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*Chair person: Kevin Clements, Doctor, Secretary General,
International Alert*

Rapporteur: Erica Cosgrove, Doctor, lecturer

Initial issues/challenges for targeted sanctions identified by Working Group 3

1. Tightening objectives of sanctions regimes
2. Identifying the right entities for targeted sanctions, whether individuals or corporations
3. Having time-bound duration for sanctions (e.g. “sunset clauses”)
4. Finding ways to deal with collateral damage of sanctions – since targeted sanctions should have very limited collateral damage in terms of harm to civilians, consider finding ways to lessen the negative stigma associated with sanctions in much of the world, such as accompanying targeted sanctions with targeted humanitarian relief efforts for civilians in the targeted country.
5. Need for additional relief efforts to those in third countries who feel the impact of
 - a. sanctions (either under Art. 50, UN Charter or through other multilateral, regional or bilateral assistance efforts).
6. Possibility of finding a greater role for regional organizations in implementation of sanctions.

Additional issues/challenges for implementation of targeted sanctions identified by WG3

7. What **criteria** are used to determine which individuals and entities will be targeted by sanctions?
8. What are your **objectives** in selecting certain people to be the subject of targeted sanctions -- to punish, annoy or coerce the target and bring about behavioural change? It is vital to have a clear statement of the objectives of sanctions.
9. Need a **clear identification of targets for sanctions, and a logical basis for this selection**. For instance, do you want to target top officials in a regime, in the hope that sanctions can help promote a split between top officials (targets) and lower-level officials whose support may be important for the regime continuing to engage in the objectionable behaviour?

2002-04-26

10. Also identify those who support your objectives or who may help support the sanctions. Identify not only those people who are negatively affecting your objectives but also **people who are positively affecting what you are trying to do** (one example would be opposition groups). Could these people be targeted in some way for incentives and assistance, perhaps by regional organizations? Providing assistance through the UN would be unlikely, as it is likely to raise concerns about interference in the internal affairs of states.
11. How do you **anticipate and plan accordingly to take into account the targets' actions upon learning they are targeted**, such as moving their money or other assets so they cannot be targeted or frozen? There must be an anticipatory component to identifying vulnerabilities of targets. What are they likely to do next? How will being a target affect their actions? Past experience shows that visa bans result in the issuing of false passports and financial sanctions tend to result in the target setting up a front company or giving power of attorney to someone who is not targeted by sanctions. Consider including provisions, such as in the EU's legislation, that allow those implementing sanctions to also target entities and companies that act for those who are targeted by sanctions directly.
12. Recognize that **sanctioning is a dynamic process**. For example in some legislation, states were required to report on the movements of money during the six months prior to the imposition of sanctions. This was an important lesson from the Interlaken process.
13. **Media strategies for targeted sanctions** are needed – to better publicize the goals and the specific targets of targeted sanctions and to help gain compliance within the region of the target and with key states that trade with the target.
14. **Implementation by Member States** of the targeted sanctions is the big challenge, beyond the challenges of identifying targets:
 - a. **Accountability** -- Are there ways to **hold Member States accountable** for implementation? Canadian Head of Delegation suggested having the President of the Security Council call in the Permanent Representative of a Member State thought to be harbouring or supporting known sanctions-busters (e.g. those named in the reports of Sanctions Monitoring Missions) and ask for an explanation.
 - b. **Technical improvements** – Consider following model of CTC in targeted sanctions regimes by asking Member States to submit organizational charts to the UN that show who is responsible for implementing sanctions. Need a clearly identified “focal point” for sanctions implementation in each Member State.
 - c. **Questionnaires** – Consider asking Member States to complete questionnaires related to targeted sanctions and implementation.
 - d. **Costs of Implementation** – Need further research on costs of effective implementation of sanctions (e.g. Sanctions Assistance Missions).
 - e. **International organizations that can help implement sanctions** – Interpol, ICAO, WCO, international financial institutions. Consider commissioning a study

2002-04-26

on involvement of Interpol in sanctions enforcement or in tracking individuals identified in sanctions panels' reports as sanctions-busters.

15. **Role of private sector** – Individuals selected for targeted sanctions are usually supported by companies, so should companies be named as well? Can certain private companies, such as professional asset tracers, be induced to locate funds for asset freezes by being paid a percentage of the hidden assets they locate?
16. Possible incentives to improve implementation of sanctions
 - a. Increased technical expertise to target country or neighbouring countries;
 - b. Ask donor countries to consider increasing their ODA on an incremental basis;
 - c. Conditionality (e.g. membership in regional organizations, free trade areas, etc.) Sanctions panels have recommended making enforcement of sanctions a requirement for membership in NATO and the EU;
 - d. GSP – system of trade preferences where countries that comply with ILO requirements or who fight drug trafficking get certain preferences from the EU. Possible to expand this system to countries that tighten sanctions enforcement?
 - e. Targeted assistance for certain groups in target states – include language in UNSC resolutions imposing sanctions that calls on OCHA to conduct a study of which groups could be targeted for assistance in furtherance of the goals of the sanctions.
17. Possible additional sanctions measures:
 - a. Secondary sanctions on states that violate sanctions regimes;
 - b. Ask Member States to criminalize the violation of arms embargoes;
 - c. Threaten Member States that fail to comply with sanctions with suspension of voting rights in the UNGA;
 - d. EU's "scoreboard approach" to judge Member States' compliance and cooperation with community laws. Applicable to sanctions regimes?
 - e. Possible for UN to prepare state-by-state report on whether states are in compliance with sanctions? Possible for OECD to do reporting, similar to their reports on compliance with money-laundering efforts?
 - f. Possible for states to impose import duty on the importation of certain goods from a target country. Use the revenue collected to pay for improved sanctions enforcement or for targeted humanitarian relief to civilians in the target state.
18. Think and act in terms **of networks of sanctions violators** and adopt sanctions and strategies that go after the networks (e.g. Kimberly process on rough diamonds)