

# IMPROVING IMPLEMENTATION OF UN SECURITY COUNCIL SANCTIONS RESOLUTIONS

Jonathan Brewer and  
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**JUNE 2017**



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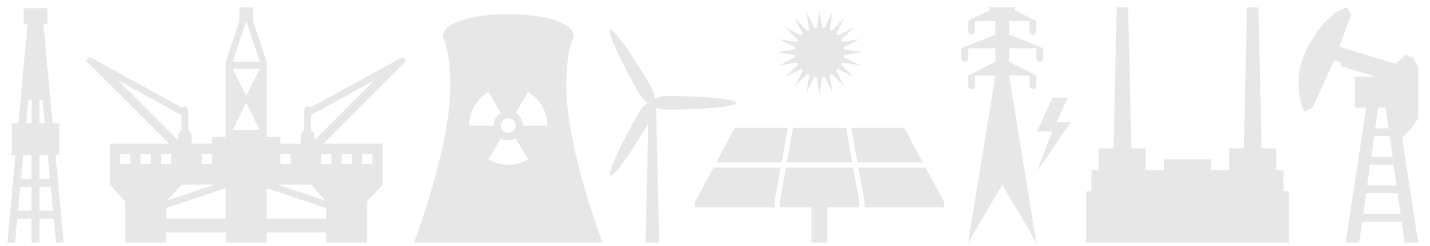
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**JUNE 2017**

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## EXECUTIVE SUMMARY

UN sanctions committees and panels of experts face a variety of challenges in meeting their responsibilities under the different UN sanctions regimes. Considering the importance of sanctions to the efforts of the UN to address problems that threaten international peace and security, finding solutions to these challenges is both warranted and urgently necessary to ensure the effective use of sanctions in international policy.

To develop a clearer sense of the specific nature of these problems, the authors undertook an informal survey of committee members and experts in late 2015 and early 2016 to identify specific issues facing sanctions committees, panel members, and member states. This survey revealed a number of specific challenges, but at the core, they revolve around three themes: absence of proper training; shortage of proper analytic support, including access to technical capabilities and laboratory equipment; and inadequate education for sanctions committee members, panel experts, and member states.

A number of these problems could be mitigated by targeted assistance programs. The authors identified six specific proposals that could address these problems. In sum, these are:

1. provision of regular, specific training courses on sanctions topics;
2. provision of facilities and opportunities for dedicated, off-site informal discussions among sanctions committee chairs to promote information sharing on best practices, problems, and solutions;
3. establishment of a regular mechanism for the provision of ad hoc funding of specific requirements for sanctions implementation, similar to member state support programs for other specialized agencies such as the International Atomic Energy Agency (IAEA);
4. establishment of “matchmaking” facilities between potential donors and recipients for specific, identified projects;
5. development of a guidebook for member states on implementation of UNSC sanctions resolutions and, in time, dedicated training resources; and
6. analytical papers on specific aspects of UNSC sanctions, intended to explore best practices, problems to avoid, and solutions to frequent implementation issues.

By funding and implementing such programs, individual UN member states or other donors could provide significant practical support to sanctions committees and experts, and thus enhance the effectiveness of UN Security Council sanctions regimes.

The international policy value in doing so is potentially immense, given the application of sanctions in a variety of hotspots around the world—such as with North Korea and ISIS—and reluctance among major powers for substantial political and military interventions to address these hotspots. Given the importance attached to sanctions as part of the UNSC policy-making process, this is an urgent requirement that ought to be prioritized as the Security Council considers the next steps in its critical work.

## INTRODUCTION

UN Security Council (UNSC) mandated sanctions have been in existence since 1966, when the UN Security Council imposed mandatory sanctions against Rhodesia. Since that time, UNSC sanctions have been the hallmark of international censure of states, entities, or individuals that act outside of the norms of acceptable international conduct or law. In 2015, there were 16 UNSC sanctions regimes, the highest number of active sanctions regimes to date. Three of these regimes have since been terminated by the Security Council, and as of this writing, there are 13 regimes, described in the annex.

Legally, UNSC sanctions are authorized by Chapter VII, Article 41 of the UN Charter, which states in full:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.<sup>1</sup>

As a result, UNSC sanctions provide the Security Council with enforcement options that do not involve the use of armed force, which has complications both practical and political. They can be and have been imposed to try to prevent conflict; human rights abuses; terrorism; proliferation of weapons, including WMD; or other regional or global threats. Although by themselves sanctions may be insufficient to induce compliance with UNSC resolutions, there is no doubt that they will continue to be the Security Council's primary tool for policy enforcement for the foreseeable future.

Yet implementation problems abound throughout the UNSC sanctions system. Multiple reports by the various panels of experts (POE) who are associated with the various sanctions regimes have described the failure of UN member states to fulfill their obligations (examples are listed below). These can range from the somewhat pedantic requirement to provide implementation reports on the measures imposed by the UNSC to the far more serious requirement to abide by the specific terms of the resolutions. Moreover, many of these failures are not just by the state targeted by the sanctions—which, though required to abide by UNSC decisions pursuant to the UN Charter, often reject UNSC decisions out of hand—but also by states around the world. Many of these failures may be attributed to ignorance or capacity problems. In other cases, an affirmative decision on the part of the disobedient states to disregard their obligations may be to blame.

This paper outlines some of the results of informal conversations held with sanctions committee members and POE members in late 2015 and early 2016 about the deficiencies of UN sanctions implementation. The paper attempts no analysis of the public policy significance of these deficiencies but takes as its starting point the need to remedy the situation given the established and well-documented use of sanctions by the UNSC to manage international crises, particularly since the end of the Cold War. It identifies potential solutions to the problems identified, most of which are embodied in a need for targeted assistance programs to committee members, experts, and member states. By funding and implementing such programs, individual UN member states or other donors could provide significant practical support to sanctions committees and experts and thus enhance the effectiveness of UN Security Council sanctions regimes as well as fulfill the central mission of UNSC sanctions: the avoidance of military force where possible in addressing some of the most pressing international security challenges that exist today.

# BACKGROUND ON THE UNSC SANCTIONS SYSTEM

Before offering recommendations for improving implementation of the UNSC sanctions system, it is vital to identify its common elements both from an organization perspective and from an implementation perspective.

## *Organizational Dynamics*

A common misconception about the UN system is that the UN is responsible for independent action or is a stakeholder in its own right. Certainly, the UN Charter describes the secretary general as “chief administrative officer” of the organization. But it also specifies that he shall perform “such other functions as are entrusted” to him by the Security Council and UN General Assembly and other UN organs. So he is responsible to UN member states, and authorities he has are delegated by member states. For readers familiar with the corporate world more than the UN, one could think of the secretary general as essentially the equivalent of the CEO of a large company, possessing autonomy to take certain decisions in line with the authorities granted to her by her board of directors, but—under most corporate structures—the board itself retains the ultimate authority over the future direction of the company and can even dismiss a CEO that has failed to operate as required.

For much the same reason, the UN secretariat has some limited independence and autonomy, but its freedom of action is very much circumscribed by the UN Charter and the decisions of member states. Moreover, the secretariat is itself relatively small, with its primary functions largely organizational and serving as a resource for the UN membership, particularly as a source of continuity of knowledge for an ever-changing UNSC rotation. In fact, much of the work done at the United Nations is not done by the secretariat at all, or, certainly, not by the secretariat alone. Often, it is the career diplomats and bureaucrats attached to the various New York–based missions of UN member states who are responsible for much of the action at the UNSC and in its constituent elements.

When we discuss the UNSC sanctions system, therefore, it is important to understand who is actually responsible for what and how the pieces interact. There are three primary organizations of interest:

1. UN sanctions committees: These are committees composed of representatives of the entirety of the UNSC at the moment. They therefore always have a representative of the permanent 5 (P-5) members of the UNSC: China, France, Russia, the United Kingdom, and the United States. They also have representatives of the elected 10 (E-10) members of the UNSC, which—as for 2017—includes Bolivia, Egypt, Ethiopia, Italy, Japan, Kazakhstan, Senegal, Sweden, Ukraine, and Uruguay. Sanctions committees are tasked with working through questions of UNSC resolutions imposing sanctions, particularly as related to implementation problems or violations. Their participants should be seen as essentially the delegates of their ambassadors, charged with working through the details of sanctions. The committees are chaired by a representative of the E-10, with committee assignments the subject of some political maneuvering in the weeks prior to the E-10 members joining the council. The terms of reference of each committee are set out in its corresponding Security Council resolution. Each committee has a web page on the UN website with information about the resolutions, the committee’s mandate, and guidance on implementation by member states.
2. UN panels of experts (POEs): In theory and often in practice, POEs are assemblies of experts in particular fields implicated in the imposition of UNSC sanctions whose responsibility is to investigate violations and implementation problems and provide regular reports to the UNSC on their findings. They are not technically subordinate to sanctions committees but rather to the full UNSC (though, as noted above, this is a somewhat abstract distinction, given the nature of committee representation). POE members are UN contractors serving defined terms. Often, the



nationalities of POE membership are worked out in private negotiations prior to the imposition of UN sanctions, though there are occasionally areas of flexibility for appointment. Often, but not always, the full P-5 is represented in the POE. POE members are expected to have a primary allegiance to the UN itself.

3. UN secretariat: As noted, the UN secretariat (specifically, the UN Security Council Affairs Division, or SCAD) serves an instrumental role as a source of knowledge about how sanctions operate in practical terms, offering guidance to UNSC members looking to impose sanctions but unclear as to the best way to do so. At present, SCAD organizes induction courses for incoming sanctions committee chairs and members that provide an introduction to UN sanctions, and explains UNSC procedures and mechanics of administrative support. In recent years SCAD has also taken measures to improve enterprise-wide implementation of UNSC sanctions\*, including deepening the professional sanctions expertise of its staff. The UN secretariat can also take on additional tasks on occasion, as with the case with the residual Iran-related sanctions regime in place after the conclusion of the Joint Comprehensive Plan of Action (JCPOA). But the secretariat's role is intended to be organizational and advisory, not decision making.

Combined, these three organizations form the framework for execution of the UN's role in UNSC sanctions. They operate mostly in and around the UN in New York, with no presence naturally within the bureaucracies of the 193 member states of the UN. These organizations provide guidance and information to UN member states, but, importantly, it is member states themselves that are responsible for the implementation of the decisions made by the UNSC.

### *Sanctions and Sanctions Implementation*

The majority of UNSC sanctions resolutions require UN member states to implement a mix of arms embargoes, travel bans, and asset freezes. Some sanctions regimes (particularly those related to proliferation) also include additional requirements. For example, in some sanctions resolutions, measures have been adopted that require enhanced export controls (to deal with the risk of proliferation); cargo inspections; prohibitions or regulations on financial or related services; and even more obscure areas, such as the export of luxury goods to DPRK or charcoal from Somalia.

Ideally, member states should implement all provisions to a uniformly high standard, but in practice this does not happen. For example:

- multiple reports of interdictions suggest that UNSC sanctions relating to dual-use goods are not always incorporated into export control processes, or controls are not always enforced<sup>‡</sup>;
- travel bans are not always enforced—for example, in the case of international travel by the Islamic Revolution Guards Corps (IRGC) Quds Force commander Major General Qassem Soleimani<sup>‡</sup>;
- violations of arms embargoes are widely documented<sup>‡</sup>;
- asset freezes are not always enforced<sup>‡</sup>; and

\*Measures include the introduction of a common format to committee web pages and compiling a consolidated list of designations under all UNSC sanctions resolutions.

<sup>†</sup>For example, the final reports of the UN Panel on Libya (S/2016/209), on Yemen (S/2016/73), and on DPRK (S/2014/147).

<sup>‡</sup>For example, final report of UN Panel on Libya (S/2016/209).

- implementation reports are often not submitted by member states (for example, although required within 60 days of approval of each UNSC resolution on Iran, fewer than 50 percent of member states had submitted reports by the time sanctions were terminated in January 2016).

The uneven implementation by member states can significantly undermine the impact and effectiveness of UN sanctions, and many studies have been carried out to try to identify solutions to the problem.<sup>5</sup> The most recent of these was a review conducted in 2014 by the governments of Australia, Finland, Germany, Greece, and Sweden<sup>4</sup>. The review was underpinned by a Security Council debate on UNSC sanctions on 25 November 2014.<sup>5</sup>

The review included 150 recommendations for action, focused primarily on four main groups of actors: the Security Council (approx. 32 percent of the recommendations); sanctions committees and experts supporting these committees (21 percent); the UN secretariat (37 percent); and others such as member states, civil society, and the private sector (17 percent). They are summarized in a compendium published in November 2015.<sup>6</sup>

Although work on a number of these recommendations has been taken forward, by committees and the UN secretariat, as a whole the review and the Security Council debate make clear that many member states have an imperfect understanding of requirements of Security Council sanctions and implementation good practices. Many member states may also lack capacity or resources to implement sanctions effectively. Some may also lack political will.

<sup>5</sup>See, for example, the Interlaken Process (1998–1999), the Stockholm Process (2001–2003), and the symposium on Enhancing the Implementation of UN Security Council Sanctions (2007).

## INFORMAL SURVEY

The authors have many years' experience of UN and other sanctions regimes and are familiar with challenges of implementation from a perspective similar to the high-level review. Brewer was familiar with issues faced by committees and by panels (both those based in New York and overseas) after spending five years as an expert on the UN Panel on Iran in New York. For the purposes of this paper, however, we believed that it would be useful to collect further information in order to gain a more balanced understanding of some of the specific challenges currently faced by a range of different sanctions committees and expert panels. To accomplish this, Brewer carried out an informal survey of a selection of committee members and experts, both New York based and home based (the latter during visits to New York), between late 2015 and early 2016. This survey was nonscientific but organized to maximize coverage over issue areas, committee jurisdiction, and individual levels of responsibility and to avoid "groupthink." In conducting this survey, Brewer engaged with 6 different committee members (most of whom cover a variety of committees and issue areas), 3 members of the UN secretariat, and 6 different panel members. Respondents were asked individually to identify the practical difficulties they experienced in performing their duties and how these might be addressed. Their responses are summarized below, not in any order of priority, for the sake of clarity and to ensure consistency with the recommendations for support described in the next section. Importantly, the comments and concerns described below apply variously, although in some cases with different weights, to members of sanctions committees, POEs, and member states more generally.

Comments from committee members included the following:

- *Committee members* may have had little or no training on sanctions issues before starting work in New York in their committees; some may have been forced to learn "on the job," and if there is no one with experience to talk to in their missions, they may have needed to seek guidance from a member state friend or ally.
- *Committee members* need a better understanding of the principles of UN sanctions (norms and standards) and the vocabulary used in sanctions resolutions.
- *Committee members* need to be better informed on the history and background of their sanctions regime; why the regime is in place; what it is designed to achieve; and the reasons behind the specific elements of the provisions—for example, designations of individuals and entities for the purposes of asset freezes.
- *Member states* need guidance on implementation of specific measures—for example, asset freezes, travel controls, implementation of arms embargoes.
- *Member states* need guidance on incorporation of UN resolutions into national legislation.
- *Committee members* need mechanisms for comparing notes or sharing experiences between committees where this would add value.
- *Committee members* need better understanding of the role of the ombudsperson and of due process regarding designations (e.g., mechanisms for challenges and delisting).
- There is a need for better mechanisms for working with relevant specialist bodies actors such as Interpol, Financial Action Task Force, and the International Criminal Court in support of the work of committees.

Comments from POE members (some based in New York, some home based) included:

- *Experts* have a range of training needs, depending on their background and expertise, including in areas such as:
  - o open-source data-mining techniques, use of data exploitation tools, techniques for searching the deep web, techniques for searches in foreign languages;
  - o standards and techniques for maintenance of continuity of evidence in cases under investigation;
  - o the shipping business: understanding the range of documentation and use of registers and other databases;
  - o financial forensic techniques and financial databases;
  - o identification of conventional weapons;
  - o commodity trading practices;
  - o export controls (legislation and implementation); and
  - o sanctions legislation and implementation.
- *Experts* need stronger, more consistent support to investigations and analyses of interdicted shipments—for example, analytical equipment or laboratory facilities.\*\*
- *Experts* require a source of funding for ad hoc projects in support of mandates of individual panels.
- *Experts* could use stronger support to outreach efforts for capacity-building for member states' institutions, (e.g., to banks and central banks in support of implementation of financial sanctions).
- *Experts* require training in personal physical security, especially practical training in support of the UN's desk-based training. The March 2017 killing of two UN experts—Michael Sharp and Zaida Catalan—and their Congolese interpreter, Betu Tshintela, underscores this necessity.<sup>7</sup>

\*\*The authors note that this need was even more strongly observed by POE members serving on the Iran and DPRK panels, given the focus of their responsibilities in dealing with nuclear nonproliferation issues in those countries. However, one could anticipate a similar need in dealing with other such problems—such as dealing with Syria's chemical weapons—if international consensus existed to treat this problem and future ones at the UNSC.

## RECOMMENDATIONS FOR POSSIBLE SOLUTIONS

Based upon the results of the survey and our own experience, we identified six specific proposals that, if implemented, would improve the standards of implementation for UNSC sanctions across the board. They reflect the variety of challenges faced by different sanctions committees and their expert panels. However, some of them can potentially be addressed with common solutions.

In sum, these are:

- provision of regular, specific training courses on sanctions topics;
- provision of facilities and opportunities for dedicated, off-site informal discussions among sanctions committee chairs to promote information sharing on best practices, problems, and solutions;
- establishment of a regular mechanism for the provision of ad hoc funding of specific requirements for sanctions implementation, similar to member state support programs for other specialized agencies such as the International Atomic Energy Agency (IAEA);
- establishment of “matchmaking” facilities between potential donors and recipients for specific, identified projects;
- development of a guidebook for member states on implementation of UNSC sanctions resolutions and, in time, dedicated training resources; and
- analytical papers on specific aspects of UNSC sanctions, intended to explore best practices, problems to avoid, and solutions to frequent implementation issues.

The authors recognize that some of these proposals, at least in part, appear similar to existing programs in relationship to resolution 1540 (2004). For example, the 1540 committee facilitates donor matchmaking. However, the requirements of resolution 1540 (2004) are different from the range of requirements of the thirteen current UN sanctions resolutions. UNSCR 1540 is about capacity building, but for member states rather than the UN or its constituent organs (so its efforts would not address a substantial gap identified in this paper). Moreover, there is political sensitivity around this capacity building, as some states believe that UNSCR 1540 was intended all along as a Trojan horse for sanctions enforcement rather than positive, nonproliferation capacity building for member states. Adapting 1540’s efforts for sanctions enforcement would therefore be ruled out by political considerations. That said, the authors recognize that there is complementarity in some of the proposals we suggest and, at a minimum, the recommendations made here would not undermine the work of other UNSC bodies.

We will now explore each of these proposals at length.

### **Proposal 1** Provision of Regular, Specific Training Courses on Sanctions Topics

Training courses would be focused on requirements of members of sanctions committees, experts, and UN secretariat officials, but they could be extended to include other member state officials. A draft syllabus is set out below that reflects points made by members of sanctions committees and expert panels.

Ideally courses would be organized by a non-UN body and held off site, possibly every six months depending on demand. They would not be a substitute for SCAD’s induction courses for incoming committee chairs, but they could provide the basis for a standardized induction process, as recommended by the high-level review (see compendium, p. 39). Such courses could also address a variety of other compendium recommendations, including:

- training on standards for expert groups (Compendium Recommendation 14);
- sensitization of expert groups on role of human rights and humanitarian actors (Recommendation 60);
- outreach and dialogue with the private sector (Recommendation 72);
- employment of standards, guidance, and best practices developed by the FATF (Recommendation 85);
- utilization of INTERPOL’s guidelines by expert groups (Recommendation 86); and
- strengthening relationships between expert groups and regional and subregional organizations (Recommendation 105).

Possible curriculum

	<b>Morning</b>	<b>Afternoon</b>	<b>Possible Trainers</b>
Day 1	UN sanctions: principles, practices, mechanics, history	Specific provisions <ul style="list-style-type: none"> <li>o Financial sanctions</li> <li>o Export controls</li> <li>o Arms embargoes</li> <li>o Travel Bans</li> </ul> Sanctions monitoring techniques	Outside experts  UNSC committee members  SCAD staff
Day 2	Incorporation of UNSC sanctions into national legislation; their implementation and enforcement	Sanctions and human rights  Role of ombudsperson	UN lawyers  Ombudsperson
Day 3	Briefings from intergovernment organizations (e.g., FATF, Interpol)	Briefings from industry associations (e.g., FIATA, banking associations)  Briefings from regional organizations (e.g., GCC, CARICOM)	Representatives of these bodies
Day 4	Issues specific to individual sanctions regimes (history, etc.).	Report writing  Investigative techniques <ul style="list-style-type: none"> <li>• Open-source investigations</li> <li>• Analytical techniques</li> <li>• Databases</li> </ul>	UNSC committee members  SCAD staff  Others

### **Proposal 2** Provision of Facilities for Off-Site Informal Discussions

The provision of such facilities would provide opportunities for committee chairs and members to meet off site to compare notes and discuss common issues, informally and off the record. Despite the need identified above for mechanisms for comparing notes or sharing experiences between committees, there is no current mechanism for doing this on a collective basis. Such meetings might take place annually, depending on demand. But the objective would be to provide an apolitical space (or as close as may be conceivable in as political an organization as the UN) for consultations on the way in which sanctions are being implemented and common sense solutions for identified problems. Importantly, this sort of forum would ensure that chairs are able to share information with one another rather than relying on staff to be the conduits. This could help address issues of stove-piping for some missions and information overload for others.

### **Proposal 3** Ad Hoc Funding of Specific Requirements

One of the areas of constant concern for those surveyed is that POEs in particular lack access to the sorts of tools necessary to perform their functions. Politically, seeking an increase in the UN budget is difficult to arrange and to secure. Moreover, any increase in the UN budget would require competition for those scarce additional resources, with POEs contending against a range of other, perhaps vital resource demands.

One solution to this problem could be to develop a mechanism for the provision of specific, dedicated assistance to the sanctions mission of the UNSC. Precedents for such funding exist in the case of the IAEA, where a mechanism has been set up for member states to donate in-kind assistance across the range of IAEA programs. In the area of safeguards, for example, a number of member states have safeguards support programs. There is no template for provision of such support: agreement is reached between the IAEA and the state on the assistance itself and on how the contribution is transferred and reflected in the IAEA budget. An alternative model is the UN Trust Fund for Global and Regional Disarmament Affairs, managed by UNODA, providing support to implementation of resolution 1540 (2004).

Examples of possible ad-hoc funding might include support to specific panels to cover budget shortfalls for defined requirements—for example, access to specialized databases, or provision of relevant equipment or technology, or support to regional capacity-building events.

### **Proposal 4** Provision of “Matchmaking” Facilities Between Potential Donors and Recipients

Related to proposal 3, one of the problems that has emerged for POEs is that, absent a dedicated fund, they sometimes require support from outside the UN system but have no clear means of identifying how or whom to get this support or from. Often, POE members have found it necessary to rely on their home governments, reducing the sense of independence of the POE and of its conclusions. This is counterproductive to the mission of the POE and unnecessary.

Instead, the POE should be assisted through the creation of an expert body or point of contact to coordinate assistance requests with potential sources of support—for example, in areas of specialized technical assistance or provision of expert advice on drafting legislation. Such a mechanism could help bridge this gap between need and capability without relying on home government support.

Of course, when consulting with outside expertise, conflicts of interest can occasionally arise. In most instances, however, this is unlikely to be a particular concern on specific sanctions enforcement support tasks or can be managed through UN POE discretion. For example, if the POE requires support for the analysis of a material sample but has no physical laboratory capacity to conduct the analysis, the “matchmaking” facility could identify a list of laboratories around the world for analysis and consultation (similar to how the IAEA seeks material analysis from its network of analytical laboratories, or NWAL). Coding procedures could be used to obscure the collection point for the material from the consulted laboratory. Or technical support could take on an even more mundane nature, such as the provision of database access that has utility across UNSC committee and POE jurisdictions. The key issue is to avoid the even greater conflict of interest implied in POE member reliance on home government resources (which can come with its own taint, depending on the issue or sanctions target involved), while still ensuring that POEs get the technical and other forms of support necessary to fulfill their functions.

### **Proposal 5** Guidebook for Member States on Implementation of UNSC Sanctions Resolutions

Although guidance on specific aspects of implementation of UN sanctions exists within the SCAD framework, there is a need for a comprehensive guidebook to cover—for the range of sanctions—legislation, structures, procedures that states need to have in place to implement requirements, and implementation best practices.

This is a potentially onerous task requiring synthesis of implementation information that remains inconsistently provided to the UNSC, notwithstanding its requirements, and an understanding of the vagaries of the national legal systems that are key to implementation of UNSC sanctions. However, ad hoc, varied approaches to implementation are inimical to the well-ordered functioning of the UNSC sanction system. It creates the risk of sanctions gaps—as the 2017 DPRK POE report underscores—and of unfair sanctions implementation practices. No amount of standardization for UNSC resolutions or the underlying legislation will completely address this problem, and of course UNSC sanctions are not supposed to be based on a “one size fits all” model. However, it can be ameliorated through the development of guidelines and advice, the lack of which—for most states—may be all that stands in the way of implementation of sanctions.

In time, this guidebook could also be made more useful through dedicated training resources, though the authors note that this is likely a bridge too far at the present financial and political juncture at the UNSC.

### **Proposal 6** Analytical Papers on Specific Aspects of UNSC Sanctions

SCAD has produced a series of reports (the Sanctions Tools series) compiling information held within the UN on sanctions policy and implementation. Depending on coverage and public availability of these reports, there is a requirement for an analytical study of UN sanctions that focuses on elements common to different resolutions (e.g., arms embargoes, asset freezes, travel bans); their implementation; and an analysis of trends in sanctions policy and requirements. More importantly, in addition to the information conveyed in the guidebook identified in proposal 5, this analysis could help member states understand better the nature of the sanctions implementation problems that they face and identify ways to solve those problems before they undermine sanctions enforcement writ large and the credibility of the UNSC sanctions system.



## CONCLUSIONS AND NEXT STEPS

This paper has briefly analyzed the challenges faced by sanctions committees and panels of experts regarding their roles in promoting effective implementation of UN sanctions, as well as the issues identified by committee members and POE members with respect to member state implementation of sanctions. Proposals have been identified that would mitigate some of the challenges and, at a minimum, establish a better way of identifying those challenges in a formal, systemic way.

They would improve the effectiveness with which UN bodies in New York execute UNSC sanctions and provide support to implementation by member states. Better implementation of UNSC sanctions by member states would ensure greater impact and greater probability of achieving their objectives, particularly peaceful outcomes to threats to international peace and security.

The up-front investment in the process these proposals represent would provide significant efficiencies in terms of better-educated and more professional committee members and experts, whether from developed or undeveloped countries. Committee members and experts would be better able to tackle their responsibilities from the beginning and, with knowledge from the start of how to deploy necessary tools and capabilities, to meet the challenges of their mandates.

A perception of an improved sanctions process, and greater professionalism of UN bodies in New York, will be of inherent benefit to the UN system that occasionally is seen by some as the developed world's way of targeting the developing world. Moreover, even within the developed world, greater confidence in UN sanctions officials would enhance the standing of the UN sanctions process, contributing to a sense that the UN can handle this responsibility and excel, rather than be stymied by bureaucracy, political issues, and financial constraints. Rather than contributing to a self-fulfilling prophecy of futility on the part of the UN, efficiency, effectiveness, and skill would lead to greater international respect for the UN in this regard and, in time, greater confidence in it being up to these challenges.

The authors recognize that while many member states would welcome implementation of these proposals as a way to improve both the effectiveness of UNSC sanctions and their own contributions to this process, others may possibly regard them as intrusions into areas of UN competence. The authors intend these proposals to be entirely complementary to the UN's existing efforts and to be taken up to the degree that they are useful to individual member states. In fact, the authors put forward these concepts out of an interest in general improvement in sanctions practices and operations, rather than out of a desire to see any particular sanctions regime augmented. Our recommendations are made out of an interest to see an organization to which has been attached considerable responsibility succeed regardless of the issue area or country of focus.

Not only are sanctions here to stay but their use is likely to increase, so long as the UN system exists and states look for ways of addressing problems without relying on the use of military force or the political pressure of diplomacy. The UN membership—and UNSC members in particular—should ensure that they've invested properly in their success. The proposals outlined in this paper are a start, building on the HLR conducted on the system writ large. We hope that member states consider them carefully.

# ANNEX

## *Current UN Security Council Sanctions Regimes: Summary of Requirements*

Sanctions Committees	SC Resolutions	Provisions			
		Embargo on arms <sup>††</sup>	Assets freeze	Travel ban	Other
Central African Republic	2127 (2013)	Yes	Yes	Yes	
Democratic People's Republic of Korea	1718 (2006)	Yes	Yes	Yes	Nonproliferation; luxury goods; financial measures; bunkering services; flight denials; specialized teaching and training; etc.
Democratic Republic of the Congo	1533 (2004)	Yes	Yes	Yes	
Guinea-Bissau	2048 (2012)	No	No	Yes	No panel of experts
Hariri investigation	1656 (2005)	No	Yes	Yes	No panel of experts
Iraq	1518 (2003)	Yes	Yes	No	No panel of experts
ISIL and Al-Qaeda	1267 (1999) 1989 (2011) 2253 (2015)	Yes	Yes	Yes	
Libya	1970 (2011)	Yes	Yes	Yes	Measures in relation to attempts to illicitly export crude oil. Other business restrictions also apply.
Somalia and Eritrea	751 (1992) 1907 (2009)	Yes	Yes	Yes	Charcoal sales
South Sudan	2206 (2015)	No	Yes	Yes	
Sudan	1591 (2005)	Yes	Yes	Yes	
Taliban	1988 (2011)	Yes	Yes	Yes	
Yemen	2140 (2014)	Yes	Yes	Yes	

## *Residual UNSC Sanctions Related to Iran after the Joint Comprehensive Plan of Action*

	SC Resolutions	Embargo on Arms	Assets Freeze	Travel Ban	Other
No committee. UN secretariat manages "specific restrictions" on behalf of the UNSC.	2231 (2015)	UNSC authorization required	Yes (time limited)	Yes (time limited)	Nonproliferation; financial measures; etc.

<sup>††</sup>May include designations, related material, or related services.

# NOTES

- 1 United Nations Charter, Available at: <http://www.un.org/en/sections/un-charter/chapter-vii/>.
- 2 Final reports of the UN Panels on Iran (e.g, S/2014/394 and on DPRK [e.g, S/2014/147]).
- 3 Final reports of the UN Panels on Iran (e.g, S/2014/394 and S/2015/401) and on Libya (S/2016/209).
- 4 “The Compendium of the High-Level Review of United Nations Sanctions June 2015,” UN documents A/69-941 and S/2015/432.
- 5 Record of the 7323rd meeting of the Security Council 25 November 2014 (UN document S/PV.7323).
- 6 “Compendium High-Level Review of United Nations Sanctions November 2015” ([http://www.hlr-unsanctions.org/HLR\\_Compndium\\_2015.pdf](http://www.hlr-unsanctions.org/HLR_Compndium_2015.pdf)).
- 7 McKirdy, Euan. CNN.com “Bodies of 2 UN experts found in Democratic Republic of Congo” March 29, 2017. Available at: <http://www.cnn.com/2017/03/29/africa/congo-un-bodies-found/index.html>



