

**SECURITY COUNCIL**

**BRIEFINGS BY THE CHAIRPERSONS OF THE**

**COUNTER-TERRORISM COMMITTEE**

**1267 COMMITTEE**

**1540 COMMITTEE**

**STATEMENT**

**BY**

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**OF THE PRINCIPALITY OF LIECHTENSTEIN**

**TO THE UNITED NATIONS**

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CHECK AGAINST DELIVERY

Mr. President

I would like to thank the Chairpersons of the Counter-Terrorism Committee, the Taliban and Al-Qaida Sanctions Committee and the Committee established pursuant to resolution 1540 for their briefings. We join others in the unequivocal condemnation of all terrorist acts, irrespective of their motivation, wherever and by whomever committed. I would also like to take this opportunity to reiterate our commitment to international cooperation in the fight against terrorism. This is also expressed by the fact that Liechtenstein is a State Party to all thirteen universal counter-terrorism conventions and to the three amendments and protocols thereto. Liechtenstein is in particular fully committed to cooperation with the Council's subsidiary organs dealing with counter-terrorism and appreciates the positive feedback received by the CTC in response to our sixth country report.

Mr. President

We would like to focus our statement on the renewal of the sanctions regime against Al-Qaida and the Taliban later this year. Liechtenstein fully supports all efforts aimed at improving the effectiveness and perceived legitimacy of this important tool in the fight against terrorism. It is in this spirit that Liechtenstein has, for several years now, worked together with other States on this issue, and we endorse the statement made on behalf of the Group of like-minded countries by the representative of the Netherlands. In this context, we would like to recall the discussion paper submitted by the Group in May 2008. The proposal contained therein regarding the establishment of a Panel of Experts advising Sanctions Committees on requests for de-listing remains as relevant as ever. We appreciate the tremendous progress made by the 1267 Committee through its review process and other improvements brought about by resolution 1822. Nevertheless, the lack of independent elements in the review and in the de-listing procedure continues to cause concern regarding the fairness of the regime, as evidenced in various legal proceedings at the domestic, regional and international level cited in the tenth report of the Monitoring Team. While we believe that a Review Panel could be a good way to address these concerns, we are not wedded to any terminology or any specific institutional solution. There can certainly be different ways to achieve the same goal of safeguarding standards of due process and addressing legal challenges that are potentially detrimental to the authority of the Security Council.

Turning to the working paper elaborated by the Group of Like-minded Countries, let me highlight two important substantive areas:

- Any future mechanism on de-listing should improve the possibility for the applicant to be effectively heard, and in particular to respond to and refute allegations on which the listing is based. This requires a more substantive and more interactive dialogue between the applicant and the mechanism than what is currently taking place through the Focal Point process. The procedure should be designed in such a manner that the mechanism can receive all relevant information, including confidential information, from the designating and other cooperating States, but also from other sources. In order to enable the mechanism to satisfy confidentiality conditions set out by a State, it may be necessary, on a case by case basis, to allow for direct interaction between the mechanism and the capital-based authorities of that State. Finally, it is crucial that the mechanism be in a position to present its own findings and recommendations to the Committee.
- Recent legal developments point to the need to treat de-listing requests that enjoy the support of the designating State with particular priority. States that present names for listing currently assume the risk that subsequent developments that would warrant de-listing – such as domestic judicial proceedings, or a change in behavior on behalf of the listed person or entity – will not be honored by the Committee, and that the continued listing will be perceived as the continued responsibility and fault of that State. Where designating States revoke their support for a listing, the entry loses its original justification and should be automatically removed – except where the Committee, on the basis of a new designation by a different State, confirms the entry.

Mr. President

What transcends from the latest report by the Monitoring Team, as well as by a number of recent academic studies, is the need for the Council to change gear and to address the issue of fair and clear procedures head-on. The uncertainties about whether the future reform will fully satisfy the multitude of actors that have weighed

in on the subject in recent years do not justify inaction. The practical challenge of sharing confidential information which may make a future mechanism less than perfect can also not justify inaction, but requires creative engagement. The argument that sanctions are preventative rather than punitive in nature – by itself a questionable statement – can equally not dispel the need for fair procedures. The fairness of sanctions procedures has to be measured in relation to the impact that these measures have on the targets. By design and with good reason, sanctions are intended to hit the targeted individuals hard, in order to prevent them from engaging in terrorist activities and support. Any person so targeted – rightly or wrongly – by the Security Council is experiencing a massive interference in his or her rights. This fact alone warrants procedures that give the listed persons or entities an equivalent level of protection against the continuation of unjustified listings that would be required from any State in its autonomous listing system in implementation of resolution 1373.

Mr. President

Liechtenstein has high expectations regarding this ongoing reform process and stands ready to contribute to ongoing discussions, including by individual or collective engagement with Security Council members.

I thank you.