongoing negotiations or peace processes, if relevant to the sanctions regimes to which the petition relates; and,

(d) Questions or requests for clarifications that the panel of experts or relevant entity referred to above would like asked of the petitioner regarding the delisting request.

4. At the end of this period of information gathering, which should be completed within four months, the Focal Point will present a written update to the relevant Committee on progress to date, including details regarding which States or other entities referred to in paragraphs 2 and 3 have been consulted and have supplied information, and any significant challenges encountered therein. The Focal Point may extend this period once for up to two months if any State or entity referred to in paragraphs 2 and 3 above indicates that more time is required for information gathering. Should the Focal Point assess that more time is needed, taking into account any requests made by a relevant State or entity, he or she may request additional time from the relevant Committee, to the extent necessary having provided clarification for the request.

#### **Dialogue (two months)**

5. Upon completion of the information gathering period, the Focal Point will facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Focal Point may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below.

6. During this period of engagement, the Focal Point:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee, and entities referred to in paragraphs 2 and 3;

(b) Will forward replies from the petitioner back to relevant States and entities referred to in paragraphs 2 and 3, and follow up with the petitioner in connection with incomplete responses by the petitioner; and

(c) May conduct further engagement as appropriate, including meeting with the petitioner, and encourages the use of virtual meetings and online platforms to increase efficiency and timeliness of interacting with the petitioner.

7. Upon completion of the period of engagement and dialogue described above, the Focal Point will draft and circulate to the relevant sanctions Committee, as well

as any relevant State as referred to in paragraph 2, a confidential Comprehensive Report that will exclusively:

(a) Summarize all information available to the Focal Point (including, as appropriate, the Focal Point's research using public sources) that is relevant to the delisting request, while respecting confidential elements of communications with the Focal Point. The Focal Point's summary should include the principal arguments in respect of the delisting petition, based on the information gathered, in order to assist the Committee with its decision;<sup>3</sup>

(b) Describe the Focal Point's activities with respect to this delisting request, including information gathering and any dialogue with the petitioner; and,

(c) Include fact-based observations in relation to relevant criteria such as:

(i) how the circumstances that led to the original designation have changed; and/or

(ii) the petitioner's disassociation from past conduct; and/or

(iii) the factual accuracy of claims made by the petitioner in their delisting petition.

8. The Focal Point will also inform the petitioner that a Comprehensive Report has been drafted and circulated to the relevant sanctions Committee for its review and consideration.

#### **Committee Discussion and Decision (two months)**

9. After the Comprehensive Report has been circulated to the relevant sanctions Committee, the Chair of the Committee will place the delisting request on the Committee's agenda for discussion. The Focal Point will, upon invitation by the relevant sanctions Committee, present the Comprehensive Report in person and answer Committee members' questions regarding the delisting request. If thereafter any member of the relevant sanctions Committee, or relevant State(s) as referred to in paragraph 2, recommends that the delisting proceeds, the Chair will immediately submit the delisting request to the Committee for a decision.

10. As described in paragraph 9, if a relevant State or member of the relevant sanctions Committee recommends the delisting proceed, the Committee will decide whether to approve the delisting request through its normal decision-making procedures. In the event that the delisting request is not submitted to the Committee for a decision within two months of the Comprehensive Report having been circulated to the Committee, this will be deemed a rejection of the delisting request and the Chair will immediately inform the Focal Point that the request has been rejected.

11. If the relevant sanctions Committee grants the delisting request, then the Chair of the Committee will inform the Focal Point of this decision. The Focal Point will then inform the petitioner of this decision and the listing will be removed from the Consolidated List and relevant lists.

12. If the Committee rejects the delisting request, then the Chair of the Committee will inform the Focal Point of this decision, in addition to, and subject to the Committee's ordinary decision-making procedures, its reasons, where appropriate, and any other relevant information about the Committee's decision; a redacted version of the Comprehensive Report deemed releasable to the petitioner; and any updated narrative summary of reasons for listing, as appropriate.

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<sup>3</sup> The summary is distinct from a recommendation. The Focal Point will not make a recommendation on the petition.

13. After the Committee has informed the Focal Point that the Committee has rejected a delisting request in accordance with paragraph 10, the Focal Point will send to the petitioner within fifteen days a letter that:

- (a) Communicates the Committee's decision for continued listing;
- (b) Describes, to the extent possible and drawing upon the Focal Point's Comprehensive Report, the process and publicly releasable factual information gathered by the Focal Point; and,
- (c) Forwards from the Committee reasons or any other relevant information which the Chair may enclose with its decision in accordance with paragraph 12. In the event that a delisting request is deemed rejected in accordance with paragraph 12, the Focal Point will inform the petitioner accordingly. In the event that the Committee, through the Chair, provides reasons for rejection but advises the Focal Point that these are not publicly releasable, the Focal Point will likewise inform the petitioner.

14. In all communications with the petitioner, the Focal Point will respect the confidentiality of Committee deliberations and confidential communications between the Focal Point and Member States and any other relevant entities.

**Other Focal Point Tasks**

15. In addition to the tasks specified above, the Focal Point will:

- (a) Notify listed individuals or entities about any change in the status of their listings, after the Secretariat has officially notified the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known, including the address of the listed individual or entity);
- (b) Submit biannual reports summarizing the activities of the Focal Point to the Security Council;
- (c) Propose technical amendments, as appropriate, for the relevant sanctions Committee's consideration to update its narrative summaries for listed individuals and entities following rejection of delisting requests submitted via the Focal Point;
- (d) Be able to receive, and transmit to the relevant sanctions Committee for its consideration, communications from individuals claiming to have been subjected to the sanctions measures by the relevant sanctions Committee as a result of false or mistaken identity or confusion with individuals included on a Committee's sanctions list.

## Annex II

### **Terms of reference of the Informal Working Group of the Security Council on General United Nations Security Council Sanctions Issues**

#### **I. Title and composition**

1. The Informal Working Group of the Security Council on General United Nations Security Council Sanctions Issues (“the Informal Working Group”) consists of all members of the Security Council.
2. The Chair of the Informal Working Group is designated by members of the Security Council.

#### **II. Meetings**

3. The Informal Working Group will meet at least bi-annually to examine the issues set out in its mandate.
4. At least five working days’ notice will be given for any meeting of the Informal Working Group.
5. The Informal Working Group will meet in closed meetings. Discussions of the informal working group will be confidential. The Chair of the Informal Working Group may invite with the consent of all members, the participation and cooperation of any Member State of the United Nations, inter alia neighboring countries and other countries and parties concerned, national Governments, regional and other international organizations, and/or relevant United Nations and civil society actors, including at the country level as well as private sector and non-government actors in the discussion of any question brought before the Informal Working Group, in particular when a Member State is specifically concerned. The Informal Working Group may also invite with the consent of all members of the Informal Working Group, members of the Secretariat, sanctions expert groups or other persons, whom it considers competent for the purpose, to supply it with appropriate expertise or information or to give it other assistance in examining matters within its competence.

#### **III. Mandate**

6. The Informal Working Group will examine, inter alia, the following general issues, with a view to improving the effectiveness of sanctions imposed by the United Nations, and without prejudice to the work of relevant bodies under specific sanctions resolutions:
  - (a) The Focal Point mechanism, including consultations with the Secretary-General regarding the appointment thereof, review of its biannual reports, and dialogue with the Focal Point and other relevant parties with a view to monitoring and improving the mechanism’s operations;
  - (b) Good practices of working methods of sanctions Committees and inter-Committee coordination as well as coordination between sanctions Committees and their panel/group/team of experts within the United Nations system and cooperation with, inter alia, Member States of the United Nations and regional and other international organizations, and general criteria regarding the appointment and continuation of well-qualified experts;
  - (c) Best practices on the design, implementation, and assessment of sanctions, including good practices on combining sanctions with other UN Security Council

responses to threats to international peace and security, and improving monitoring arrangements to enhance the efficacy and effectiveness of sanctions;

(d) Assessing and identifying options for strengthening Member States' capacity to address gaps in connection with implementing UN Security Council sanctions, as well as reviewing generally the implementation of UN Security Council sanctions;

(e) General practices of usage and implementation of exemption measures and sustaining efforts to mitigate unintended humanitarian consequences.

7. The Informal Working Group may, in the course of conducting its work, request information from the relevant Departments of the Secretariat and reports from the Secretary-General in respect of issues pertinent to United Nations sanctions.

#### **IV. Methods of work**

8. The Informal Working Group will operate by consensus. If consensus cannot be reached on a particular issue, the Chair should undertake such further consultations as may facilitate consensus.

9. The Informal Working Group may elaborate guidelines to further refine its working methods.

10. The Chair will provide brief annual updates to the Security Council on the activities of the Informal Working Group. The Chair will also submit a written report at least once a year on the activities and recommendations of the Informal Working Group to the Security Council. Recommendations of the Informal Working Group to the Security Council do not prejudice the Council's decisions thereon.

11. The Security Council will keep the mandate of the Informal Working Group under continuous review.

12. In order to enhance the transparency of the work of the Informal Working Group, the Chair will hold annual open briefings for interested Member States.

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