

Executive Summary

Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options

Final Report of the Stockholm Process on the Implementation
of Targeted Sanctions

Background

The international community is in need of peaceful ways to react to international threats against peace and security. There must be effective actions “between words and wars.” The use of economic sanctions is one of the instruments available to the UN Security Council that has been used under Chapter VII of the UN Charter. Recent experiences of *comprehensive* sanctions have not been encouraging, however. The search has continued for more refined approaches and *targeted* sanctions is one such option. Targeted sanctions are directed against significant national decision-makers (political leaders and key supporters of a particular regimes) and resources that are essential for their rule.

Targeted sanctions have been the subject of an international diplomatic and academic process, which was initiated by Switzerland focusing on financial sanctions, the *Interlaken Process*. This was followed by the initiative of Germany, the *Bonn-Berlin Process*, dealing with arms embargoes, aviation sanctions and travel bans. These processes brought together experts, academic researchers, diplomats, practitioners and non-governmental organizations. Two volumes with practical suggestions were presented to the UN Security Council in October 2001. At this occasion, Sweden announced the start of a similar, third process, the *Stockholm Process*, concentrating on the *implementation* of targeted sanctions.

Purpose of the Stockholm Process

The Stockholm Process proceeds from the assumption that to make targeted sanctions effective, they have to be implemented through a chain of actions involving all levels of decision making: the Security Council, its Sanctions Committees, the Member States and their administrative agencies. International governmental organizations, the private sector and non-governmental organizations also have roles to play. Particularly important is that the measures hit the defined targeted actors. This requires that Council action can be adapted to the evasive strategies that will be used by the targets. In the Stockholm Process three Working Groups dealt with these matters, resulting in a host of recommendations. The main recommendations from each group are summarized in twelve boxes. In addition, specific proposals are made for different types of targeted sanctions (sanctions on arms, finances, aviation, travel and certain commodities). Below, the results of the Stockholm Process have been summarized under ten headings. In parenthesis references are made to the parts and boxes of the Stockholm Report.

RECOMMENDATIONS

1. Design Sanctions Resolutions with Implementation in Mind

It is important at the earliest stage of drafting a resolution to anticipate what will be required in order to implement the agreed measures. The purpose and the targets must be clear from the outset. Many participants in the Stockholm Process recommend an early assessment of the likely impact of the sanctions. This also means establishing a sanctions committee with necessary authority – in particular a reporting mechanism – to follow through on the decisions. The role of the chairperson of the sanction committee is important and requires considerable support from the Council and from the UN Secretariat. (Part II and IV.)

2. Maintain International Support for the Sanctions Regime

Sanctions are to be implemented by Member States. Thus, it is im-

portant that they are fully informed of the rationale of the measures, from the early stages and throughout the sanctions regime. In this way, Member States are included in the sanctions policy, which will ensure political support and maintain their “political will” to implement measures. This helps to make clear that the sanctions regimes are “owned” by the international community. Furthermore, transparency is important so that the goals and measures are properly translated into action by all UN members. The media must also be kept updated on the sanctions and their implementation. Targeted sanctions are designed to minimize detrimental humanitarian effects. To maintain international support it is important to ensure that such effects are avoided. (Parts II, III and IV.)

3. Monitor, Follow Up and Improve the Measures throughout the Sanctions Regime

The Stockholm Report draws attention to the innovation of Expert Panels and Monitoring Mechanisms for the follow-up of sanctions implementation. Thus, specific and common guidelines are suggested for the work of such panels (Part II, Box 8). They point, *inter alia*, to the importance of Panels having the competence and authority to perform in-depth investigations and that Panel reports meet the highest evidentiary standards. The significance of such reporting is particularly evident when systematic sanctions evasion arises. (Parts II, IV.)

4. Strengthen the Sanctions Work of the UN Secretariat

The UN Secretariat has considerable experience in sanctions implementation. There is a need for an in-house information database on sanctions, as a service to Sanctions Committees, Member States, Expert Panels and Monitoring Mechanisms. This is a way of systematizing lessons learned. Also, the UN should operate a continuously updated, public research database on current sanctions regimes. The issue of a special UN sanctions coordinator is raised in this Report for further discussion. These measures for improving sanctions implementation will not occur without sufficient allocation of budgetary resources. (Part II.)

5. Although Different, Much Can Be Learned from the
UN Counter-Terrorism Committee

The setting up of a special committee to inform and support Member States on how to counter terrorism suggests novel ways to conduct sanctions implementation. In particular the creation of contact points in all Member States, the continuous reporting of activities, and the development of ideas for capacity-building are directly relevant. Thus, the Stockholm Report suggests Practical Guidelines for Effective Implementation of Sanctions. (Part III, Box 10.)

6. Effective Sanctions Requires Capacity-Building and
Training Programs

The implementation of targeted sanctions is a strain on state capacity for many Member States. It requires training of staff and institutional development. In the long-run, improved government administration may also be beneficial for national development. Thus, national training programs – and support by Member States and international organizations – are encouraged in areas of sanctions implementation (police, customs, transportation services, financial controls, etc., Part III).

7. Implementation Can Be Enhanced through a Model Law

The Reports suggest a model for sanctions legislation that can be useful for Member States when developing their legal frameworks for sanctions implementation. Two versions are presented, one for common law countries and one for civil law countries. (Part III, Box 11.)

8. Implementation Will Vary Depending on the Type of Sanctions

Throughout the Stockholm Report targeted sanctions are discussed with respect to arms flows, financial resources, travel and aviation connections and specific export commodities. The measures needed to implement such sanctions will vary. Thus, recommendations are made for different types of sanctions with respect to national implementation (legal framework, administrative agency, information, monitoring, enforcement, etc., Part III) and for strategies to count-

er evasion (by having precise definitions of targeted actors, maintaining commitment, considering complementary measures, etc., Part IV).

9. Maintaining Accuracy in Sanctions Targeting Is Crucial

A sanctions regime faces different challenges at different stages, but the actions in each stage can improve the performance in the next. The planning of sanctions is important for the operations of sanctions, which in turn requires vigilant follow-up procedures. It is necessary to expect retaliation against neighboring countries and thus positive inducements should be available. Also strategies of socially and politically isolating the targeted actors in their own state have to be considered. Processes for listing individuals and entities as targets and for removing them from such lists (delisting) are crucial. (Part IV.)

10. Reporting on Sanctions Implementation

In order to assist Member States in their duties, this Report suggests a special questionnaire to be addressed to Member States on matters of sanctions implementation. It asks questions on contact points, specifies measures for particular types of sanctions, asks about the type of assistance that is needed and encourages Member States to identify available resources for such support. (Part IV, Box 12.)