

# Making Targeted Sanctions Effective

## Guidelines for the Implementation of UN Policy Options

Edited by

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*Results from the Stockholm Process on the  
Implementation of Targeted Sanctions*

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## THE STATUS OF THIS REPORT

This Report represents the output of a yearlong study of targeted sanctions. The participants of the three Working Groups are government officials, experts from the private sector and non-governmental organizations, members of the United Nations Secretariat, and academics. The content of this report does not express the unified view of the participants, but rather, offers ideas that many found useful for consideration. The responsibility for the content rests with the overall coordinator of the process and other involved researchers of the Department of Peace and Conflict Research, Uppsala University. Furthermore, the Report suggests, but does not attempt to impose, proposals for consideration by various segments of the international community (the Security Council, Sanctions Committees, Expert Panels, Member States and implementing authorities). These proposals are not meant to encroach on the authority of the Security Council to determine the measures it may wish to impose in any given situation under the Charter of the United Nations.

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## 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.)



## Preface

IN CARRYING OUT its responsibility for the maintenance of international peace and security, after the end of the Cold War, the Security Council has more frequently used sanctions as an instrument.

In a way, sanctions can be described as an effective measure “between words and war.” When words alone are not sufficient, and while the use of force is seldom desirable, the importance of targeted sanctions can not be underestimated. This report deals with an international effort to make such sanctions more useful.

The Stockholm Process on the Implementation of Targeted Sanctions is the third step in a series of such efforts to reform the sanctions instrument. The overall ambition has been to enhance the prospect of sanctions achieving their stated objectives, while minimizing unintended consequences.

The first meetings to improve targeted sanctions were initiated by Switzerland. That initiative, which became known as the Interlaken Process, focused on financial sanctions. It was followed by Germany and the Bonn-Berlin Process, dealing with arms embargoes, travel bans and aviation related sanctions.

This manual – the Stockholm Report – is the result of a yearlong process which has engaged experts from academia, national governments, non-governmental and international organizations, the UN Secretariat, and practitioners with expertise in the field of sanctions implementation. I have followed the work of these participants closely, and I have seen them display a high degree of devotion to the objective of strengthening the instrument of targeted sanctions.

One essential factor in the chain of measures leading to effective implementation of sanctions is the requirement to monitor and report on the status of implementation throughout the sanctions regime. It is important that the Sanctions Committees receive the

support they need to implement and monitor sanctions. These factors are addressed in the Stockholm Report, which includes specific recommendations on how to strengthen the United Nations in its efforts to design and implement sanctions.

Successful targeted sanctions generally require the full commitment by Member States to implement them. That is why the capacity and the political will among Member States to make sanctions work is crucial. This is addressed in the Stockholm Report, through recommendations on national implementation and on strengthened state capacity.

During the last decade, there has been increasing concern over the negative effects of economic sanctions on vulnerable populations and overall societies, and on collateral effects of sanctions in third states. We have also seen how key actors, intended to be targeted by sanctions, have evaded and circumvented these measures by different means. That is an increasing problem, and it is being dealt with in the Stockholm Report through recommendations on improving accuracy and on managing sanctions evasion.

The overall purpose of the Stockholm Process has been to produce practical guidelines and ideas on how to strengthen the implementation of targeted sanctions, and to present possible ways of action. It is my hope that these concrete and user-friendly recommendations will be of value to implementers in national governments, to policymakers in the United Nations, and to other international actors involved in carrying out effective targeted sanctions.

Stockholm in January 2003

A handwritten signature in black ink, appearing to read 'Hans Dahlgren', with a stylized, cursive script.

Hans Dahlgren, Sweden's State Secretary for Foreign Affairs

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## Participants

Name, affiliation and participation in plenary meetings  
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## Part I: Choosing Targeted Sanctions

- § 1 THIS REPORT IS devoted to the subject of targeted UN Security Council sanctions. The purpose is to suggest concrete improvements to this instrument, which can play a critical role in assisting the Security Council to maintain international peace and security. It focuses on the chain of needed actions to ensure that sanctions resolutions are implemented in as logical and as coherent a manner as possible. This increases the likelihood that sanctions will bring about compliance of the target with the relevant Security Council resolutions.
- § 2 This report – The Stockholm Report – constitutes one element in a series of efforts by the international community in its search for new policy options in a world facing severe internal conflicts, terrorism and the continuous threat of inter-state war. Earlier efforts in this series were conducted as the Interlaken and Bonn-Berlin processes, initiated by the Governments of Switzerland and Germany, resulting in the *Interlaken Report* and the *Bonn-Berlin Report*.<sup>\*</sup> As the current effort has been initiated by the Ministry for Foreign Affairs of Sweden, it has been labeled the Stockholm Process. The Process involved experts from governments, international organizations, non-governmental organizations, universities and institutes,

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<sup>\*</sup> These are the names used for these reports throughout the Stockholm Report. The full citations are, respectively, *Targeted Financial Sanctions: A Manual for the Design and Implementation. Contributions from the Interlaken Process*, coordinated by Prof. Thomas Biersteker (Providence, R.I.: Thomas J. Watson Jr. Institute of International Studies, Brown University, 2001), and *Design and Implementation of Arms Embargoes and Travel and Aviation Related Sanctions: Results of the “Bonn-Berlin” Process*, edited by Dr. Michael Brzoska (Bonn: Bonn International Center for Conversion, 2001).

in all 123 persons from 35 countries (see the List of Participants). This Report, while presenting the fruits of the Stockholm Process as a whole, is not binding on the participants or their governments.

- § 3 Article 41 of the Charter provides for “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.” This reference is merely enumerative, and does not preclude other measures that the Security Council may wish to decide upon short of committing the use of armed force. Targeted sanctions are aimed at government officials and their supporters as well as non-state entities, and are designed to have minimal, if any, humanitarian impact. As sanctions measures may run counter to domestic legislation in Member States, the primacy of States’ obligations under the Charter is made clear in Article 103.
- § 4 The events of September 11, 2001 set in motion a number of extraordinary actions by the United Nations, such as the imposition of measures against global terrorism and the creation of a committee for overseeing such measures, the Counter-Terrorism Committee (CTC). Innovations related to the CTC have inspired new thinking regarding improvements to United Nations sanctions regimes. Thus, the experience of the CTC permeates the recommendations contained in this report.

#### Targeted Sanctions Are Necessary

- § 5 It is important to reiterate why targeted sanctions are needed, the significance of implementation and feedback, the conditions under which such sanctions are appropriate and plausible sanctions strategies.
- § 6 Targeted sanctions are needed for the following reasons:
- The international community must have at its disposal the means to react and address situations that threaten international peace and security, other than military action or declaratory statements.
  - Targeted sanctions, if applied effectively, can be less costly than other options (e.g. military) and can be tailored to specific circumstances.

- Comprehensive sanctions involve unintended negative effects, which the international community is unwilling to tolerate. The trend towards targeting sanctions shows that the international community has learned from this negative experience and is willing to move in new directions.
- Targeted sanctions are directed against particular political leaders and members of their regimes whose actions constitute a threat to international peace and security, in an effort to bring about behavioral change.
- Targeted sanctions, by affecting the leaders, as well as their key supporters, family members, important institutions under their control or specific flows of goods and services, can convey the message of the international community in a direct manner.

§ 7 Since the end of the Cold War, the United Nations Security Council has gained experience in applying targeted sanctions, covering a vast array of measures, which are described in this report. Although this Report does not attempt to analyze the record of success and failure, it builds on the idea that such sanctions can be made increasingly effective.

§ 8 A key lesson drawn from the Stockholm Process is the importance of ensuring that decisions involving sanctions are translated into action, that is, implementation. Actors against whom sanctions are imposed will be concerned only if they are personally exposed to pressure in the form of a direct impact on their bank accounts, prospects for travel, access to particular goods or diplomatic representation. In the absence of vigorous implementation of sanctions, targeted individuals are likely to dismiss the measures along with the need to change their behavior.

§ 9 It follows, therefore, that for sanctions to have the desired effects and avoid unintended consequences, Member States must effectively pursue decisions of the Security Council, and the measures must be monitored by the United Nations system.

### Implementation Is as Strong as the Weakest Link

§ 10 In order for targeted sanctions to have the intended effects and to increase the likelihood of compliance by the targeted actor, a chain of measures, stretching from the Security Council to the immediate surroundings of the targeted actor, and varying depending on the situation, must be in place. In the Stockholm Process, three Working Groups have been devoted to the key elements in the chain of implementation, each reporting in a separate part of the Report:

- The United Nations system: Sanctions Committees, Expert Panels, the Secretariat, other international organizations, non-governmental organizations and the private sector (Part II).
- Member States: principles of implementation and measures for particular types of sanctions; legal considerations, including the need for a model law for States and the strengthening of state capacity in implementation of sanctions (Part III).
- Accuracy of targeting: correct identification, measures to counter typical evasion strategies for types of sanctions, and ways for Member States to provide information to the Security Council and the Secretariat (Part IV).

While for the most part, the three Working Groups dealt separately with their issues, some sessions were held with the participation of all Working Groups in order to facilitate information exchange. Plenary meetings were held in Gimo and Stockholm in Sweden. Two joint meetings of the Working Groups took place at Uppsala University. Separate Working Group meetings were held in New York and Brussels. For more information on the Process and other materials, see <[www.smartsanctions.se](http://www.smartsanctions.se)>. The Index of this Report helps to identify the issues and proposals, as they were developed by the different Working Groups.

### Feedback Is Essential for Sanctions Efficiency

§ 11 For sanctions regimes to be assessed and modified to ensure that objectives are properly met, an unhindered flow of information,

transparency and a willingness to act early in the light of new events are required. Furthermore, all sanctions regimes require monitoring of their humanitarian effects in order to minimize their unintended consequences. Thus, the three Working Groups have, from different angles, explored the issues of feedback and information flow.

### Not All Situations Are Appropriate for Targeted Sanctions

§ 12 While this Report aims to improve the utility of targeted sanctions as an instrument for international diplomacy and political action, it does not assume that sanctions will always be the appropriate course of action. Ascertaining whether or not the sanctions instrument is the appropriate one to be applied requires thorough analysis of each situation. Such an analysis should include the following general propositions, and build on empirical evidence and accumulated experience.

- The more credible the threat of sanctions, the less likely it will be that sanctions will have to be imposed.
- The more implementable the sanctions, the more impact they will have on the targeted actor, and thus the more likely that the targeted actor will comply.
- The more dependent the targeted actor on a particular commodity and international trade, the more likely that the targeted actor will comply.
- The more internally challenged a regime threatened by sanctions, or on which sanctions are imposed, the more likely that the target will comply.
- The more international and regional consensus surrounding threatened or imposed sanctions, the more likely that the target will comply.

### There Is a Choice among Different Types of Targeted Sanctions

§ 13 In this Report targeted sanctions range from visa restrictions on particular individuals to arms embargoes on States. Such sanctions vary

in terms of their “implementability” and accuracy. Some measures are easier to implement, as procedures and institutions already are in place in Member States and international organizations. Others may require special legislation, or even the creation of new institutions for implementation and monitoring. There is also variation in the ability of measures to actually hit the target. The accuracy achieved will depend on the type of measures used as well as their implementability. Some forms of sanctions are easier to evade than others. Thus, it is important for the international community when making decisions to consider the ease of implementing sanctions, their accuracy, the chances of quick feedback on the effects of sanctions and the ability to adjust sanctions as the real situation changes.

#### There Is a Need for a Sanctions Strategy

- § 14 There are arguments in favor of developing a strategy of flexible targeted sanctions, including a) gradually increasing the number of persons, institutions, etc. on the list of targeted actors, or b) gradually adding new types of sanctions to the original regime. If credible, such a sanctions strategy may provide incentives for earlier compliance. The use of sequencing of targeted sanctions has so far been rare, and might provide a new element in sanctions policy.
- § 15 In sum, this Report focuses on choices to be made by the Security Council in reacting to threats to international peace and security. While sanctions (specifically targeted sanctions) should be high on its list of options, it should not always be the choice made. To date, the Security Council has imposed sanctions in fifteen conflict situations. At the same time, there have been more than one hundred armed conflicts, which the Council has discussed and decided on a course of action. Thus, sanctions are used selectively. The Stockholm Report provides guidance for how such a selection can be done at various phases of a crisis. It is done in the hope that targeted sanctions will be an effective measure in maintaining international peace and security.