

Part IV: Targeting the Target: Measures to Improve Accuracy and Manage Sanctions Evasion

10. Introduction

- § 264 THE PURPOSE OF targeted sanctions is to modify the behavior of specific actors whose actions have been determined by the Security Council to threaten international peace and security. The key features of targeted sanctions are their focus on: a) specific actors in a target regime, including governments, other ruling elites, non-state actors, entities and individuals, and b) the specific resources used by these actors to advance their policies.
- § 265 Targeted sanctions include restrictions on the delivery of arms, financial assets, travel, flight connections, particular goods and services (notably certain natural resources and processed commodities, such as diamonds, oil, timber, arms, spare parts for particular products) and on international representation. Targeted sanctions require careful attention to monitoring to determine whether or not they are modifying the behavior of targets. The effective use of targeted sanctions requires a proactive approach by the United Nations to planning, implementation and monitoring, as well as greater attention to sanctions evasion. Part IV of the Stockholm Report is devoted to refining the accuracy and efficacy of targeted sanctions.
- § 266 Part IV is divided into three distinct sections. First, there is a need to identify the problems in targeting sanctions accurately and develop general remedies (Section 11). Second, the problems and so-

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lutions vary for different types of targeted sanctions, which require specific analysis (Section 12). Third, Member States and the UN need to be as fully informed about these problems as possible, requiring a reporting procedure (Section 13).

11. Issues of Concern and General Recommendations

- § 267 Key problems in targeting the targeted actor are the identification of the actor, determining which resources should be subject to sanctions, the counter-reactions of the targeted actor, and the ability and willingness of third states to make the sanctions effective. The strength of the entire chain of implementation measures depends on the accuracy of targeting, and ultimately this determines whether or not the UN Security Council achieves its goals. Furthermore, if the targeted sanctions do not succeed, demands for broader and more coercive sanctions are likely to arise.
- § 268 There are a variety of *actors that are normally targeted in sanctions regimes* include a variety of legal entities. They can be individuals (such as government officials or other key decision makers), as well as family members of such individuals), political organizations (parties, branches etc.), military organizations (guerrillas as well as conventional armed forces), corporate entities (public as well as private firms) and other non-state actors. Furthermore, targeted actors may also be those individuals and organizations that support the primary targeted actors. The targeted actors and their role in the sanctions strategy must be made clear to implementing authorities from the outset.
- § 269 Targeting is the first element in the chain of implementation. The following problems are generic to this type of sanction:
- Too narrow or inaccurate targeting, in design of the sanction measures.

- Poor implementation by Member States, particularly key states, actors and entities.
- Targeted actors are likely to utilize a range of strategies before and after sanctions are implemented including:
 1. Use of intermediaries, front companies and organizations to evade sanctions;
 2. Making representations to third countries seeking assistance with sanctions evasion;
 3. Justifying their evasion of sanctions on human rights grounds, which may or may not be substantiated;
 4. Using propaganda and/or media campaigns to make arguments justifying their evasion of sanctions and objections to sanctions.
- Member States may be reluctant to implement mandated sanctions if they are seen to be overly broad, or to conflict with country-specific legal rights of their citizens/residents, such as free speech (affects bans on representation), right to asylum (affects bans on residence), or economic and social rights (affects financial sanctions).
- The value of inducements and positive measures is overlooked as means of promoting compliance in the target country and cooperation from third states.

§ 270 The issue of targeting is a matter that affects the sanctions regime throughout the entire operation. There are distinct stages or phases, however, and in the following these are used to organize the recommendations. Sanctions move from an initial phase of preparations, sometimes including feasibility studies or other preparatory work: the Planning Phase. The Member States then take on the responsi-

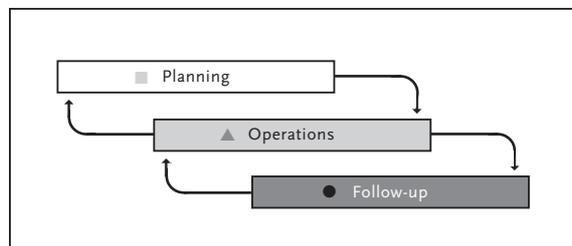


Figure 1.
Phases in Targeting

bility of implementing the sanctions, carry out their own national planning and turn the sanctions into manifest reality: the Operations phase of sanctions. There is a Follow-up and monitoring phase that involves continuous re-evaluation of implementation and adjustment to unexpected consequences or changes to ineffective measures: the follow-up phase. The evaluation of the sanctions regimes, its goal achievement, possible strengthening, suspension or termination remains with the Security Council. All of these phases are important for improving sanctions targeting. As can be seen from Figure 1, the phases do not constitute entirely separate periods of actions. There are connections, overlaps and transition periods. These phases are helpful for organizing the analysis of the problems and finding remedies. This is done in general terms in the remainder of Section 11, and the specifics of particular types of sanctions are discussed in Section 12.

The Planning Phase of Targeted Sanctions

Pre-assessment and Contingency Planning

§ 271 A reasonable pre-assessment of the feasibility of targeted sanctions and their likely implications is critical for the implementation of sanctions which are to follow. Undoubtedly there are time constraints on planning and it is difficult to have contingencies for all possible events. Pre-assessments may also serve as early warnings for potential targeted actors. Therefore, early assessment (before or shortly after a Security Council resolution) is most realistic. The assessment should be clear regarding what behavior the UN is seeking to change, who the responsible actors/entities are, the means that are available to the target to take evasive actions, and a baseline report on the target's pre-sanctions status. Pre-assessment or early assessment reports can provide valuable analysis regarding the likely humanitarian impact of sanctions on the target, as well as political and economic impacts.

§ 272 Questions to consider in this phase include:

- What behavior is the Security Council seeking to change?

- What means are at the disposal of the target actor to carry out its objectionable policies?
- In which ways is the target likely to try to evade the sanctions?
- Is the target likely to take retaliatory measures against those implementing the sanctions, and what might these be?
- What resources are available to the Security Council to assist in determining what types of targeted sanctions will be most effective?
- What resources are available to the Security Council, the Secretariat, and Member States for implementing targeted sanctions?

— GENERAL RECOMMENDATIONS

- § 273 Time may not permit detailed pre-assessments in all cases, but every effort should be made to “front-load” the assessment and planning process. This allows for full consideration of the likely impact of sanctions on the target and on other actors. In most cases of targeted sanctions considerable time has passed before particular sanctions have been agreed and decided on. It should be kept in mind, however, that pre-assessments that are made public might provide an early warning to prospective targeted actors. Still, such analysis should be encouraged in the Secretariat as well as in the Member States themselves, and made available to Member States. When time constraints do not permit, an assessment early in the sanction regime is still necessary.
- § 274 Such analysis should also aim to identify ways the target is likely to evade sanctions and preclude them to the extent possible. It is crucial to consider the capacity of targeted states to counter sanctions, for instance, by increasing indigenous production of sanctioned goods or services (e.g. small arms, light weapons, ammunition, equipment for internal repression).
- § 275 It is equally important to identify “Achilles heels” by developing a detailed profile of the target in order to ensure that targeted sanctions imposed by the Security Council are those with the greatest possibility of speedily achieving the objectives of the Council.

- § 276 This pre-assessment of targeted sanctions should also try to anticipate potential country-specific legal issues that Member States may encounter in implementing sanctions and clarify to the greatest extent possible the specific measures that Member States are obliged to take in order to implement UN sanctions and to fully comply with the resolution.

Distinct and Accurate Definitions

- § 277 Unclear demands make it difficult for Member States and relevant non-state actors to comply, create confusion for Member States regarding the purpose of the sanctions, and can lead to different positions by Members as to when sanctions are to be ended. “Constructive ambiguity” can result in difficulties with implementation. Evaluations of specific sanctions regimes often follow only after a period of time. Recently, the Security Council has taken a more proactive approach by appointing Expert Panels and Monitoring Mechanisms. This is important in strengthening the sanctions regimes. In Part II, Section 4, proposals are suggested in this regard. Here the following can be added:

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- § 278 Maximize clarity with respect to the demands made of the targeted actors as to the objectives of the sanctions, the behavior that must change, and (when relevant) deadlines of compliance. This will make it more difficult for the targeted actor to distort the meaning of the sanctions.
- § 279 Include definitions of targeted sanctions from the Interlaken and Bonn-Berlin Reports and related publications that have credible and unambiguous definitions for the types of sanctions under consideration.
- § 280 In cases where the Security Council does not include definitions in the text of the resolution, Sanctions Committees should be encouraged to direct Member States that raise questions about definitions to widely agreed sources for clarification, such as those contained in the manuals on sanctions produced by the previous processes.

- § 281 Include a standing monitoring capacity and feedback mechanisms in the early resolutions, so as to keep the Security Council informed about sanctions implementation and to allow it to respond in a dynamic and flexible way to new developments.

Targeted Sanctions and the Listing of Individuals and Entities

- § 282 Targeted sanctions may focus on individuals, groups, organizations, and commercial entities and may relate to their property, freedom of movement and ability to access or sell particular goods and services. The issues of listing and delisting are crucial for the accuracy and effectiveness of these measures. It is important that listed individuals are correctly identified, are actually responsible for the policies, and remain so throughout the listing period. Many problems have arisen from the listing procedures. Recently some have been addressed with respect to certain sanction regimes.* There is a need for a general approach.

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- § 283 Clear justification, transparency and speed regarding selection of individuals, groups and entities for listing that reflect principles of due diligence.
- § 284 Introduce the possibility of administrative or judicial processes (e.g. regular reviews of names on the lists) that fulfill ordinary expectations of due process to address mistakes that may occur in listing and to take into account compliance or changed behavior by listed individuals and entities.
- § 285 Delisting procedures should be made explicit by the relevant Sanctions Committee in a timely way following the imposition of targeted sanctions and the publication of lists.
- § 286 Maximum specificity in identifying individuals and entities to be targeted (e.g. accuracy of names, translations of names, addresses

* See Iain Cameron, *Report to the Swedish Foreign Office on Legal Safeguards and Targeted Sanctions* (Uppsala: Uppsala University, Faculty of Law, 2002), <<http://www.jur.uu.se/sii/index.html>>.

and affiliations of targets, passport numbers, and potentially: photos, short descriptions of activities/affiliations making the individual/entity eligible for inclusion on the list).

- § 287 Disseminate up-to-date lists as widely as possible via the Internet on the websites of the Sanctions Committees as well as through other public outlets, and traditional media channels such as radio and television, and through the efforts of Member States. When distributed via the Internet and on UN websites, the lists should be downloadable by users and fully searchable for all terms of identification.

The Operations Phase of Sanctions

Member States Are Responsible for Implementing Sanctions

- § 288 UN Member States are likely to encounter many problems in implementation. Some of these will relate to their capacity to actually undertake the measures, others may have to do with the fact that sanctions affect regional, rather than state-specific, networks of interaction and integration. Typical issues of concern are the following:
- § 289 Lack of capacity to implement sanctions has been a significant problem in past and ongoing sanctions regimes. Some types of sanctions require very speedy implementation by Member States to avoid evasion (e.g. moving bank assets in financial sanctions).
- § 290 When it is apparent that key implementing states lack the ability to implement sanctions, relevant capacity-building assistance has not been made available to improve the situation.
- § 291 Reports from Member States on implementation of targeted sanctions have not until recently been fully used as tools for ongoing monitoring and assessment of sanctions regimes.

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- § 292 Build on information and understandings resulting from CTC reporting process and use it as guidance for improving capacities of Member States to implement targeted sanctions (for more on this, see Part III).
- § 293 Develop detailed reporting provisions to be used to the extent pos-

sible in all sanctions cases to give the Security Council full information on the capacities of states to implement the required measures. A proposal building on CTC reporting provisions and recent innovations in sanctions practice is given in Section 13 below.

- § 294 Capitalize on regional organizations, meetings or processes to enhance both implementation capacity and awareness of targeted sanctions in Member States.

The Importance of Maintaining the Commitment of Member States

- § 295 It is in the interests of Member States to comply with requirements that they implement sanctions measures, and their domestic implementation plans and level of commitment should reflect this. If states fail to implement sanctions, then the Security Council should establish a body to monitor non-compliance and recommend ways to increase compliance and commitment to the sanctions regime.
- § 296 Constant feedback to the Security Council through reports to the Security Council, briefings, monitoring bodies, regional meetings or field visits is needed to ensure that Member States are committed to supporting the sanctions regime and that the Council is aware of Member States that may require additional assistance or guidance with respect to implementation.

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- § 297 Throughout the sanctions regime it is important to remind Member States of the purpose of the sanctions, of their duties under the UN Charter and of the fact that the success of the UN will benefit all Member States.
- § 298 Sanctions should also to be adjusted or enhanced by *complementary measures* or by adding new targets as experience with a particular sanctions regime progresses.

Coordination among Affected Sectors, Member States and Organizations

- § 299 States will implement sanctions in different ways, depending on their economic and political structure, the extent to which differ-

ent sectors are affected and the international support they can receive. Corruption (lack of integrity) in administrative services in some states can also impede the implementation.

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- § 300 Member States need to coordinate local officials in different agencies on integrity support measures and to overcome corruption related to sanctions implementation.
- § 301 Efforts to discourage corruption are needed in regions and Member States where targeted sanctions are being applied. The Security Council and Member States should consult with experts on corruption, such as Transparency International, Eurocustoms and the World Customs Organization, to determine areas where corruption may impede implementation of sanctions. Regional anti-corruption initiatives should accompany the application of targeted sanctions wherever possible.

The Follow-Up Phase of Sanctions Implementation

Review, Monitoring and Assessment of the Accuracy in Targeting

- § 302 The experience of targeted sanctions to date has included the following problems in reporting and monitoring of sanctions:
- § 303 Some Member States have lacked capacity to carry out the targeted sanctions as decided by the Security Council. Sanctions Committees have not been able to conduct frequent, regular, thorough and professional reviews of the implementation of targeted sanctions. Credible reports of sanctions evasion have often not resulted in a proactive response by the Security Council. The reviews of sanctions to date have often not included information on the willingness of the target to comply.

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- § 304 Member States with the capacity should be willing to extend *technical assistance* to other Member States as needs emerge when reviewing the implementation of sanctions. Sanctions resolutions should include regular reviews of the implementation of sanctions, as well

as evasion that has occurred and the willingness of the target to comply with the demands of the Security Council.

- § 305 In all sanctions cases, it is important to include a reporting requirement to the implementing national and international institutions providing relevant information concerning the period *just prior* to the imposition of sanctions (i.e. retrospective reporting). This can help the Council, Secretariat and Member States track evading tactics that the target may have taken in anticipation of sanctions.
- § 306 The reporting by Member States should be as specific as possible, which can be encouraged by having the Sanctions Committee pose specific questions to all Member States about implementation. This should be done through a questionnaire or guidelines for Member States to use in preparing their reports. Follow-up reports should be requested on a recurring basis. A proposal is presented in Section 13.
- § 307 The Security Council should conduct frequent, regular, thorough and professional reviews of the implementation of targeted sanctions.
- § 308 When monitoring of sanctions implementation reveals significant failures to implement and intentional non-compliance, the Security Council and Member States should remind states and the target of their duty to comply with UNSC demands. The Council should consider, in a *flexible and dynamic* way, actions to address the new situation, in particular by reviewing and strengthening the measures imposed. This might also include the option of so-called secondary sanctions on states or other entities.
- § 309 Sanctions Committee Members should be encouraged to demonstrate their willingness to review concerns about inaccurate or problematic targeting (e.g. through public briefings or by holding open meetings of the Sanctions Committees).

Positive Measures and Inducements

- § 310 Targeted sanctions must be clearly described and understood as measures to maintain international peace and security, not as ways of punishing an entire nation or the region of which a state is an in-

tegral part. The targeting of particular individuals should communicate this, but it might also be important to extend and even expand assistance to other communities in the region and in the targeted country. This can be done within the confines of international development assistance (rather than through the Security Council).

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- § 311 Consider a “package approach” including assistance to Member States to help them implement targeted sanctions that includes financial and technical assistance for implementation, particularly for third states that are key implementers of sanctions.
- § 312 Public recognition should be extended by the Security Council to Member States that complete their reporting and implementation measures quickly and fully.
- § 313 Include exhortative language in the resolution urging donors to maintain high levels of aid and assistance, or increase aid and assistance, to populations in targeted states. This will help mitigate problems that have arisen, such as in the case of Liberia, where the targeted regime used the sanctions as an excuse to cease cooperation with other UN agencies, and some donor groups halted their programs in Liberia.
- § 314 The Council should consider ways to communicate directly with the targeted actor or actors to clarify demands and encourage compliance.

The Need for a Sanctions Communication Policy

- § 315 The general public in the countries of the targeted actors often does not receive accurate information about why sanctions are in place. The willingness of Member States to implement may depend on public awareness of the objectives and content of the sanctions. Thus, questions of media relations are important for all sanctions. These issues have also been discussed in Parts II and III.

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- § 316 Encourage the use of public information efforts explaining the ratio-

nale of sanctions (e.g. to end a conflict and save lives) to encourage compliance.

- § 317 Maintain continuous public information efforts particularly oriented towards civilian populations in the target state as well as in third states on the rationale of sanctions (e.g. to end a conflict and save lives).

Delisting Procedures in Case of Compliance

- § 318 There are reported cases of individuals being listed who in fact have changed their allegiance or abandoned their support of the target. As this is partly the aim of sanctions, such reactions should be encouraged. Removing deserving individuals from the lists contributes to furthering the aims of the targeted sanctions regime. Thus, they demand a swift response by the Sanctions Committees.

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- § 319 Sanctions Committees that use lists to identify targeted actors should be encouraged to adopt delisting procedures based on principles of due diligence early in a sanctions regime.
- § 320 Sanctions Committees should consider possible mechanisms or procedures to allow individuals listed as targets to submit information directly to the Chair of the Sanctions Committee in cases where the targeted individual is unable to petition his or her government of residence and/or citizenship.
- § 321 When information is received claiming that a listed individual has changed his or her behavior, a response is required. Such claims should be considered in accordance with the requirements of due diligence.

12. Recommendations to Counter Sanctions Evasion – by Type of Targeted Sanctions

- § 322 The following concrete recommendations are suggested for enhancing the ability to target sanctions accurately and effectively. It also includes the capacity to adjust the sanctions strategy to the counter-reactions of targeted actors. This is done for different types of sanctions, related to the three phases of sanctions implementation, and to the different issues of concern indicated in Section 11.
- § 323 The Guidelines and Recommendations that follow are addressed to the UN Security Council, which is ultimately responsible for the sanctions regimes, as well as to the Sanctions Committees, Member States and International Organizations bound by the decisions according to the UN Charter and to relevant non-governmental organizations that can be of assistance. They are organized to address particular problems relating to different phases in the sanctions regime.

Arms Embargoes

- § 324 Arms embargoes aim to deny particular actors access to lethal weapons. Such weapons are often crucial resources for sustaining a group's or individual's ability to continue threatening international peace and security. In situations where such actors hold state power, arms embargoes have to be imposed on entire states. This gives arms embargoes some of the classic problems of comprehensive sanctions. In designing such sanctions, there is a need to consider the consequences of imposing asymmetric measures: the actors that already possess weaponry are likely to maintain that advantage vis-à-vis other actors in a society.
- § 325 General issues arising in arms embargoes and how they can be handled on the level of the UN Security Council have been discussed in the Bonn-Berlin Report, and are referred to here in parentheses (B).

§ 326 There are some particular problems of sanctions evasion in arms embargoes that need to be addressed throughout the sanctions regime. In the following, some issues of concern are addressed and guidelines are suggested for addressing them depending on the stage of sanctions implementation. Most states have arms export controls, which in principle means that a government structure is available for controlling the flow of arms or related military resources.

Typical Problems in Arms Embargo Implementation

§ 327 Recent experiences of the implementation of arms sanctions have illustrated a host of different problems that have to be addressed, to make such sanctions effective measures:

- Targeted actors may not only be states but also non-state actors such as rebel groups or terrorist networks. This creates challenges for identifying who is to be targeted to interfere with arms flows to the target most efficiently.
- Targeted actors frequently evade arms sanctions by turning to criminal networks or enlisting the services of organized or transnational criminal groups.
- While evaders and those who facilitate evasion may be known to many Member States and other officials, there is no established practice for compiling lists of these individuals and taking follow-up action against them.
- Substantial illicit trafficking of arms may occur prior to the imposition of sanctions, making it more difficult to disrupt established clandestine trade flows.
- In recent arms embargoes, trafficking of weapons by air transport has been extremely difficult to identify and disrupt.
- Targets may use “unconventional” arms which are below military standards, dual-use items and recycled weapons.
- Documents may cite neighboring countries as the final destination of a particular arms purchase.
- Arms embargoes may be applied in conflicts where a UN or regional peacekeeping mission may also be present. When sanctions are poorly enforced, the continued flow of weapons to the region creates ad-

ditional challenges for the peacekeeping mission and to international peace and security.

- Targeted actors often argue that arms sanctions should be lifted or suspended in order to support their right of self-defense.

Taking such problems into consideration the following recommendations have been identified with respect to different phases of sanctions implementation.

Recommendations for Improving Arms Embargoes: The Planning Phase

- § 328 *Pre-assessment and Contingency Planning*
- Consider the history of arms flows to the region to identify target's weapons sources, purchasing patterns, transfer networks, intermediaries, etc.
 - Consider the entire arms trading network in the region and whether previous reports of other Working Groups, panels or monitoring bodies contain useful information on activities of these networks and sanctions evasion strategies.
 - Identify states whose cooperation in implementing the arms embargo is most crucial for implementation and consider whether to place monitors in key countries.
- § 329 *Distinct and Accurate Definitions of Measures*
- Identify dual-use technologies and sub-military standard equipment available to targets and include them among sanctioned goods.
 - Identify weapons already available to the target, as well as target's indigenous production capacity. Consider including sanctions on imports of key components of weapons that might be produced by the target, including spare parts.
 - Identify porousness of borders and effectiveness of customs controls, surveillance and interception capabilities.
 - Ensure that targeted measures succeed in interfering with the activities as they relate to the target.
 - Identify individuals and/or entities responsible for engaging in weapons trade on behalf of the target actors and begin a list of possible additional targets to be included in sanctions measures.

Recommendations for Improving Arms Embargoes: The Operations Phase

- § 330 *Responsibility*
- Identify sources of specific capacity-building measures and activities for key implementing Member States, international and regional organizations and encourage States to provide and accept such assistance to facilitate implementation and to stop sanctions evasion (e.g. provide assistance to ECOWAS to implement its regional moratorium on the import of small arms and light weapons).
- § 331 *Commitment*
- Identify key States, regional networks, individuals and entities and urge them to commit to swift and effective implementation. Prohibit, expose and penalize the activities of the organized or criminal transnational networks involved in trading arms with the target.
 - Ensure that the reporting requirements contained in sanctions resolutions are used to give the Security Council full information on the capacities and commitment of states to implement the required measures.
 - Ensure a quick flow of information to the Security Council from monitoring bodies that assess sanctions implementation.
- § 332 *Complementary Measures*
- Consider the most effective mix of targeted sanctions needed to change the target's behavior, such as coupling arms embargoes with other targeted sanctions. This could be financial sanctions combined with travel bans, as violations are reported, or if arms embargoes alone are not effective in changing the target's behavior.
 - Include complementary measures to interfere with financing, transport, control and exploitation of natural resources as they relate to arms embargoes.
 - Determine best practices or ways to use lists of known evaders or facilitators for the target and disseminate them to the Member States with requests for further investigation and follow-up action.
 - Work with ICAO to determine appropriate penalties for violations of arms embargoes by aircraft, such as through the falsification of export documents and falsification of flight plans.
 - Support initiatives for standardization of end-use certificates for arms transfers.
 - Reinforce and urge Member States to support Security Council efforts to introduce marking of light weapons and tagging of chemical precursors for weapons production.

- § 333 *Coordination*
- Coordinate relevant Sanctions Committees, regional organizations and Member States to ensure that arms embargoes and complementary measures are fully implemented.
 - Key officials in Member States – (e.g. police, customs officials) in the target’s region – must meet to coordinate their efforts in sanctions implementation.
 - Optimize the sharing of information, including sensitive information, among Sanctions Committees, Member States, regional and international organizations.
- § 334 *Technical Management*
- Designate appropriate technical experts to the relevant Sanctions Committee(s) to assist in coordinating the implementation of arms embargoes across the UN system. Consider ways to coordinate and provide support for air traffic surveillance and interdiction of aircraft suspected of sanctions-busting in zones of conflict, possibly through regional organizations. (B)
 - Ask Member States to revoke the registration of aircraft and licenses of pilots responsible for violating UN arms embargoes. (B)
 - If UN or regional peacekeepers are present in a region where arms sanctions are imposed, the Security Council should mandate or request the peacekeeping operation to report to the UN on enforcement of the sanctions or to monitor or enforce the sanctions.

Recommendations for Improving Arms Embargoes: The Follow-Up Phase

- § 335 *Technical Assistance*
- Offer training programs for officials in key fields of sanctions implementation.
 - Assess whether the technical assistance provided has been sufficient, how it has contributed to implementation, and how it can be improved.
- § 336 *Flexible and Dynamic Response*
- Ensure that reports on implementation submitted by Member States are discussed and that the findings contained in them are used in determining further action once sanctions are implemented.

- Require reporting from Member States to highlight possible evasion and follow up with States to ask what measures they are taking in response to allegations of violations.
- Urge Member States to publicize names and information on those individuals, groups and entities who are failing to comply with sanctions.
- Sanctions Committee Chairs should issue Press Releases to publicize which Member States have submitted reports on implementation and note which have not.
- Use the benchmarks and best practices with respect to implementation to measure and possibly alter the response.

§ 337 *Positive Measures*

- Assist key countries in implementation.
- Design listing and delisting procedures so as to keep pressure on targets while ensuring that “normal” relations can be maintained with others.
- Consider increased assistance in fields of education, humanitarian support, etc. to reinforce the message that the entire nation is not being targeted.

§ 338 *Communication*

- Seize every opportunity to publicly explain why and how arms embargoes are being used against particular actors, and how those actors threaten international peace and security in order to counter the target’s anti-sanctions propaganda.
- Consider new ways of reaching the media in the target’s home country with the same message.

§ 339 *Delisting*

- In cases of sanctions on particular non-state actors, individuals or companies, Member States should be encouraged to carefully scrutinize and regularly review any lists of known evaders or facilitators for the target for possible mistakes in listing, and to respond swiftly and judiciously for requests for removal.

Financial Sanctions

- § 340 As a form of targeted sanctions, financial sanctions aim to reduce the resources (e.g. assets in foreign banks and other economic resources outside the targeted actor's nation) available for particular actors or groups of actors. Thus, they will only affect the resources placed abroad by those individuals, and save the rest of the population from similar exposure. The targeting should thus be fairly precise and humanitarian effects avoided.
- § 341 General issues related to financial sanctions and how they can be handled on the level of the UN Security Council have been discussed in the Interlaken Report, and relevant recommendations are referred to in parentheses (I), below. Controlling financial resources is an important aspect of the international campaign against terrorism. The formation of CTC and the decisions in the Council's resolutions 1373 and 1390 have a particular bearing on these issues. In the European Council's decision of December 27, 2001 (2580/2001) there are regulations affecting European States and States with which they cooperate, which are also helpful in identifying such measures.
- § 342 When focusing on sanctions evasion there are some particular problems in financial sanctions that need to be addressed throughout the sanctions regime. In the following, some issues of concern are addressed and guidelines are suggested, depending on the stage of sanctions implementation.
- § 343 In many states, regulations against money-laundering suggest ways of managing targeted financial sanctions. There are, however, distinct differences. Money-laundering involves unidentified individuals attempting to turn illegally earned assets into "white" resources, which is criminal activity. In targeted sanctions cases, the leaders are often, at least initially, operating legally, and their financial assets cannot simply be defined as illegal. Thus, freezing resources does not necessarily mean confiscating such resources. In cases of terrorist funding, furthermore, money may oftentimes be legal, and the problem is that some of these resources are used for illegal activities (such as terrorism). Either way, some of the methods used to hide transfers may be similar, and thus become the concern of Central

Banks, Financial Authorities and special police forces. The Financial Action Task Force (FATF) set up by G-7 is central in international cooperation. Some coordination also takes place through the Egmont Group.

Typical Problems in Implementing Financial Sanctions

- § 344 Targets evade financial sanctions using various tactics including
- Converting assets to cash and withdrawing it from financial institutions before sanctions are imposed.
 - Converting funds into other forms of fixed or mobile assets including shares, real estate, gems, precious metals, etc.
 - Transferring money to “secure” locations where enforcement of sanctions is unlikely to occur.
 - Transferring funds to non-sanctioned family members (e.g. children, spouses, former spouses).
 - Using emissaries or paid consultants to conduct financial transactions on behalf of the target.
 - Creating front companies, false charities or other institutions to hide assets.
 - Using unofficial financial networks (e.g. hawala, wire transfers, courier services, messengers) rather than official financial institutions.
 - Using funds formally controlled by the State, but in reality controlled by the targeted leader (e.g. Central Bank transactions).
- § 345 Incomplete or inaccurate lists of individuals or entities subject to financial sanctions have created many problems for financial institutions implementing them. Specific concerns include:
- First name/surname is not always clear.
 - First name missing.
 - Date of birth missing.
 - Titles vs. names not always clear.
 - Abbreviations for groups are not clear.
 - If prefixes, middle initials, etc. are part of the name, should implementing groups such as banks search the name with or without these?

- Address information is not clear as to which part of the address contains the city or town of the target.
- Different language versions of some regulations lead to confusion regarding which names might be aliases.
- If a hit in the bank's customer database shows additional first names that are not mentioned in the regulations, question arises regarding validity of hit.

From these considerations, the following recommendations can be made:

Recommendations for Improving Financial Sanctions: The Planning Phase

- § 346 *Pre-assessment and Contingency Planning*
- Identify targets' financial resources, location of resources, agents, associates and financial managers.
 - Identify the methods and the locations used by the target and his or her associates to transfer funds and assets.
 - Include provisions asking States to report on banking and financial activities of the targets for the six months prior to the imposition of sanctions.
 - When pre-assessment or early assessment determines that official banking systems are not used, seek to target the sanctions accordingly so they interfere with the networks actually used by the target.
- § 347 *Distinct and Accurate Definitions*
- Accuracy and clear identification of targets on lists of individuals or entities subject to financial sanctions is vital. The Interlaken Report and the Financial Action Task Force (FATF) have useful definitions for the terms frequently used in targeted sanctions (e.g. assets, firms, etc.).
 - Humanitarian impact assessments are important to determine financial hardships and scope of possible exceptions to the sanctions for humanitarian purposes.
 - Humanitarian exemptions should be included in the resolution to help prevent unintended consequences of sanctions, as well as sanctions evasion and loss of support for the sanctions regime.
 - The scope of permitted humanitarian exemptions should be made clear in the sanctions resolution and should include measures to allow States to provide small exemptions to asset freezes for humanitarian purposes.

§ 348 *Listing*

- Criteria for listing individuals and entities should be worked out in advance and included in the resolution imposing sanctions or determined by the relevant Sanctions Committee in a transparent way.
- Criteria should meet reasonable standards of significance in relation to the objectives of the sanctions regime.

Recommendations for Improving Financial Sanctions: The Operations Phase

§ 349 *Commitment*

- Identify key States, non-state actors, banks, and financial institutions involved in the implementation of financial sanctions and meet with them to discuss their commitment and capacity to counter evasion strategies of the targets.
- Ensure that States collect information from their banks and financial institutions regarding funds frozen under the sanctions and that Member States report this information to the Council.

§ 350 *Complementary Measures*

- Consider coupling a foreign asset freeze with travel bans to disrupt alternative financial operations by the target.

§ 351 *Coordination and Technical Management*

- Coordinate and encourage sharing of information about targets' finances, asset transfers and evasion strategies between the UN, financial institutions, regulators and States.
- Continuously collect information on any attempts that targets have made to move funds and alert appropriate authorities.
- Lists should be transmitted to Member States electronically if possible so that States and their financial institutions can use them more easily.
- Sanctions Committees should adopt the practice of issuing a press release detailing which names have been removed from the list every time a new list is issued.
- All lists on the UN websites should be fully searchable (electronically).
- Compile a list of all assets frozen under the sanctions regime.
- Ask States to provide authority for their agencies to seize assets of individuals/entities violating sanctions to dissuade sanctions evaders from operating in countries due to heightened risk of asset seizure. (I)

Recommendations for Improving Financial Sanctions: The Follow-Up Phase

- § 352 *Technical Assistance*
- Consider requests for technical assistance and ask States with capacity to train and upgrade financial systems for key implementers.
 - Offer training programs for officials in key fields of sanctions implementation.
- § 353 *Flexible and Dynamic Response*
- Invite key implementing institutions (e.g. banks and financial regulators), financial sector associations and States to meet with the Sanctions Committee for briefings on assets seized and patterns of evasion.
 - Include detailed, up-to-date information on the target list and make it available on relevant UN websites and in official publications.
 - Monitor whether targeted actors shift to other forms of financial operations and/or start trading in commodities (e.g. diamonds).
- § 354 *Positive Measures and Communication*
- Explain the purpose of the sanctions to international and local media and emphasize that the measures affect only specific individuals.
 - Be prepared to explain possible effects on the targeted actor's family members.
- § 355 *Delisting*
- Be prepared to remove listed individuals in light of new information concerning their behavior and political affiliations.

Travel Bans

- § 356 Travel bans aim at reducing the easy access to international contacts for particular actors. For many actors, international legitimacy is gained through making visits abroad or receiving visitors. International travel is also necessary for financial dealings in which such actors may be involved. By identifying these actors and preventing them from paying visits to other countries, the international pressure is made obvious to the targeted actors. Travel sanctions actually work as bans on the ability to enter a particular country (i.e. visa

bans) or as general bans on certain individuals that prevent them from transiting or entering any country. At the same time, other individuals remain free to travel, thus making clear that the sanctions concern only specific inhabitants of a particular country.

§ 357 General issues related to travel bans and how they can be handled on the level of the UN Security Council have been discussed in the Bonn-Berlin Report, and are thus referred to in parenthesis (B).

§ 358 When discussing sanctions evasion there are particular problems for travel bans that needs to be addressed throughout the sanctions regime. In the following, some issues of concern are addressed and guidelines are suggested for their handling, depending on the stage of sanctions implementation. Many of the implementation measures are dealt with by specific governmental authorities, such as passport officials, border guards, immigration officers and corresponding agencies.

Typical Problems in Travel Ban Implementation

§ 359 Sanctions on individual travel is a novel measure as a separate instrument for the international community. The experiences since the end of the Cold War suggest some typical problems:

- Lack of clear procedures and legal requirements for Member States who find targeted actors attempting to enter their territories or present in their territories.
- Difficulty in clearly identifying individuals subject to travel bans due to the legitimate holding of multiple nationalities or multiple passports.
- Difficulty in correctly identifying the targeted individuals, especially due to intentional deception on the part of targeted actors.
- Ease of evasion due to ability to obtain fraudulent passports, the use of false names, etc.
- Difficulty in ensuring that targeted leaders do not violate travel bans for unauthorized purposes.
- Failure of neighboring States and others to enforce travel bans at the points of entry into their countries.

- Failure of airlines to cooperate with Member States in checking whether passengers are on travel ban lists.
- Failure in electronic dissemination of travel ban lists to reach all relevant States or officials within States due to limitations of state capacity.

With these considerations in mind, the following recommendations can be made:

Recommendations for Improving Travel Bans: The Planning Phase

- § 360 *Pre-assessment and Contingency Planning*
- Collect information on the travel habits and needs of the targeted actors, so as to be able to predict likely challenges in implementation.
 - Discuss with IATA the possibility of including provisions in the sanctions prohibiting transportation service providers (e.g. air carriers, shipping companies, etc.) from transporting individuals who are on the travel ban list.
- § 361 *Distinct and Accurate Definitions*
- Information identifying all individuals subject to travel bans should be as complete as possible and should be completed early in the planning phase. Include specific definitions about what is meant by categories of people who might be subject to travel bans, such as senior government officials, Cabinet members, etc.
 - To distinguish targets from non-targets it is necessary to collect and disseminate as much information as possible about the targeted individuals, including passport details, place and date of birth, multiple nationalities, alternative spellings of names, aliases or *noms de guerre*, titles (e.g. military rank), known addresses of residence, photographs, finger prints, etc. (B).
- § 362 *Listing*
- The criteria for listing individuals and entities should be worked out in advance and meet reasonable standards of significance in relation to the goals of the sanctions regime.

**Recommendations for Improving Travel Bans:
The Operations Phase**

- § 363 *Commitment*
- Identify key States and regions in implementation of the travel ban, such as neighboring countries, and meet with their leaders separately to discuss their commitment and capacity.
 - Encourage Member States to impose penalties on their airlines through the enactment of appropriate domestic legislation for failing to cooperate with measures to implement the travel ban.
- § 364 *Complementary Measures*
- Consider adding individuals to the travel ban if they are reported to travel on behalf of targeted actors.
 - Consider coupling travel bans with other targeted sanctions (e.g. financial assets) when individuals are found to deliberately violate sanctions.
- § 365 *Coordination and Technical Management*
- Continuously collect information on any attempts that targets have made to travel and alert appropriate authorities.
 - Member States must ensure that such information is promptly transmitted to relevant authorities (diplomatic postings, officials at points of entry, airline carriers, etc.). Transmission of the information should occur through electronic and non-electronic means.
 - States must make information about targeted actors available at points of entry in the clearest possible manner, for example, by means of posters. (B)

Recommendations for Improving Travel Bans: The Follow-Up Phase

- § 366 *Technical Assistance*
- The Security Council should meet with the World Customs Organization, IATA, and immigration officials to encourage them to provide technical assistance to key implementing States for monitoring travel bans.
 - Offer training programs for officials in key fields of sanctions implementation.
- § 367 *Flexible and Dynamic Response*
- Develop means of rapid inquiry when questions arise regarding the identities of individuals and entities on the list and be prepared to instantly update lists accordingly.
 - Consider field visits and bilateral meetings by Security Council members with key states to ensure full implementation.
 - Include detailed and frequently updated information identifying the targets on the list on the relevant UN websites and in official publications. (B)
 - Monitor whether targeted actors shift to other forms of transportation.
- § 368 *Positive Measures, Communication*
- Inform the media internationally and locally of the purpose and scope of the sanctions, emphasizing that it affects only specific individuals.
- § 369 *Delisting*
- For credible sanctions it is necessary to have a high degree of preparedness to remove listed individuals from travel ban lists in light of new information on their behavior and political affiliations.

Aviation Sanctions

- § 370 Aviation sanctions (as a form of transportation sanctions) often aim to reduce the easy access to international contacts for particular actors, or groups of actors. International legitimacy may be gained through making or receiving visits. International travel is also necessary for financial dealings in which targeted actors may be engaged. By identifying typical travel routes and blocking such routes, international pressure is made obvious to the actors. Aviation sanctions may also take the form of grounding specific airlines or freezing aeronautical finance resources. In cases where all transportation from a particular country is blocked as a result of sanctions, the effects are likely to be similar to those resulting from the imposition of sanctions on the nation as a whole. Targeted states may close their air space in retaliation for the imposition of sanctions. A number of other travelers will be affected, and such effects must be assessed in terms of their economic and humanitarian impact.
- § 371 General issues related to aviation sanctions and how they can be handled on the level of the UN Security Council have been discussed in the Bonn-Berlin Report, and are referred to below in parentheses (B).

When focusing on sanctions evasion there are some particular problems in aviation sanctions that need to be addressed throughout the sanctions regime. In the following, some issues of concern are addressed and guidelines are suggested for their handling, depending on the stage of sanctions implementation. The national authorities who are most important to implementation of aviation sanctions are those that regulate access to air space and airport operators. International cooperation focuses on the International Civil Aviation Organisation (ICAO) and regional cooperative arrangements.

Typical Problems in Implementing Aviation Sanctions

- § 372 The recent uses of aviation sanctions have illustrated some pertinent problems:

- Lack of communication and coordination between Security Council and International Civil Aviation Organization (ICAO) on aviation ban enforcement.
- Lack of technical capacity in many States to identify overflights of their territories and other violations of aviation sanctions.
- Targeted actors are able to re-register their planes under different names, file false flight plans, make false declarations, and make use of flags of convenience in order to evade identification and sanctions.
- If aviation sanctions are imposed and are effective, targets will likely divert their activities from aviation to rail, land and maritime transportation.
- Targeted aviation sanctions may result in target closing its airspace, which leads to additional costs for non-target airlines due to longer flying times, additional fuel needs, and the reduction of the amount of cargo that can be carried.

With these considerations in mind, the following recommendations are suggested:

Recommendations for Improving Aviation Sanctions: The Planning Phase

- § 373 *Pre-assessment and Contingency Planning*
- Identify the most accurate target for the ban, such as national air carriers or carriers with significant state ownership or management that might be appropriate targets for aviation bans.
 - Make an assessment of transport patterns used by the target.
 - Include measures in the sanctions resolution to prohibit the most likely evasion tactics used by the target. Include prohibition on any activity that is intended to circumvent the sanctions measures.
 - When aviation sanctions are considered, meet with ICAO and IATA to discuss ways of countering evasion. Discuss possibility of including penalties in the sanctions resolution on pilots who deviate or divert from their flight plans without good reason (e.g. engine failures, grave illness, weather or other emergency).
- § 374 *Distinct and Accurate Definitions*
- Find ways of dealing with subsidiaries of the main aviation compa-

nies or groups selected for sanctions, as well as national aircraft and private aircraft.

- Humanitarian pre-assessment or early assessment reports are important to determine impact of aviation ban on humanitarian flights, or general humanitarian requirements or particular medical needs in the target state, including medical evacuations.
- Humanitarian exemptions in the resolution must be very clear and should include provisions for emergencies, humanitarian need, and religious obligations.

§ 375 *Listing*

- Determine whether such sanctions concern all flights, or only flights by particular air carriers.
- If specific aircraft are listed, the registration numbers should be verified with ICAO. The organization's assistance should be sought to help disseminate lists of targets to its members.

Recommendations for Improving Aviation Sanctions: The Operations Phase

§ 376 *Commitment*

- Identify need in key implementing States for support and assistance for air traffic control and interdiction in target areas.

§ 377 *Complementary Measures*

- Consider coupling aviation sanctions with arms embargoes, if it is shown that air transport is used for arms deliveries and there is a need to impose arms embargoes.
- Consider coupling aviation sanctions with bans on spare parts for aircraft, the closing of airports, and the closing of airline offices.

§ 378 *Coordination and Technical Management*

- Seek involvement of ICAO in disseminating information to its members about aviation sanctions, soliciting their feedback and following up on implementation.
- Require Member States to distribute or broadcast "Notice to Airmen" (NOTAM) alerting all pilots if airspace is closed due to sanctions.
- Continuously collect information on any attempts that targets have made to evade aviation sanctions and alert appropriate authorities in Member States and in international and regional organizations.

Recommendations for Improving Aviation Sanctions: The Follow-Up Phase

- § 379 *Technical Assistance*
- Ask States to contribute mobile radar systems, global positioning satellites, or funding for such systems, to assist with monitoring of air traffic.
 - Ask States or international organizations to develop special training programs for airport and customs officials to increase awareness and ability to implement aviation sanctions.
- § 380 *Flexible and Dynamic Response*
- Consider revoking the registration of aircraft used to violate sanctions.
 - Consider revoking the licenses of pilots found to be violating sanctions.
 - Monitor whether targeted actors shift to other forms of transportation and consider appropriate counter-measures.
- § 381 *Positive Measures*
- Consider assistance to neighboring countries that may face increased land or maritime transportation flows as a result of aviation sanctions.
 - Develop alternative routes for non-targeted actors in the targeted country.
 - Implement contingency plan when airspace is closed, by creating a notice center.
- § 382 *Communication*
- Explain the purpose of the sanctions to international and local media and emphasize that the measures affect only specific individuals.
 - Prepare a strategy to explain possible negative effects on normal travel and trade.
- § 383 *Delisting*
- Be prepared to remove listed individuals in light of new information concerning their behavior and political affiliations.

Targeted Trade Sanctions

- § 384 Specific trade sanctions aim at reducing revenues and at controlling flows of strategic commodities going to particular actors. These import or export bans most often concern exports of particular commodities. The export of such goods from particular countries is to be reduced, generally through import bans by recipient countries, although in other cases, states may be banned from exporting strategic items to targets. The sanctions history include cases of bans on exports of tobacco, rough diamonds, etc. from particular countries. Recently, timber exports have been discussed. There are also cases of restrictions on oil deliveries or spare parts to particular countries. Targeted trade sanctions may affect the exports or imports from or to an entire country with respect to the specified commodity, but not its general trading. They should avoid some of the classic problems of comprehensive sanctions, as they are not intended to harm the entire economy. However, some economic sectors in a country may be adversely affected, and thus, sanctions may also have negative effects for individuals other than those who are the ultimate target of the sanctions regime.
- § 385 Targeted trade sanctions have not been studied in depth. One exception is the field of rough diamond exports from particular countries, where some experience has been gained. The so-called Kimberley Process may eventually address some of these problems.
- § 386 When focusing on sanctions evasion there are particular problems in targeted trade sanctions that need to be addressed throughout the sanctions regime. In the following, some issues of concern are discussed and guidelines are suggested for addressing them, for each phase of sanctions implementation.
- § 387 Customs services are central in implementation and they may benefit from international cooperation, as indicated in Part III. Lessons can be drawn from the efforts to combat drug trade and trafficking. The World Customs Organization and Eurocustoms should be consulted when targeted trade sanctions are used for lessons from past experience.

Typical Problems in Implementing Targeted Trade Sanctions

§ 388 The use of targeted trade sanctions as a separate measure is novel. Recent experiences have highlighted generic issues that require careful consideration:

- Goods that are subject to targeted trade sanctions such as oil, diamonds or timber are frequently difficult or impossible to distinguish from similar goods that are not subject to such sanctions.
- The control of these commodities can be evaded by mixing banned goods with those that are allowed to be freely traded.
- Certification systems for targeted goods are not internationally standardized or may not be used in practice (e.g. end-use certificates for arms purchases or rough diamonds). The use of false documents creates opportunities for sanctions evasion.
- Commodities, such as oil, that might be included in targeted sanctions regimes generate their own problems. Oil companies and governments may not monitor fuel stocks and movements in areas adjacent to conflict zones.
- Targeted actors may shift from trading in one sanctioned commodity to other non-sanctioned resources (e.g. from rough to polished diamonds, from diamonds to timber).
- Targeted actors subject to import bans will frequently stockpile the goods in question prior to implementation of sanctions.
- Targeted trade sanctions may produce unintended consequences, such as black markets and expanded opportunities for corruption. The beneficiaries of black markets and corruption may be the target itself.

With these and similar considerations in mind, the following recommendations can be made for the effective implementation of targeted trade sanctions:

Recommendations for Improving Targeted Trade Sanctions: The Planning Phase

- § 389 *Pre-assessment and Contingency Planning*
- Identify the goods and services that are available to the target regime and that support its ability to engage in the behavior that concerns the Security Council.
- § 390 *Distinct and Accurate Definition of Measures*
- Consider whether to include services such as maritime registry, engineering, and others that facilitate evasion of the targeted trade sanctions.
 - Consider the technical means that are available to identify national sources of goods and commodities in target states, potential allies and trade partners that might help it evade sanctions.
 - Identify states, non-state actors and their networks that are controlling the production, trading and financing of the specific goods or services being considered for targeted sanctions.
 - Identify who the most important trading partners of the targets are and assess their willingness and capacity to implement suggested sanctions.
 - Conduct an early humanitarian assessment of the impact of targeted trade measures on target economy and on (potentially affected) non-target economic sectors or key states.
 - Compile record of normal trade patterns, including volumes of trade, with respect to the goods and services for the target. Try to obtain information from Member States regarding possible stockpiling by the target, as well as increases in production and sales in advance of an export ban.
- § 391 *Listing*
- Although the sanctions are focused on all trade involving specific goods and services, listing may be considered if some traders, producers, financiers or others known to be involved in previous sanctions violations can be identified.

Recommendations for Improving Targeted Trade Sanctions: The Operations Phase

- § 392 *Commitment*
- Identify States, regional networks, individuals and entities whose cooperation in implementation is vital and urge them to commit to swift and effective implementation.
 - Identify key trading partners of the target regime to determine how States or organizations might direct capacity building assistance to improve implementation.
- § 393 *Complementary Measures*
- Consider using travel bans against those responsible for violating sanctions or who facilitate illicit trade in banned goods or services to reinforce targeted trade sanctions.
 - Consider targeted aviation sanctions to prevent smuggling.
 - Strengthen efforts to introduce a standardized and credible system or certificates of origin for particular commodities (e.g. for rough diamonds as discussed in the Kimberley Process).
- § 394 *Coordination and Technical Management*
- Engage relevant industry leaders and private sector associations in the sanctions regime and encourage them to share information with UN.
 - Arrange special meetings with major trading partners of the target to explain the sanctions and to identify needs in their implementation.
 - Consider new mechanisms or targeted sanctions to respond to evasion strategies and changes in trade and financial flows after implementation.
 - If UN or regional peacekeepers are present in a region where targeted trade sanctions are imposed, and they have information on sanctions evasion, they should be instructed to report this to the UN system.
 - If UN or regional peacekeepers are present in the region, consider attaching Sanctions Monitors to the peace operation.
 - Work with the World Customs Organization (WCO) and international law enforcement groups to determine appropriate, internationally uniform penalties for violations of targeted trade sanctions.

Recommendations for Improving Targeted Trade Sanctions: The Follow-Up Phase

- § 395 *Technical Assistance*
- Consider designating appropriate technical experts to the relevant Sanctions Committee(s) to assist in coordinating the implementation of the sanctions across the UN system.
 - Offer training programs for officials in key fields of sanctions implementation.
- § 396 *Flexible and Dynamic Response*
- Monitor trade patterns with respect to targeted goods, particularly in the target region, with the intent of strengthening sanctions if necessary.
 - Monitor trade flows for indications of evasion through mixing of sanctioned and non-sanctioned goods.
 - Monitor changes in trade financing that may indicate evasion of the targeted sanctions.
 - Monitor whether targeted actor shifts to other economic activities and consider whether additional measures to respond to such shifts are necessary.
- § 397 *Positive Measures*
- Assist key countries with implementation measures.
 - Evaluate possible humanitarian impact in the affected sector and consider ways to provide additional humanitarian assistance.
 - Consider increased assistance in fields of education, health, etc. to demonstrate that sanctions and their effects are only intended to impact the target, not the general population.
- § 398 *Communication*
- Proactively engage in public diplomacy to encourage implementation and enforcement of sanctions.
 - Anticipate and counteract target's propaganda campaigns against sanctions by holding press conferences, issuing press releases and making other public statements as appropriate.
 - Engage relevant industry leaders and private sector associations in targeted sanctions and encourage them to share information with UN.
- § 399 *Delisting*
- In cases of sanctions on particular non-state actors, individuals or companies, Member States should be encouraged to carefully scrutinize and regularly review any lists of known evaders or facilitators for the target for possible mistakes in listing, and to respond swiftly and judiciously to requests for removal.

Sanctions on International Representation

- § 400 The idea behind targeted sanctions that focus on restricting international representation (often described as “diplomatic sanctions”) is to reduce the easy access to international contacts for particular actors. International legitimacy may be gained by having representation abroad (for instance, political party offices, official representatives, etc.). Such representation may also be necessary for carrying out the target’s own financial dealings. By identifying, restricting or ending key forms of foreign representation, international pressure affects the targeted actors specifically. At the same time, other individuals are free to be represented in their own right, so that the sanctions apply only to specific inhabitants of a particular country.
- § 401 General issues related to sanctions on representation have not been part of the previous sanctions processes and this type of actions requires further discussion and research than can be pursued at this time. Some experience has been gained from the sanctions on Angola, e.g. the closure of UNITA offices, UNSCR 1127 (1997). There are many issues in designing such sanctions, for instance, whether they should only concern non-official representation (such as political parties and their international representation) or official missions (embassies, particular diplomats, or international recognition). Obviously, reduction or ending of official diplomatic representation in other countries is likely to result in retaliatory measures by the targeted regime, thus reducing overall international contacts, which in turn may affect people other than the intended target.
- § 402 As these issues have barely been fully considered, the Stockholm Report does not include specific recommendation on such measures. It is sufficient to mention the possibilities and to state that the format for implementation suggested in Part IV would also be applicable to sanctions on international representation.

13. Guidelines to Assist States in Preparing Reports on Sanctions Implementation

Background

- § 403 From the discussions in the Stockholm Process it emerges that sanctions build on the experience and momentum of the innovative reporting requirements contained in Security Council Resolution 1373 and those used by other Sanctions Committees to contribute to the effective implementation of targeted sanctions.
- § 404 Thus, the document *Guidelines to Assist States in Preparing Reports on Sanctions Implementation* has been developed. Its purpose is to encourage States to take a proactive approach in implementing targeted sanctions. It is hoped that the guidelines can help prevent failures by Member States to report fully, accurately and quickly in response to resolutions that require such reporting.
- § 405 These guidelines could be distributed to Member States following the adoption of Security Council resolutions imposing targeted sanctions. This information is particularly important for those Member States who are in the frontlines of implementation of targeted sanctions.
- § 406 The blanks below relate to the sanction-initiating resolution and relevant subsections thereof and will, of course, vary for each case.
- § 407 The submitted reports will be circulated to the members of the Sanctions Committee and the members of the Monitoring Group (Mechanism, etc.). They will also be made publicly available unless a State specifically requests that the report or the information contained therein be kept confidential.
- § 408 With this background, the questions in Box 12 are suggested to be addressed to the Member States.

Box 12.**Draft Form for Reporting on Implementation***Introduction*

- § 409 Resolution ____, adopted under Chapter VII of the United Nations Charter, requests (or requires) all States to report to the Committee on the mandatory measures contained therein. It is the responsibility of all States to implement and enforce those measures. The Sanctions Committee created by Security Council resolution ____ is mandated to monitor the implementation of these measures.
- § 410 The Committee stands ready to advise States, if requested, on all issues related to the implementation of resolution ____.
The Sanctions Committee would appreciate your assistance and expects to learn from your experience to improve the implementation of targeted sanctions.

Reporting on Implementation

- § 411 In compiling their reports, States should aim to provide clear and substantive information. In addition, the Committee would appreciate if reports were as factual and complete as possible. In particular, States should provide information on the following:

All Targeted Sanctions

- § 412 What ministry or agency in your State is responsible for the implementation of these targeted sanctions (list specific sanctions measures contained in Security Council resolution)? How do we contact them? Please provide phone, fax, address and email information.
- § 413 What legislative and/or administrative measures, if any, have the authorities in your State taken to implement the targeted sanctions required by the Security Council in resolution ____?
- § 414 What penalties apply in your State for violations of the measures contained in paragraphs ____ of resolution ____ (list specific measures contained in the resolution)?
- § 415 Please send the Committee a copy of the most recent relevant legislation or administrative measures pertaining to the implementation of these measures.
- § 416 If any such legislation or administrative measures have recently been proposed or are being contemplated, please provide further details about them.

Arms Sanctions

- § 417 What measures has your State taken to stop deliveries of arms, weapons and related materiel of all types, assistance or training related to military activities from earlier sales to or arrangements with the individuals, groups and entities that are covered by the measures contained in resolution ____?
- § 418 What measures have been implemented to stop supplies of restricted materiel on flag vessels?
- § 419 What measures have been taken to stop deliveries from free trade zones?
- § 420 What measures have been taken to stop transfers of restricted goods via your territory?
- § 421 With respect to the direct or indirect supply, sale or transfer of arms and related materiel, what kind of goods list is your country using to identify prohibited items? Is this list compatible with internationally agreed lists?
- § 422 Are exports of these goods normally licensed by your State? If so, who is the licensing authority?
- § 423 How often have licenses for exports of these goods or services been issued?

Financial Sanctions

- § 424 What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.
- § 425 Have you informed banks and other financial institutions operating in your State of their obligations regarding the freezing of funds and other financial assets, as contained in resolution ____?
- § 426 If your authorities have identified and frozen funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in the list adopted by the Sanctions Committee, please indicate relevant information such as types of assets frozen, account numbers (where possible) and monetary value of frozen assets.
- § 427 How, specifically, do procedures for the issuance of identity papers and travel documents support the travel ban on certain individuals contained in resolution ____ and in the list of such individuals adopted by the Sanctions Committee?

Travel Bans

- § 428 Has your State notified your national immigration and customs services of the need to implement the measures contained in resolution ____?
- § 429 What measures has your State taken to prevent the entry into or the transit through your territories of the individuals referred to in the list mentioned in paragraph ____ of resolution ____?
- § 430 How, specifically, do procedures for the issuance of identity papers and travel documents support the travel ban on certain individuals contained in resolution ____ and in the list of such individuals adopted by the Sanctions Committee?

Aviation Sanctions

- § 431 Does your State have the ability to monitor overflights and landings of civil aviation?
- § 432 Does your State have the ability to intercept aircraft in cases where you find violations?

Targeted Trade Sanctions

- § 433 What measures has your State taken to prevent the supply, sale or transfer to ____ of the goods and services listed in paragraphs ____ of resolution ____?

Additional Measures

- § 434 Would your State be willing or able to provide assistance to other States to help them implement the measures contained in resolution ____?
- § 435 What financial and human resources has your State allocated to the implementation of these sanctions?
- § 436 Are you or other officials in your State aware of instances of sanctions evasion? If so, please describe in as much detail as possible.
- § 437 Would there be any technical or legal restrictions to your cooperating with United Nations monitoring or investigative bodies with respect to these sanctions?
- § 438 The Sanctions Committee would in addition welcome the submission of any other information concerning investigations or enforcement actions related to your efforts to enforce and strengthen the measures imposed under domestic laws or regulations to prevent and punish violations of the measures contained in resolution ____.
- § 439 Please include any other relevant information in your reports. You may also include general observations, concerns or requests for assistance related to the implementation of the measures contained in resolution ____.
- § 440 The Sanctions Committee appreciates your most valuable response within ____ days.