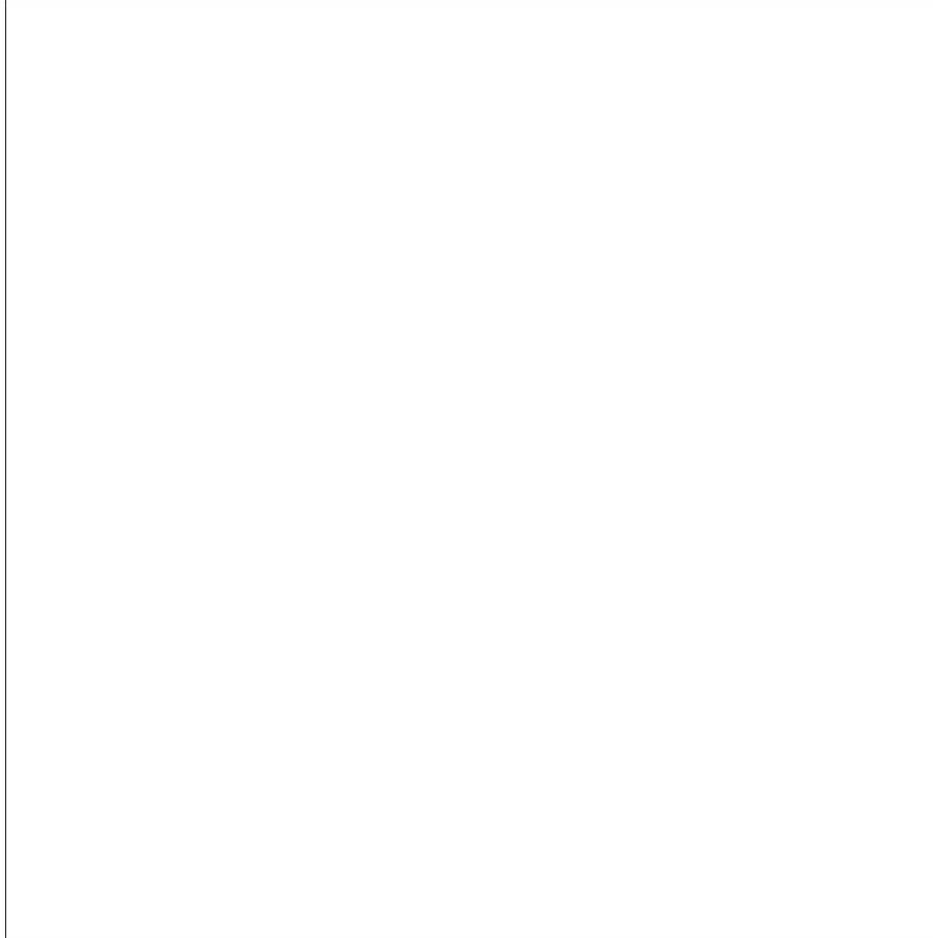


Travel Bans (including visa bans)

- § 190 *Legal Framework*
- Ensure that adequate legal authority exists to implement sanctions at the national level without needing to engage the legislative process for each Security Council resolution (e.g. by enacting enabling legislation such as the Interlaken Model Law).
 - Give effect to resolutions through regulatory or administrative actions.
- § 191 *Administering Agency*
- Consider how best to employ existing expertise and dedicate resources to the development and maintenance of knowledge on targeted sanctions.
 - Designate an official body or bodies to administer sanctions – including the consideration and determination of requests for exceptions and exemptions, where permitted – such as the MFA, immigration and border control agencies.
 - Ensure effective communication at all levels – between the UN and Member States, between UN missions and capitals, and within the capitals (among those responsible for implementation).
- § 192 *Information Dissemination*
- Inform the public through notices in official journals and through the use of media and information technology, including aeronautical means of communication.
 - Inform key actors, such as airline, transportation and insurance companies and consular offices where visas are issued.
- § 193 *Monitoring Compliance*
- Provide guidelines to key actors regarding the application and scope of sanctions, including details of what to do in case of violations and required reporting.
- § 194 *Enforcement*
- National measures should ensure that contravention or evasion shall be made a criminal offence with effective, dissuasive and proportionate penalties.
- § 195 *Sector-Specific Measures*
- Establish a central database to maintain a list of individuals to be denied permission to enter.
 - Specify the criteria and process for considering and giving effect to decisions regarding exemptions and exceptions.

- § 196 *Relevant Regional and International Agreements*
- Convention on International Civil Aviation, 7 Dec. 1944.
 - International Air Services Transit Agreement, 7 Dec. 1944.
 - International Air Transport Agreement, 7 Dec. 1944.
- § 197 *Relevant IGOs and NGOs*
- ICAO (www.icao.org)
 - IATA (www.iata.org)
 - Interpol (www.interpol.int)
- § 198 *Other Relevant Websites*
- Bonn International Center for Conversion (www.smartsanctions.de)



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.