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*Chair person: Curtis Ward, Ambassador*

*Rapporteur: Tom Biersteker, Professor, Director*

## **Measures to strengthen the capacity of states to implement sanctions**

### *General Points*

- Political will at all levels, beginning with the Security Council, is essential to the effective implementation of targeted sanctions.
- Effective implementation requires ongoing dialogue between the UN and Member States.
- Due to their complexity, targeted sanctions are more difficult to implement than comprehensive sanctions. Member States have the ultimate responsibility to implement targeted sanctions effectively and must have the capacity to do so.
- There is significant variation in the capacity of states to implement targeted sanctions. Where incapacity exists in states bearing the major burden of implementing targeted sanctions, the result is a credibility gap between adopted UN Security Council resolutions and their implementation.
- Capacity building has important implications both for effective implementation of targeted sanctions and for longer-term development.

Given this, and the other points enunciated above, it is imperative that a platform be established for the effective implementation of targeted sanctions, consisting of both general principles and specific guidelines for Member States. Each of these documents is discussed in more detail, below.

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### ***Concrete Measures***

- Draw on the lessons and momentum generated by UNSCR 1373 regarding reporting requirements, offers of technical and financial assistance, and the identification of contact points.
- Remaining mindful of the fact that the SC may at times need to make quick, decisive action, follow the guidelines for drafting Security Council resolutions already identified in the Interlaken and Bonn-Berlin processes.
- Encourage periodic Security Council reviews of targeted sanctions resolutions.
- Build on Interlaken and Bonn-Berlin to encourage states to adopt model law legislation, criminalization of sanctions violations, non-liability for compliance provisions, and active notification of private sector actors.
- Measures to strengthen capacity at the national level should include sanctions assistance offices, technical assistance, mutual evaluations, trans-governmental cooperation, and official support for voluntary private sector initiatives. In cases of intentional non-compliance, secondary sanctions and economic disincentives should be considered.
- Strengthen the Secretariat to serve as a repository for information about sanctions implementation.
- Where a country suffers economic detriment from the enforcement of TS, special assistance should be considered.

### ***Principles for implementation***

The Security Council should establish a set of principles, incorporated in a resolution, Presidential Statement, or Note by the President, that can be invoked in future Security Council resolutions aimed at guiding the Security Council in determining whether to impose targeted sanctions, including their appropriateness, likely effectiveness, and a periodic review; and establishing a framework for Member States to implement sanctions effectively by adopting a platform for effective implementation of sanctions.

With regard to States, the Security Council should call upon them to adopt a model law for giving effect to Security Council resolutions in domestic law, invite States to seek technical assistance if they lack the capacity to effectively implement sanctions, encourage States with the capacity to offer appropriate technical and financial assistance to States needing it, mandate minimum reporting requirements by States, and encourage States to establish an interdepartmental committees and to identify a single contact points for the transmission of information about the implementation of targeted sanctions.

As to Sanctions Committees, the Security Council should mandate them, in cooperation with the Secretariat, to monitor compliance by setting measurable reporting requirements for States, create a data base of available technical assistance for capacity building (including a Directory identifying potential sources of assistance), and facilitate the delivery of technical assistance to States expressing a need for such assistance.

2002-05-09

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***Guidelines for implementation at the national level***

A matrix was circulated as a working paper prior to the meeting summarizing different types of targeted sanctions, differentiating between sanctions targeting individuals or groups (financial and travel) and sanctions targeting sectors (aviation, arms, commodities) and identifying key elements involved in implementation at the national level. The columns define different types of targeted sanctions. The rows of the matrix describe different elements in implementation (legal framework, administering agencies, information dissemination, monitoring compliance, enforcement, sector-specific measure, and relevant IGOs and NGOs with expertise in the issue area.

Working Group 2 discussed the contents of the matrix, elaborated on different components, and suggested additional rows be added to identify websites that might be of assistance to Member States interested in complying with UNSCRs and international conventions that might be invoked to assist implementation at the national level.