

23-24 February 2002

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## **Measures to strengthen the role of the UN in the implementation of sanctions**

### ***Objectives of the working group (WG)***

The purpose of WG is to produce recommendations in the form of policy options to strengthen the role of the UN Secretariat and Sanctions Committees (SACOs) in the implementation of targeted sanctions. To this end, the WG will attempt to identify major strengths and weaknesses for both the Secretariat and the SACO that have an impact on their ability to contribute to implementation of target sanctions. This report corresponds to the WG's first meeting in Uppsala, Sweden from 22-24 February 2002.

### ***The UN: the Secretariat and the Sanctions Committees***

#### **1. The Secretariat**

The role of the Sanctions Branch in the Secretariat (the Branch), currently a part of the Security Council Affairs Division of the Department of Political Affairs, is to give substantive advice and support to the SACOs. Some of the areas related to implementation of sanctions, as well as some preliminary policy options, were raised during the discussion:

##### **Size**

In principle, sanctions are viewed as temporary/short term procedures. However, in recent times the size of the unit, consisting of about 6-8 professionals and a similar number of support staff, has been insufficient to satisfy the needs and demands of the SACOs. The possibility of developing a virtual capacity on a needs basis could allow the unit to access experts when required based on rosters. Although personnel from INTERPOL have been seconded to the Expert Monitoring Panels (EPs), loan personnel has not tried as it tends to be problematic to impact the diversity of staffing.

##### **Information and analytical capacity**

The Unit has very limited capacity to compile or produce analytical information related to the work of the SACOs. Although the unit does not act as an investigative branch, it does make use of a wide range of sources including reports from other UN departments and the media. The information, without much analysis, is then passed to the EPs who have the investigative/monitoring role.

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### **Budget availability and trust funds**

Budgetary constraints are strong, a condition often exacerbated by a lack of clarity from Security Council mandates and the budgetary implications to implement them. Trust funds, on the other hand, need to be more flexible, and donors should take this into consideration.

### **Monitoring capacity**

The Unit does not have a monitoring role since this is done through the EPs, but especially through member states who bare direct responsibility on this matter. (Unit-EPs/States relations). Careful thought with regards to budgeting and institutional structure would be required if a permanent mechanism for the implementation of targeted sanctions is created based on a mandate from the Security Council.

## **2. The Sanctions Committees**

Sanctions Committees have an important role to play in the implementation of targeted sanctions. Any policy options emanating on this subject must take into consideration that each SACO is different in nature. Consequently, it is important that any suggestions made by the working group are not prescriptive but rather follow a best practice approach that can be used as guidance. Some of the relevant areas related to implementation, as well as some preliminary policy options, were raised during the discussion:

### **The Chair**

The individual personality of a chair can have a positive impact in implementation, but his/her role should be seen and understood within the context of the wider committee. The experience of Ambassador Fowler of Canada in the implementation of sanctions against UNITA in Canada is frequently cited as an example of the role of chair can play in the implementation of targeted sanctions.

### **CTC lessons**

Can the CTC experience be of any value to the SACOs? This area needs further exploration for a number of reasons. First, the CTC has only been recently created, is chaired by a Permanent Member, and is not in the business of implementing sanctions but rather devotes most of its time to review reports by member states. Second, Resolution 1373 has fairly straightforward requirements and does not have an end point. Sanctions, on the other hand, have varying levels of complexity and various objectives: travel bans are easier to implement, while financial sanctions tend to be more difficult, and arms embargoes are rarely implemented effectively. Third, political will and support is absolutely crucial to the success or failure in implementation of both the CTC and the SACOs. While both are made up of the representatives of the same states, all committees have varying levels of commitment that reflects to a large extent, the different levels of national interest in different sanctions regimes or in combating international terrorism.

### **Continuity and institutional memory**

There is a need to maintain continuity in the work of the SACOs. Not only do chairs change frequently, but also newly elected chairs tend to prepare for their chairmanships after elected in January of their first year in the Security Council. The issue of institutional memory needs to be built into the SACOs, and this cannot be left only to the permanent members but perhaps the Secretariat can be better equipped to act as a repository of past experience. It was

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suggested that a skilled archivist could be appointed to store and manage documents and other information available to the Secretariat, the committee members and chairs.

### **3. Other issues**

- Whether a special representative could conduct an assessment of sanctions.
- Whether UN agencies and the Department of Political Affairs' field officers in the field should have responsibilities in the compilation of information regarding the implementation of targeted sanctions, and whether this could be counter productive, dangerous, and endanger the neutrality of the UN.

#### ***UN relations with other relevant actors***

The Secretariat and the SACOs are in communication with each other, as well as with a number of relevant actors for the implementation of targeted sanctions, namely, other international organizations, sub-regional organizations, private sector, member states, and targeted units. Their relevance depends, among other factors, on the nature of the sanctions imposed (i.e., travel bans, financial or arms embargoes). Some of the relevant areas related to implementation, as well as some preliminary policy options, were raised during the discussion:

#### **Relations with other international organizations (IOs)**

There are common interests and possibilities of cooperation in the transfer of information between the UN and (i) the Financial Assets Task Force (FATF-OECD), (ii) the Bank of International Settlement, and (iii) possibly the Bretton Woods Institutions.

#### **Relations with subregional organizations (SROs)**

The UN relations with ECOWAS and other SROs in the implementation of sanctions are limited. SROs could provide expertise for the EPs, play a crucial role in the enforcement of targeted sanctions, and share information with the UN. However, a mechanism of interaction needs to be established.

#### **Relations with the European Union (EU)**

The EU has a role in the implementation of sanctions in the areas of international trade and finance. Although relations with the UN are frequent and could provide lessons for UN-SROs relations, there is space for more interaction. The EU normally interacts with the Security Council and the SACOs via member states (often the EU state holding the Presidency of the Union), and through regular briefings in New York and Brussels on EU perspectives on sanctions.

#### **Relations with the Private Sector**

UN relations with the private sector are perhaps more limited UN-SROs relations, and the only formal process of engagement with the private sector has been the Kimberly Process. International trade associations, insurance companies, and airline associations have a role to play in the Stockholm Process, and perhaps the Global Compact project could provide value

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added to the discussions. The reports of the EPs on arms brokering is an area where cooperation with the business community is needed especially with regard to effective end user certification and air transport.

### **The issue of coordination**

There is a lack of coordination between the Secretariat, SACOs and EPs in the management of relations with other relevant actors in the implementation of targeted sanctions. Similar questions are asked, identical contacts are used, and not sufficient information is shared to avoid this duplication.

### ***Instruments available to the UN for implementation***

The UN has a number of instruments that are valuable for the implementation of targeted sanctions. Some of the relevant areas identified by the WG, as well as some preliminary policy options, were raised during the discussion:

### **Adequate assessment of unintended impact of targeted sanctions**

Sanctions produce unintended consequences, and occasionally, create political conditions that hamper the UN's ability to contribute to the implementation of targeted sanctions. Sophisticated methodologies to assess, on the one hand, the humanitarian impact of sanctions within a target country (as done for Liberia after Resolution 1345), and on the other the consequences on third party states in accordance with article 50 of the UN Charter may be desirable as a mechanism of transparency that may play a role in convincing neighbouring states of the need to implement sanctions. Unintended consequences, therefore, should be the object of appropriate consideration and further analysis by this WG.

### **Media**

The Secretary General's spokesperson regularly informs the media of decisions made by the Security Council but is not expected to promote the implementation of sanctions. The idea of a Security Council spokesman may be a desirable idea. The Chairs of the SACOs, on the other hand, act as spokespersons for the Committee, but their effectiveness could be enhanced if they are provided with adequate professional support to be able to fulfil this role properly. During familiarization visits, Chairs have had side coverage through the press in the areas where sanctions are being imposed.

### **Communication with states**

The media is a medium to promulgate information on sanctions but cannot substitute communications directly with the member states. Innovative lessons that promote implementation could be drawn from the CTC experience. In the end, it is necessary to engage states that also have a responsibility in the dissemination of objective information regarding sanctions, to develop tailored communication strategies for each individual sanctions regime, and to revisit the format of the decisions made by the SACOs (currently press releases).

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## **The Expert Panels**

EPs have played a crucial role in the monitoring and implementation of sanctions, and are an invaluable instrument available to the SACOs. In addition to the issue of coordination referred to in this paper, there may be room for improvement once systematic information identifying the strengths and weaknesses of the Eps is available. A Franco-British proposal to create a permanent mechanism for the implementations of targeted sanctions requires careful consideration because of potential institutional implications for the UN.

## **Elaboration of Lists**

Some SACOs use lists to identify their targets. Even though the issue merits consideration, it may be the subject of other WGs.

## ***Methodological suggestions***

The WG has the following methodological suggestions:

- **Invite a member of an EP to become a member of the WG**

It is important to incorporate into the WG a former or current member of an EP that may be in a position to contribute with a perspective on the practical weaknesses and strengths of this mechanism. His/her experience may provide valuable information with respect to the role of the UN in implementation.

- **Elaborate specialized research papers**

As a result of its discussion, the WG identified a need for the following specialized papers for its consideration: (i) A comparative analysis of the experience of the SACOs including the CTC based on the issues identified in this paper; (ii) UN-Media relations in the implementation of sanctions from a media perspective; (iii) A comparative analysis of the EP based on the issues identified in this paper.

- **Elaborate short non papers**

As a result of its discussion, the WG identified a need for short (3 to 4 page) non-papers for its consideration: (i) Budget availability and implementation capacity in the UN, and (ii) UN relations with other relevant actors for the implementation of sanctions as described in this report.

- **Revisit the Chairman's Proposed Outcome for the Working Group on Sanctions**

It is important to revisit those proposals that may be of relevance to strengthen UN capacity in the implementation of sanctions.