Best Practices Guide

for Chairs and Members of United Nations Sanctions Committees

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Best Practices Guide
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Preface

Any incoming member state delegation or chairperson to a United Nations sanctions committee can attest to the difficulties of acclimating to the complex world of sanctions. It is the reason that Australia, Belgium, Germany, the Netherlands and Sweden, together with many other interested states, have come together to create this Best Practices Guide for Chairs and Members of United Nations Sanctions Committees.

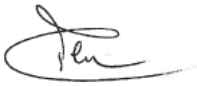
The Guide informs and supports the principal sanctions actors, particularly the chairpersons and members of the sanctions committees, in ways to quickly and substantively reinforce the protective, preventive and coercive applications of Security Council sanctions. States that face the heaviest burden of sanctions implementation will find that the Guide enables them to engage more effectively and constructively with the sanctions policy-making and implementation processes. We believe that enhanced knowledge, skills and engagement will foster an improved UN sanctions system and better responses to conflicts, terrorism, proliferation and human rights violations.

The issues and practices to be prioritized and defined for a Best Practices Guide, without aspiring to be prescriptive, are not as obvious as they may appear. Individual sanctions actors focus on different concerns and interests, including in adjusting to shifting threats and political forces. Some examples of these tensions are contained in the need for decisive sanctions enforcement action while ensuring adequate due process procedures. Related to these questions is the extent to which human rights should be leveraged with sanctions. In some instances this issue has elicited contradictory responses from Council members.

Sanctions implementation practices must constantly adjust and adapt to an ever-changing landscape of risks to international peace and security. Consequently, chairpersons and members of sanctions committees must be aware of broadly agreed practices as well as those that may arise in their day-to-day work, including as a result of contentious committee deliberations.

We would like to express our gratitude to the many participants who have helped us to make this Guide into a full spectrum advisory tool on sanctions practices and requirements. We hope that it will assist future chairpersons, members of sanctions committees, as well as many other UN member states in performing their important work of ensuring global peace, security and human rights.

H.E. Ms. Gillian Bird
Ambassador and
Permanent Representative of
Australia



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Acknowledgements and Disclaimer

This Guide was developed in consultation with Member States of the United Nations including current and incoming members of the Security Council.

Its content reflects the United Nations sanctions system's ongoing development of responses to evolving threats and challenges and to changing political priorities and forces. It summarizes standing practices and flags where innovation has entered the daily work of sanctions committees. This fluidity is inherent in the UN sanctions system that must constantly adapt to keep pace with new threats and risk actors, and to improve the effectiveness of sanctions measures.

Ideas that surface may sometimes become practice, and others may enjoy limited applicability. Of the recommendations generated by the High Level Review of UN Sanctions (A/69/941–S/2015/432), the Assessment Report (A/71/943-S/2017/534) and the Note by the President of the Security Council (S/2017/507), those that have been widely embraced are noted in this Guide. They may not be considered as standard practice, but as an indication of a growing trend.

The content of this Guide is the result of consultations held over a three-month period, hosted by the five sponsoring states, and by Poland, currently an elected member of the Security Council. Ambassador Joanna Wronecka's support and commitment to advancing the dialogue with sanctions-affected states is highly appreciated.

The Guide in its present form will be subject to further consultations when the project enters its second phase, during which a Best Practices

Guide for UN sanctions monitoring expert groups and their coordinators will be developed. During these upcoming consultative meetings and special outreach events, additional insights will emerge that will refine the guidance in this Guide as well as the Guide for UN experts.

The Guide's content is structured in four sections:

An Overview provides a brief summary of the elemental structure and functioning of the UN sanctions system, including its legal basis, the primary actors, their functions, and the basis for their work. Detailed information on each of these topics is contained in relevant sections of the Guide.

Section I describes the key roles and functions of the primary sanctions actors such as the Security Council, the Sanctions Committees, Panels of Experts, the Secretariat, Ombudsperson, Focal Point for Delisting, and Member States.

Section II discusses the standard practices by which Chairs and members of Sanctions Committees operate within this structure.

Section III offers a list of sanctions currently in effect, a succinct description of sanctions types, how they work, and the compliance obligation standards that apply.

Section IV presents issues for increased committee engagement to enhance effective sanctions implementation, such as thematic sanctions; designations and due process; sanctions and human rights; sanctions and mediation; integrating sanctions with other UN instruments; and capacity enhancement and assistance to Member States.

As organizers of the project, we owe special thanks to Sandra Lyngdorf for her valuable insights, and to Samantha Taylor, Won Jang and Jake Sprang for their assistance. While the development of the Guide was sponsored and supported financially by the Governments of Australia, Belgium, Germany, the Netherlands, and Sweden, the contents of the Guide do not imply governmental endorsement by any sponsoring state

The development of the Best Practices Guides will continue with the hosting of additional consultative events. The CCSI project website will

reflect ongoing developments, and offer a password-protected gateway for representatives of Member States who wish to review meeting summaries, briefing papers and related presentations.

Enrico Carisch
Loraine Rickard-Martin

Abbreviations

AML/CFT	Anti-money laundering / Counter-terrorism financing
ARMS	Archives and Records Management Section
ATT	Arms Trade Treaty
AU	African Union
CAR	Central African Republic
CCW	Convention on Certain Conventional Weapons
CDD	Customer Due Diligence
CRSV	Conflict-Related Sexual Violence
CSI	Container Security Initiative
CWC	Chemical Weapons Convention
DPA	Department of Political Affairs
DPRK	Democratic Peoples Republic of Korea
DRC	Democratic Republic of the Congo
E10	Elected ten states (to the Security Council)
ECOWAS	Economic Community of West African States
EU	European Union
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FSG	Federal Government of Somalia
HCOC	Hague Code of Conduct
HEU	High Enriched Uranium
HSC	Harmonized System Codes
IAEA	International Atomic Energy Agency

IAN	Implementation Assistance Notice
ICAO	International Civil Aviation Organization
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
IMO	International Maritime Organization
INTERPOL	International Criminal Police Organization
ISIL	Islamic State of Iraq and the Levant
ISU	Implementation Support Unit
JCPOA	Joint Comprehensive Plan of Action
LAFICO	Libyan Arab Foreign Investment Company
LAIP	Libyan Africa Investment Portfolio
LAS	League of Arab States
LIA	Libyan Investment Authority
LRA	Lord's Resistance Army
MTCR	Missile Technology Control Regime
MVTS	Money or Value Transfer Service
NOP	No Objection Procedure
NPT	Nuclear Non-proliferation Treaty
NSG	Nuclear Suppliers Group
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OLA	Office of Legal Affairs
OPCW	Organisation for the Prohibition of Chemical Weapons
P5	Permanent five member states (to the Security Council)
PEP	Politically Exposed Persons
PoE	Panel of Experts
RKC	Revised Kyoto Convention
S/GBV	Sexual and Gender-based Violence
SADC	Southern African Development Community
SAFE	Framework of Standards to Secure and Facilitate Global Trade

SAR	Suspicious Activity Report
SCSOB	Security Council Subsidiary Organs Branch
SRSG	Special Representative of the Secretary-General
STR	Suspicious Transaction Report
SWIFT	Society for Worldwide Interbank Financial Telecommunication
ToR	Terms of Reference
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
US	United States
USD	United States Dollar
WCO	World Customs Organization
WMD	Weapons of Mass Destruction

Contents

Preface iv
Acknowledgements and Disclaimer vii
Abbreviations x
Overview xvi

I. Sanctions Implementation Actors and Roles 1
Security Council 3
Sanctions committee 3
Member States 4
Panels of experts 5
Secretariat 11
Ombudsperson 12
Private sector 13

II. Committee Practices 15
Role and election of Chairs and committee members 15
Penholders 16
Handover and preparation 17
Induction and training 19
Committee set up 20
Committee meetings 20
Decisions and voting 22
Holds and objections to Committee decisions 23
Implementation of Committee decisions 24

Committee documentation 25
Preparation of documents 27
Processing documentation 28
Joint meetings 29
Outreach 29
Chair's visits 30
Standardizing sanctions terms 32

III. Sanctions Implementation and Monitoring 33
Categories of UN sanctions 35
Embargoes and bans 36
Implementing an embargo against conventional arms 37
Implementing an embargo against weapons of mass destruction (WMD) 42
Implementing commodity embargoes 47
Implementing the luxury goods embargo 50
Implementing sanctions against human trafficking and employment 51
Infrastructure restrictions 52
Assets freeze 53
Denial of financial services 55
Travel ban 57
Restrictions on maritime, aviation, and land-transportation 58
Blocking of diplomatic, cultural or educational activities . . . 61
Restricting educational services 62
Restricting trade in cultural goods 63
Supporting implementation guidance by the Security Council 64
Reporting obligations 67
Exemptions 78

IV. Committee Engagement 83
Thematic sanctions. 83
Designations, due process 84
Sanctions and human rights. 85
Sanctions and mediation 87
Integrating sanctions with other UN instruments 87
Member States: Capacity enhancement and assistance 88

Overview

The legal basis for sanctions is contained in Article 41 of the United Nations Charter. Sanctions are applied for the purposes of containing and constraining the drivers of conflict; coercing a change in behavior; signaling the collective disapproval of the international community; and deterring international norm-breaking.

Among the key sanctions actors, the Security Council adopts resolutions applying sanctions and sets out the mandates of other sanctions actors such as the sanctions committees and panels of experts. Sanctions committees are mandated to monitor sanctions implementation. Each sanctions committees is comprised of the 15 members of the Security Council. Committee Chairs and Vice-Chairs are drawn from the elected 10 members and are appointed by the Council.

The Security Council mandates panels of experts (also called expert panels, groups of experts or monitoring teams) to assist the committees in monitoring sanctions implementation. The UN Secretariat assigns a secretary to each committee, who heads a team that provides substantive and administrative support to the committees and the panels of experts.

Member States are the primary implementers of sanctions, under Article 25 of the UN Charter. Effective sanctions implementation requires the active support and participation of a range of actors including States, international organizations, the private sector, and civil society.

Security Council resolutions applying sanctions contain information on the underlying problems they seek to address; the policy purposes and relevant sanctions provisions and responses; the mandate of the sanctions committee; the mandate and reporting requirements of

the panel of experts; reporting obligations of States; and sanctions exemptions.

Each committee develops guidelines for its work which are published on the UN sanctions web page and ideally, are revised periodically to reflect changes in the sanctions regime. Committees take decisions by consensus.

In designing a sanctions regime, the Council may choose from targeted sanctions options, such as an arms embargo, travel ban, assets freeze or financial restrictions, commodity ban, or restrictions on diplomatic relations, educational services and cultural artifacts. Exemptions to any type of sanctions are subject to approval of the committee on a case-by-case basis or by notification to the committee, as provided by the resolution.

Persons and entities subject to individual targeted sanctions (arms embargo, assets freeze, travel ban, etc.) are designated by the Council or by the respective sanctions committee, and their names and identifying information entered on lists. Criteria for designations under individual targeted sanctions are contained in sanctions resolutions.

The Office of the Ombudsperson was instituted with Resolution 1904 (2009) and the mandate of the Focal Point for Delisting was established by Security Council resolution 1730 (2006).

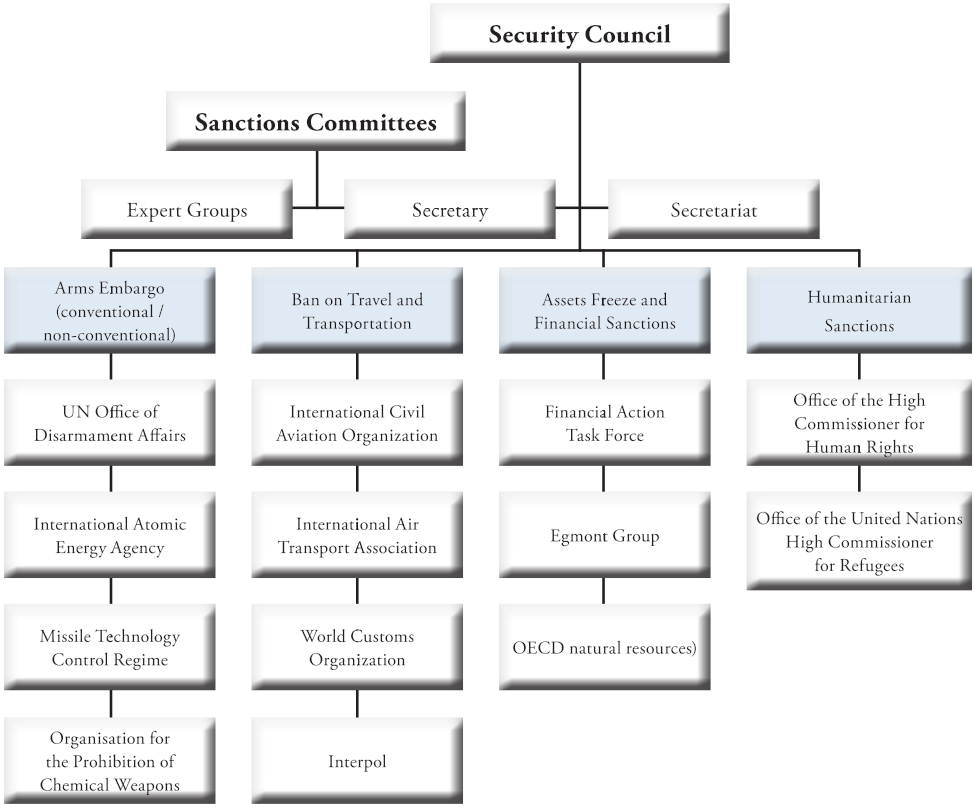
Each committee is assigned a web page with relevant documentation such as Security Council resolutions, committee guidelines, reports of panels of experts, lists of designated persons and entities, annual reports, and Secretariat contacts, on the UN website as follows: https://www.un.org/sc/suborg/en/sanctions/information

Section I

Sanctions Implementation Actors and Roles

This section discusses the roles and interrelationship of key sanctions actors, and how they individually and in concert implement and monitor compliance with sanctions. It also explores the selection, evaluation, reporting obligations, and working practices of UN expert groups, and describes due process mechanisms established by the Security Council.

For sanctions responses to keep pace with the ever-increasing complexities of threats to international peace and security, collaboration and input by technical UN and non-UN organizations are required:



Security Council

To prevent or resolve conflicts or threats to international peace and security, the Security Council may adopt a resolution applying sanctions under Chapter VII of the UN Charter.

Security Council resolutions applying sanctions contain information on the relevant sanctions provisions; the mandate of the sanctions committee; the mandate and reporting requirements of the panel of experts; reporting obligations of States; and sanctions exemptions and exceptions. The relevant resolution forms the basis for the work of the sanctions committee and panel of experts.

Drafting of a resolution that applies sanctions is usually undertaken by the Council member (often, but not always a permanent member) who has the lead on the issue, called the penholder, and in some cases, a co-penholder. As is the case with any Security Council resolution, adoption requires a majority of nine members and no veto by any of the five permanent members.

Sanctions committee

Sanctions committees are the primary sanctions monitoring bodies. Committees are assisted by panels of experts and the UN Secretariat assigns a Secretary to head a team to provide substantive and administrative support to the committee and the panel.

Each sanctions committee is comprised of the 15 members of the Security Council.

Elected Council members both chair committees and serve on committees. Some delegations assign a sanctions coordinator for coherence and for taking account of thematic issues across sanctions regimes.

Committee Chairs are drawn from the elected 10 members and are appointed by the Council. A list of committee Chairs, which is updated annually, can be found here: http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/2

Committee Chairs serve in their personal capacity. In recent years, practice has changed to allow members of the Chair's delegation to act

on his/her behalf in his/her absence. Committee Vice-Chairs serve in the capacity of their delegation.

The Chair's role is to ensure the smooth functioning of the committee through consensus building, outreach to other sanctions actors, liaison with the penholder, facilitating implementation, and visits to the region to discuss issues related to compliance and implementation.

The primary function of a committee is to monitor sanctions compliance and implementation, primarily through the review of reports on sanctions implementation from Member States and the panel of experts, and to take appropriate action; to review and act on requests for exemptions to the sanctions; to review and act on requests for designations or delistings from sanctions lists; to prepare sanctions reviews for the Security Council; and to prepare annual reports of the committee, which are published on the UN sanctions web page.

Each committee develops guidelines for its work which are published on the UN sanctions web page and are ideally revised periodically to reflect changes in the sanctions regime.

Committee Chairs normally designate a representative from the delegation to take charge of the committee's work. The representative works closely with the committee Secretary to draft committee documentation and to circulate documentation to committee members for action or information.

Committees take decisions by consensus. Most decisions are taken by a written no-objection procedure ("NOP"), meaning by email circulation, with a deadline for objection (normally three to five days as stated in the committee guidelines), which is submitted in writing.

Member States

Member States are the primary implementers of sanctions. Under Article 25 of the UN Charter "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

Detailed information on national implementation, monitoring requirements and Implementation Assistance Notices (IANs) may be found in Section III.

Panels of experts

The Security Council mandates panels of experts to assist the committees in monitoring sanctions implementation. Panels (sometimes called expert panels, groups of experts or monitoring teams) consist of a coordinator and members with expertise related to the specific sanctions provisions.

Panel members have the status of UN experts on mission. They are considered to be independent in the sense that they are expected to resist political pressure from any and all sources, and are solely responsible for the conduct of their work and the content of their reports. Panel members, however, are obliged to comply with UN rules and regulations pertaining to experts on mission, including security requirements.

Panels develop a methodology for their work. Information on the methodology and evidentiary standards of panels can be found in the report of the Informal Working Group on General Issues of Sanctions, S/2006/997.

Chairs and members of sanctions committees are responsible for facilitating the work of expert panels. They must protect the independence of the panel, facilitate the execution of its tasks, and ensure adequate speaking time for the panel during committee meetings.

Panels serve as the "eyes and ears" of the sanctions committees, and perform the following tasks within their mandate:

- Report on the effectiveness of the sanctions measures;
- Report on the nature of violators and the identity of those that do not comply;
- Provide assistance that States may require to enhance their compliance with certain sanctions measures;
- Make recommendations to enhance the effectiveness of the sanctions regime.

Sometimes, panel members are also called on to report any unintended consequences of the sanctions regimes on the population and, in particular, on women, girls and children in conflict-affected regions.

Growing support exists for the following enhancement

Chairs and members of sanctions committees should ensure that panels of experts have agreed on appropriate methodologies, and receive the necessary administrative and substantive support to effectively, safely, and in a timely manner, fulfill their mandates, including with regard to duty of care in high-risk environments.

Recruitment and appointment – The Secretariat maintains a roster of experts for the selection of panel members, and several times a year a call for nominations for qualified candidates for membership of the roster is sent to all Member States with information on recruitment timelines, areas of expertise, and pertinent requirements.

The Under-Secretary-General for Political Affairs transmits to the Chair, for the committee members' consideration, a proposal for individuals to serve as experts on the panel. The Chair then circulates the proposal to the committee under a written no-objection procedure. It may happen that committee members object to one or more experts and the Department of Political Affairs then proposes new candidates. Once the slate is approved, the Secretary-General appoints the experts to serve on the panel. Panel of experts' reports for each sanctions regime can be found on the UN sanctions web page.

Panel members are predominantly male, which can affect the effectiveness of their work in areas where they are constrained in interviewing women because of cultural barriers. The Chair and committee members can encourage the Secretariat to present equal numbers of male and female candidates for consideration. Consideration should also be given to equitable regional representation and language requirements.

Recruitment of consultants and interpreters – Chairs and members of the sanctions committee should ensure that the Secretariat provides to panels of experts, if required, short-term support with consultants that

add competence in areas of expertise that the panel requires to complete its mandate. The committee should also insist that panels have adequate assistance of language interpreters when working in the field, particularly where direct communication with victim communities or other individuals is critical to the mandate of the experts.

The recruitment of consultants or interpreters is not subject to approval by the committee.

Coordinator of the panel of experts – The Chair and members of the sanctions committee should establish a productive working relationship with the coordinator of the panel of experts. The coordinator is expected to ensure that sound methodological and evidentiary standards are implemented by all panel members, as well as the work plan agreed by the committee.

The coordinator will set the agenda for the work of the panel, in collaboration with the other panel members. The committee should ensure that the priorities of the panel are aligned with the committee's focus in the implementation of UN sanctions.

Supporting panels of experts with interlocutors – Panels of experts often depend on the personal intervention of the Chair or members of the sanctions committee to persuade governments, companies or representatives of UN organizations to comply with certain sanctions measures. Such support can be critical in situations where repeated requests by panel members for assistance, specific documents or information are ignored.

The involvement of Chairs can take many different forms, such as a personal phone call, a meeting with the Permanent Representative of the delegation in question, a letter approved by the committee, an invitation to answer questions by the committee, a visit to the relevant capital, and the possibility that the Chair might put on the agenda of a committee meeting consideration of designating the resisting actor for targeted sanctions.

Collaboration on preparation of reports – Chairs and members of the sanctions committee have to ensure that panels of experts interact with sanctions-affected States, individuals, companies and other entities as long

as such communications will not encumber the independence and integrity of the experts.

Panel members should establish standard procedures for engaging States in the preparation of their reports, including by discussing the rationale for draft conclusions that affect or name a State in their reports.

Panel members must allow adequate time for such states to provide additional information relevant to a particular conclusion. The concerned State's position should be included in the report.

Reporting obligations of panels of experts – The reporting obligations of panels are set out in the respective resolutions. Most panels are obliged to provide committees with an interim report and a final report. Some panels are also obliged to provide 120-day reports or monthly updates except in the months when reports are due.

Interaction with panels of experts – Chairs and members of the sanctions committee have a unique ability to informally engage with the coordinator and the panel members in informal meetings and visits by raising specific concerns highlighted by committee members. When panel members are in New York, the Secretariat sends invitations to all committee members to bilaterally meet with the panel.

The Chair is usually the first outside the Secretariat who will have an opportunity to review final drafts of reports. He/she may provide constructive comments and suggestions without infringing on the independence of the panel members.

Content and quality of panel reports – The degree to which a Chair and members of the sanctions committee prioritize evidentiary standards, due process practices, or the full application of methodological standards during committee meetings with panels of experts can powerfully enhance the integrity and effectiveness of the UN sanctions system. The more panel members adhere to these norms, the more compelling their work result will be, and the more the sanctions processes will be accepted.

A similar empowering impact of the committees will result from detailed inquiries about the panel's specific monitoring of unintended

consequences of the sanctions on the population and, in particular, on women, girls and children in conflict-affected regions, their methodology in conducting this aspect of their work, the extent to which the panels have achieved agreement, or whether male and female panel members have worked in an egalitarian manner.

Discussion of panel reports – Panel reports are presented to the sanctions committee by the panel of experts at informal committee meetings. Delegations can pose questions to the panel and panel members can further elaborate on the reasons, purposes, and evidence that back up their conclusions and recommendations.

Follow-up on reports (letters, notes verbales, press releases) – The committee determines how to follow up on the findings and recommendations contained in panel reports. Recommendations can be addressed to the Security Council, the sanctions committee, Member States, or other actors. The Secretariat prepares a table of recommendations for each report and the Chair then proposes action for each recommendation. The table and the proposed action are discussed at an informal committee meeting before being circulated for approval under the written no-objection procedure.

Possible follow-up actions include:

- A letter by the Chair on behalf of the committee to Member States, international and regional organizations, or to the heads of Secretariat departments and/or Special Representatives of the Secretary-General (SRSGs) to bring pertinent findings and recommendations contained in the report to their attention and ask for a reply;
- A note verbale addressed to all Member States and observers informing them of the report, and providing a copy;
- Scheduling follow-up meetings with relevant interlocutors to explore the implementation of specific recommendations by the experts, or to obtain additional information from Member States or UN organizations.

Publication of panel reports – After the committee has concluded its review of the panel's report, the Chair refers the report in his/her personal capacity, not requiring the unanimous approval of the members of the committee, to the President of the Security Council.

The report is issued as a Security Council document, publicly released, and accessible on the web page of the respective sanctions committee.

Evaluation of panel members' performance – The Secretariat assesses each expert's performance according to a set of evolving criteria. The result of a performance review is an important aspect in the consideration of whether an individual may be proposed for reappointment on the same or another panel.

The Chair and members of the sanctions committee should periodically request from the Secretariat its expert performance assessment system and underlying criteria, in particular regarding experts' gender competence, experts' internal gender equality practices, and interactions with female interlocutors, civilians and victims in the field.

Confidentiality obligations – As detailed in their contracts, experts are bound by obligations and restrictions of confidentiality. This entails that panel members should only provide information and findings obtained during the performance of their functions to those authorized to receive such information, primarily the sanctions committee and the Secretariat.

Requests for information from States or the media on unpublished reports or evidence that may lead to designations should therefore be answered with a "no comment" only.

The coordinator of the panel is authorized to speak on background to the media on behalf of the expert group concerning matters that are not confidential in nature, i.e., on material contained in published reports, to provide information which will deepen the journalists' general understanding of the subject matter.

Secretariat

The Secretariat, through the Security Council Subsidiary Organs Branch (SCSOB), assists, enables and facilitates the work of the committee members and the Chair, and panel of experts, in all administrative and institutional aspects. The various types of assistance provided by the Secretariat are as follows:

- Direct support through the Secretary of the committee, political affairs officers, and the Focal Point for De-Listing.
- General support through interpretation and logistics services, the Office of Legal Affairs, the Office of the Spokesperson, Archives and Records Management Section (ARMS), and through many other branches and services. The Sanctions Branch has been increasingly providing substantive contributions in the form of research and analytical services to the committee.

Secretary of the committee – The Chair and his/her staff depend heavily on the committee Secretary who is the interface between all sanctions actors (panel of experts, members of the committee, SRSG's and senior officials of peacekeeping missions, and those of other UN bodies and organizations).

The secretaries are knowledgeable advisors in substantive and procedural matters and will assist in drafting all documents the Chair or the committee may need to issue.

Specific interactions – The Secretary assists the Chair and the committee with drafting all necessary documentation related to the work of the committee.

Experienced secretaries and political affairs officers can provide advice on various substantive or procedural questions, and will research briefing material for the committee and Chair, on precedents and practices of committees, sanctions implementation generally, and for specific sanctions regimes.

The Secretary meets with the Chair of a newly established committee or with a newly elected Chair to establish contact and to discuss operational

procedures. Secretaries will support committees and Chairs during all meetings, formal or informal.

They will also accompany them on visits to the region affected by the sanctions measures. Usually they will facilitate, through peacekeeping missions or the office of the SRSG, logistics and substantive support to visits of the Chair and committee members, including arranging meetings with counterparts in governments or civil society.

The Secretary will also facilitate all interactions and meetings with the panel of experts, its coordinator, and any other representative of the UN system or other organizations and with delegations of Member States. He/she will also interact with the Office of Legal Affairs (OLA) to obtain legal opinions on issues that are relevant to the work of the committee.

The Secretariat maintains electronic databases for committee records, Security Council resolutions, panel reports and documents, and many other records and reports.

Responding to inquiries – The Secretary will act as a primary responder to media inquiries, but will refer any sensitive political queries to the Chair or the coordinator of the panel.

The Secretary is the committee's primary responder to any other inquiries, be it from Member States, UN agencies, the private sector, or other entities requiring information related to the implementation of sanctions.

Ombudsperson

The Office of the Ombudsperson was instituted with Resolution 1904 (2009), as an independent and impartial reviewer of requests from individuals, groups, companies, or entities seeking to be removed from the ISIL (Da'esh) and Al-Qaida list of those designated for an assets freeze and travel ban.

Currently, collaboration with the Office of the Ombudsperson concerns only the Chair and members of the sanctions committee on ISIL (Da'esh) and Al-Qaida.

However, many Member States support the proposal to expand the mandate of the Office of the Ombudsperson across all UN sanctions regimes. If that were to occur, all Chairs of sanctions committees would interact with the Ombudsperson.

Protecting the independence of the Ombudsperson is primarily the responsibility of the Secretary-General, who appoints him or her.

Focal Point for De-listing – Security Council resolution 1730 (2006) established a mandate for the Focal Point for De-Listing. The mandate is carried out by a senior official of the Secretariat. All delisting requests by sanctions-affected individuals, companies or entities are processed by the Focal Point, who presents the request with supporting evidence to the relevant committee.

Growing support exists for the following enhancement

As is the case with the Office of the Ombudsperson, many Member States would like to expand the mandate of the Focal Point to considerably strengthen its advisory competence and capacity.

Private sector

In the context of counter-terrorism, non-proliferation and conflict mineral/commodity sanctions, Security Council resolutions mandate expert groups to interact with private sector groups to ensure the effective implementation of sanctions.

Industries that are particularly sensitive to sanctions include financial, transportation, defense manufacturing, and certain extractive companies, including their diverse intermediaries, brokers, agents or legal advisors.

Chairs and sanctions committees have on occasion hosted open briefings that included representatives of key industries; but no systematic approach exists to support Chairs in taking a proactive role.

Growing support exists for the following enhancements

Sanctions committees and expert groups should conduct outreach to relevant companies (perhaps modeled after the Wiesbaden Process) to raise

awareness regarding compliance with dual-use controls, end-use certification, catch-all provisions, and supply chain guidelines.

These interactions should also serve to better understand the private sector's risk factors, data protection and privacy concerns, and factors that may contribute to over-compliance.

Sanctions committees should encourage Member States to enact national legislation, develop regulatory mechanisms, and reach out to relevant manufacturing and `transportation sectors to promote effective implementation of UN sanctions.

Section II
Committee Practices

The following section describes the practices, tasks and obligations of Chairs and members of sanctions committees. It is segregated into distinct themes that reflect the daily work of this principal sanctions monitoring body, describes election and handover procedures, the organization and working methodologies of committees, the types of actions and documents through which the Chairs and committee members implement their mandate, as well as their outreach efforts. Some of these themes are contained in committee guidelines, while others are indicative of committee practice.

Role and election of Chairs and committee members

Sanctions committee Chairs manage the work of the committee, and serve as the principal conduit to the Security Council, Member States, panels of experts and the Secretariat.

Member States elected to serve on the Security Council – often referred to as the elected 10 (E10) – are automatically also appointed to serve as members and chairs of sanctions committees, in collaboration with the five permanent Member States that comprise China, France, the Russian Federation, the United Kingdom and the United States.

The General Assembly schedules the annual election of five non-permanent members of the Security Council, normally in June.

The Chairs and Vice-Chairs of each committee are elected by Security Council members (following informal consultations) and are announced in a Note by the President of the Council, usually before 1 October.

Chairs are elected in their personal capacity; therefore if the permanent representative chairing a committee is replaced in the course of his or her term, the Council must elect a new Chair, normally but not necessarily from the same delegation, to assume the vacated chairmanship. However, according to practice, if a Chair is unable to chair a meeting, another member of his/her delegation may fill in for the Chair.

The chairing of sanctions committees is resource-intense and sometimes burdensome, especially for smaller delegations. Some say that this responsibility should be shared among all 15 Council members.

The process of selecting chairs used to be an intra-permanent five decision, but thanks to the engagement of elected members, the process is now more transparent as it is facilitated by two Council members, of which one is an elected member.

Growing support exists for the following enhancements

The appointment of Chairs of the subsidiary bodies is to be determined by the Security Council in an informal process of consultations, in a balanced, transparent, efficient and inclusive way with the participation of all Council members, as well as the newly elected members in the process.

Chairing of the Security Council subsidiary bodies to be shared among all Security Council members, including the permanent members.

Penholders

The Security Council's informal arrangement that permanent members almost exclusively assume the position of penholder for resolutions and other texts, has been in existence since 2004.

However, an evolution has been underway where in addition to their functions as Chairs and Vice-Chairs of the subsidiary organs, elected members have been increasingly serving as penholders or co-penholders.

Penholders or co-penholders initiate and chair the informal drafting process of resolutions, presidential statements and press statements of the Council.

Penholders or co-penholders should commence the drafting processes as early as possible to allow for an exchange of information and consultations among all Council members in at least one round of informal consultations or informal-informals. Chairs and other elected members are encouraged to reach out to penholders early in the process to convey their perspectives and proposals.

Penholder or co-penholders should provide a reasonably sufficient time for consideration by all Council members when draft resolutions, presidential statements and press statements of the Council are placed under a written no-objection procedure, recognizing that any Council member may request extension of and/or break silence if further consideration is required.

Growing support exists for the following enhancement

Penholders or co-penholders to regularly consult the chairs of the related sanctions committee to benefit from his/her experience with the sanctions regime.

Handover and preparation

Incoming Chairs are assisted by outgoing Chairs in informal meetings with the support of the Secretariat, and with written and oral briefings.

The briefings include documents and background information the outgoing Chair deems pertinent for preparing the incoming Chair, including draft documents under consideration by the sanctions committee.

Incoming members of the Security Council are encouraged to consult as early as possible with outgoing Chairs of the sanctions committees and with panels of experts.

Incoming E10 delegations are invited to observe all meetings and informal consultations of the Council and its subsidiary bodies, as well as obtain all relevant communications of the Council and the sanctions committees, beginning on 1 October, following their election.

The Security Council will not invite newly elected members to private meetings of the Council or to informal consultations where exceptional circumstances exist (for example consultations for the selection and appointment of the Secretary-General).

The newly elected members may be invited to the monthly luncheon with the Secretary-General held in December immediately preceding their term of membership, at the discretion of the President of the Council for that month.

The volume of daily committee documentation is high. During their time as observers, incoming Security Council members should establish internal procedures for handling their chairmanship(s) and written committee documentation. Incoming members should decide what and how committee documentation is shared with their capitals. Some members have a designated sanctions coordinator in capital who is responsible for all sanctions related matters while others take instructions from their UN or legal departments.

Committee documentation is marked as either "for information" or "for action" and during their time as observers, incoming members can familiarize themselves with the types of documentation and practice receiving instructions from capital. Some committee members send a daily sanctions email to capital containing all documentation from all committees in order to make it easier for their Mission and capital to digest the amount of information and to make it clear where instructions are needed and by what date.

Documentation which is sent from the Secretariat to the Chair for approval usually has to be circulated to the committee on the same day, making it difficult to run it by capital. Therefore, most Chairs and their teams have broad authority to approve documentation without prior instructions from capital.

It is also important to establish a good working relationship with the Secretariat team responsible for the committee(s) and to establish a focal point in the Mission for each chairmanship. Incoming members and Chairs should not feel pressured by the Secretariat to make hasty decisions before they have carefully considered the various possible outcomes or

received information relating to past practice. It is after all the Chair who has to create consensus.

In order to identify trends and opportunities to be creative and instances where committee members should be vigilant, it is helpful for committee members to have dedicated sanctions experts in their Council teams. Many issues are cross-cutting and pop up in several committees, and many issues are technical in nature and difficult for political experts to grasp.

Every year, Chairs and committees travel to sanctions-affected countries. Participating in committee trips is very valuable for experts and it is therefore recommended to secure funds for participation in such trips before the start of the Council term.

Growing support exists for the following enhancement

Council members to appoint a sanctions coordinator to coordinate their overall participation in sanctions committees and benefit from cross-cutting issues.

Induction and training

General Security Council induction and training events are held by the Secretariat's Sanctions Branch, Security Council Report and the Finnish government with its annual workshop for the newly elected members of the Security Council, and outgoing and permanent members may offer their own induction programs. However, to date, incoming members have to find independent alternatives in order to obtain comprehensive sanctions-specific induction and technical skills enhancement.

Growing support exists for the following enhancement

Sanctions-specific training for incoming chairs and members should include awareness of the positive and negative potential impacts of sanctions on the population and, in particular, on women, girls, and children in conflict-affected regions.

Committee set up

Upon establishment of a new sanctions regime and a sanctions committee, the Chair and the committee should:

- Ensure that Committee guidelines are drafted and adopted;
- Ensure that, if applicable, individuals are appointed to serve on the panel of experts;
- Circulate a Note Verbale to all Member States, drawing attention to their obligations under the resolution;
- Consider organizing open briefings to inform the international community of the progress of the new sanctions regime.

Committee meetings

Convening meetings – The Chair can convene a committee meeting, both formal and informal, at any time he/she deems necessary, or at the request of a member of the committee. Usually, the Chair has to give at least two working days' notice but shorter notice may be given in urgent situations. The committee can hold a formal meeting to take decisions, or informal consultations to discuss any issue the members decide to address. Most committee meetings are informal.

Provisional agenda – The Chair, in consultation with the Secretariat, proposes a provisional agenda for each meeting and will accept additional items by committee members proposed either prior to the meeting, or at the beginning of the meeting, if submitted under 'Other Matters'.

Agenda items are normally agreed prior to each meeting.

The provisional agenda and all documentation for formal meetings are made available in the six official languages (one extra day for translation must be scheduled).

Interpretation – Chairs should ensure that interpretation services are confirmed prior to announcing a formal meeting, which always requires interpretation services.

Informal meetings do not require interpretation services, except where specifically required as in the case of the 1718 sanctions committee on the DPRK.

The Secretary facilitates interpretation services for meetings of sanctions committees. However, Security Council meetings have priority for such services.

Documentation for meetings – For formal meetings, the Chair should ensure that the Secretariat has allocated adequate time for translation into the six official languages of all primary communications, reports or documentation required under the agenda.

The length of time needed for translation depends upon the number of pages to be translated. A final report of an expert group may typically take from two to five weeks to be translated and printed.

Announcements in the UN Journal – Following adoption of the report of the Informal Working Group on General Issues of Sanctions (S/2006/997), sanctions committees have announced the convening of formal and informal consultations in the UN Journal.

Attendance – Meetings and informal consultations are closed, unless the committee decides otherwise.

In addition to the delegations of Member States, the committee Secretary, the political affairs officer, and the assistant to the Secretary attend the meetings.

With the Chair's permission and explicit invitation, staff members from other UN divisions and departments may also attend.

Panel members may be invited to attend all or portions of formal and informal meetings during which their work and reports are discussed.

Other representatives of States that are non-members of the Security Council, whether accredited or not, may be invited by the chair, in consultation with the committee members.

(Delegations request a UN grounds pass for non-accredited members of their delegations invited to participate in committee meetings).

Quorum – The Chair decides when to begin the consultation/meeting.

While there is no requirement to meet a quorum, the Chair will usually commence a meeting only once the penholder or delegations particularly engaged in the issue are present.

The Chair will seek to facilitate committee decisions by consensus. The consensus practice applies to both procedural and substantive decisions.

Chairing of meetings – The Chair chairs formal meetings and informal consultations but if he/she is unable to chair a meeting, he/she can nominate one of the Vice-Chairs or a representative of his/her delegation. In practice, it is most common for Chairs to nominate a representative of his/her delegation.

Chair's speaking notes – The Secretariat supports the Chair in the preparation of speaking notes and other documentation for meetings, and delivers them in one of the official UN languages or in the national language, provided that the Permanent Mission provides interpretation into English for subsequent interpretation into the official UN languages.

Press releases – In accordance with paragraph 104 of the annex to the Note by the President of the Security Council of 30 August 2017 (S/2017/507), in reference to the working methods of the subsidiary organs, Chairs usually prepare, with the support of the Secretariat, a brief summary of the formal meeting or the informal consultations to be issued via a press release, upon agreement of the text among committee members.

Records of meetings – For formal meetings an official record is prepared by Meetings Services.

Decisions and voting

Sanctions committees take decisions by consensus (except when committee guidelines deviate, as is the case with North Korea sanctions)

including in formal meetings. A decision to accept an issue or a recommendation requires the consensus of committee members present at the formal meeting.

The great majority of decisions are, however, made through a written no-objection procedure. Most communications and decisions are circulated for comments before being put under the no-objection procedure in order to get a sense of where committee members stand on the issue and to facilitate consensus.

Details of sanctions committee decisions are not publicly released.

Because sanctions committees normally take decisions by consensus, unless otherwise stipulated in the committee guidelines, each non-permanent member can exercise voting powers equivalent to a veto. This considerable power can be leveraged to force the Chair to carefully seek consensus on all issues that are up for a decision.

There is support for the following enhancements

Some member states expressed the view that the consensus voting practices of sanctions committees should be reviewed in order to address decisions that can encumber the effectiveness of the committee's work.

Others observed that the confidentiality of committee votes should be reconsidered in order to create more transparency in committee work.

Holds and objections to Committee decisions

When a Chair circulates a proposed decision to all committee members, he/she will request committee members to indicate, in written form, any objection they may have to the proposed decision within a specified time period, usually five working days as per the committee's guidelines. Some guidelines provide for shorter time periods in emergency situations but usually no less than two working days. In exceptional cases, the time period can also be extended. If no objection is received by the end of the specified period, the proposed decision is deemed adopted.

A committee member may request more time during the no-objection procedure to consider the proposal by placing a "hold" on the matter. Holds

can be technical or substantive in nature and although the committee member does not have to give the reason for its hold, it can be helpful for other committee members to know the nature of the hold. Once a hold has been placed, the matter is considered as "pending" and during this period, other committee members may place their own holds. After six months, the pending matter will be deemed approved unless a committee member turns its hold into an objection or requests additional time to consider the proposal and extends the time for consideration, usually by up to three months. These time periods are set out in the committee's guidelines.

A hold placed by a committee member ceases to have effect when its membership of the committee ends and new members are usually informed of all pending matters before their membership begins so that they can decide whether to place their own holds.

If a Chair receives an objection to a proposed decision by a committee member, in writing and with a copy to the Secretariat, it must be circulated to all committee members. Once an objection has been received, the matter is considered "dead" and the Chair will have to decide whether to put forward a new decision or leave the matter be.

If consensus cannot be reached on a particular issue, the Chair should undertake consultations or encourage bilateral exchanges between committee members to facilitate agreement and to ensure the effective functioning of the committee. If consensus still cannot be reached, the guidelines of specific committees set out who has the discretion to submit the matter to the Security Council.

The Secretariat regularly circulates a table of pending matters (so called "holds lists") to each committee which indicates the type of decision (communications, request for guidance, updated committee guidelines, designation proposals, list amendment proposals, panel recommendations etc.), by whom it was submitted or proposed (Chair, Member State, Panel of Experts, etc.) and the committee member(s) placing the hold.

Implementation of Committee decisions

Decisions of the committee are usually drafted by the Secretary in consultation with the Chair, who will also request circulation of the

document for approval of the members under a written no-objection procedure.

Following bilateral consultations between the Chair and one or more members as necessary, or a written no-objection procedure, the document will be finalized.

Committee documentation

The Chair should ensure that confidentiality rules for committee documents are respected by members of the committee and those in the Secretariat assisting the committee. The Secretariat attempts to protect the confidentiality of the most sensitive documents, such as draft panel reports, by watermarking each copy with the name of the addressee.

Types of communications – The following types of committee documents require the Chair's specific action:

NOTE - The Secretariat conveys the committee's Notes with a cover "Note by the Chairman", identifying the document concerned, and setting out whether the document attached is being circulated "for information (no action required)" or "for consideration (for action)" by the members of the committee; or whether it is distributed for "attention and consideration", for example to initiate a potential committee decision through the written no-objection procedure, indicating the date and hour of the no-objection deadline.

A note may also communicate that an attached document:

- Will be discussed at a forthcoming meeting.
- Is accompanied by a draft reply circulated for the approval of the committee members, or for information.

Notes help to standardize committee procedures and serve as the backbone of communications between the Chair, the members, and the Secretariat.

COMM documents (identified with S/AC.__/YEAR/COMM.__) designate incoming communications to the committee, usually from

governments, international organizations or panels of experts. They require no special action by the Chair.

OC documents (identified with symbol: S/AC.__/YEAR/OC.__) identify outgoing communications from the Chair (via the Secretariat) to any addressee under the "OC" symbol. Unless the Chair is dispatching a simple letter of acknowledgement, the text of the OC is usually approved in advance by the committee under the written no-objection procedure.

CRP documents (identified with S/AC.__/YEAR/CRP.__) signify conference room papers, such as evolving versions of draft guidelines. They require no special action by the Chair.

INF documents (identified with S/AC.__/YEAR/INF.__) are for the Chair (or the Secretariat) to send notes to transmit published material to committee members, for their information or action.

Note verbale documents (identified with SCA/__/YEAR (__)) convey official communications from the Chair of a committee to all Member States and observers of the United Nations issued in either English, French or Spanish as per the preference of the recipient. A template provided by the Correspondence Unit of DGACM is used for all note verbale communications.

Press releases are disseminated with symbol: SC/_____ and are used to communicate with Member States, observers, international organizations and/or the general public, typically in the working languages, English and French. Press releases will be posted on the sanctions committee webpage, as well as on the UN's Meetings Coverage and Press Releases website. Press releases are usually approved by the relevant sanctions committee.

Affixes are used with existing symbols (for example) S/AC.__/YEAR/NOTE.__/Rev.1) whenever an addition, revision or correction to a previous communication is circulated. Such supplementary communications are disseminated under the symbol of the original, but with the appropriate

designation, Add./Rev./Corr. These documents require no special action by the Chair.

Growing support exists for the following enhancements

Members should intensify their efforts to publicize decisions and other relevant information through increased correspondence, improved websites, outreach activities and other means.

Members should review periodically policies concerning access to committee documents.

Preparation of documents

Sanctions review – Periodically, a Chair will make a statement to the Security Council, prepared in consultation with the Secretary, following a sanctions committee meeting.

Where the committee is supported by an expert group, the statement will focus on the expert group's report and the recommendations.

The Chair's draft statement to the Council is circulated to committee members, either for informational purposes and comments only, or in some cases, for their adoption.

Committee and Chair's reports to the Security Council – The Chair is required to provide periodic reports to the Security Council as mandated in sanctions resolutions.

Such reports are usually required in connection with presenting an expert group's report, the work of the committee, sanctions reviews, or any other reporting as necessary and agreed by the committee.

The Chair is also required to present the sanctions committee's annual report to the Security Council.

These reports are typically prepared by the Secretariat, in consultation with the Chair's representative and requires approval of the members.

Press releases and briefings to the press – The Chair may, with the approval of the committee, periodically provide information to the public,

issue a press release or give a press briefing. He/she would normally share the talking points with the committee members in advance.

Processing documentation

Implementation reports from Member States – Sanctions resolutions require Member States to report their implementation efforts to the relevant sanctions committee. These reports are initially circulated to the members of the committee. Unless a Member State requests that its report be kept confidential, the reports are translated into the six official languages and published on the sanctions committee webpage. These reports require no action by the Chair.

Annual reports of committees – The Note by the President of the Council (S/1995/234) requires sanctions committees to summarize their activities in an annual report to the Council. The report, which is usually approved under a written no-objection procedure, is submitted by the Chair to the President of the Security Council, preferably before the Chair's mandate expires.

Expert group reports – Expert group reports are conveyed to the committee through a transmittal letter signed by the experts of a particular group, and are addressed to the committee Chair.

Expert group reports are to remain confidential until they are referred by the Chair in his personal capacity to the Security Council, without requiring unanimous consent by the committee members.

Chairs are to ensure that the scheduling of formal or informal meetings to discuss the expert reports, vote or initiate a written no-objection procedure on their recommendations, allows adequate time for text editing by the Secretariat, translation into six official languages, and printing.

There appears to be a discrepancy of views among Member States regarding whether all experts of a group have to sign their report, or whether an expert's withholding his or her signature may invalidate the report.

Joint meetings

Joint meetings of sanctions committees – Chairs of sanctions committees may decide to hold joint meetings or joint briefings, as long as the members of the concerned committees agree.

During these meetings no vote on specific issues will be scheduled. They are intended for the exchange of information, or in the case of joint public briefings, to interactively inform other Member States.

If committees and their chairs decide to hold formal or informal joint meetings, the Chair must ensure that their respective committees have agreed on procedures on an ad hoc basis prior to the meeting.

The Chair should also ensure that documentation for joint meetings, such as Chair's notes, the meeting's provisional agenda or documents for discussion, can be issued jointly, referencing the involved subsidiary organs.

Furthermore, for a formal joint meeting, the Chair should ensure that adequate time is scheduled for all requisite documents to be translated in the six official languages.

Growing support exists for the following enhancements

Chairs of sanctions committees with similar themes and geographical scope are encouraged to meet regularly to discuss common concerns, best practices and ways to improve mutual cooperation.

Chairs of sanctions committees with similar themes (non-proliferation, counter-terrorism) or geographical scope (West Africa, Horn of Africa) should organise regular joint meetings, including in the regions, to promote an understanding of similar issues and challenges.

Outreach

Outreach by Chairs and sanctions committees serve to better inform and engage non-Council Member States and other sanctions stakeholders. The means to organize such meetings and the interlocutors typically engaged with outreach efforts are:

- Open, substantive and interactive briefings for all Member States;
- Sanctions-affected States and regions through meetings in New York or as part of visits to the region;
- UN agencies;
- Regional and subregional organizations (AU, EU, LAS, OAS, ECOWAS, IGAD, SADC);
- Representatives of the private sector;
- Representatives of civil society and non-governmental organizations.

Chair's visits

As per committee guidelines, Chairs and committee members may consider visiting selected countries to enhance sanctions implementation.

As the Secretariat's travel budget for Chairs is limited, it is important for Chairs to contact the Secretariat early to discuss the availability of funds. The Secretariat covers the expenses for the Chair but not for other members of his/her delegation or other committee members. It is common for committee members to participate through their embassies in the region or to send a representative from capital.

The Secretariat usually requests at least six weeks' notice to prepare a trip and will provide the Chair with a draft timeline for the organization of the trip. Some factors to keep in mind when selecting dates are public holidays and other possible high-level visits.

Before circulating draft terms of reference (ToR) for the trip to the committee under a no-objection procedure, the Chair usually consults with committee members to discuss the broad outlines, participation and timing. Once the time frame and locations to be visited have been tentatively decided upon, the Secretariat will consult with and seek guidance from the Department of Safety and Security, the Department of Peacekeeping Operations and the relevant peacekeeping mission.

The next step is most often for the Chair to contact the Permanent Mission(s) of the country/countries the committee intends to visit and send letters seeking their prior consent and explaining the objectives of the trip.

The draft ToR for the visit normally lays out the general objective, timing, participation, locations to be visited, the parties which the committee wishes to meet with, etc. The ToR usually also specifies whether the Chair should report to the committee, orally and/or in writing, upon returning to New York on the observations and findings of the visit.

The Chair and others participating in the visit will most often need visas, medical clearances and vaccinations and the Secretariat assists with these matters.

Before leaving for the visit, the Department of Safety and Security briefs the participants and the Chair receives a briefing package from the Secretariat containing the ToR, schedule, contacts, maps, relevant resolutions, speaking points, curricula vitae, etc.

If specified in the ToR, the Chair reports to the committee after the trip. In his/her report, the Chair can make recommendations and these are discussed by the committee when the report is presented at a committee meeting.

Growing support exists for the following enhancements

All sanctions committees should present their reports to the Council during a public session, and publicize the time and place of such briefings in the Journal of the United Nations.

The planning of a mission to sanctions-affected States and regions should commence as early as practicable and in a transparent, efficient and inclusive manner and where appropriate, should consider joint missions, possibly with the Peace and Security Council of the African Union to conflict situations in Africa.

Briefings of the Security Council on the mission should take place as early as possible and preferably within one month after the return of the mission, orally and/or with a written report which should be issued as a document of the Security Council.

During the mission, members should meet not only with interlocutors of governments, conflict parties, and UN organizations, but also with local civil society leaders, non-governmental organizations, and other interested parties.

Criteria for the terms of references for Chair and committee visits to countries and regions affected by sanctions should include, among others:

Review of national laws and regulations, as well as their implementing government agencies tasked with safeguarding the welfare of the general population,and women, girls and children in conflict-affected regions;

Reviews of the performance of UN field organizations in monitoring and protecting the general population, and women, girls and children in conflict-affected regions, as well as reporting failures;

Reviews of the performance of UN expert groups in monitoring and reporting gender violence, unintended gender consequences of sanctions, and their monitoring criteria;

Visits and interviews, in protected UN spaces and with adequate language interpretation, of vulnerable women, girls, and children to obtain a first-hand account about the performance of the UN sanctions system;

Follow-up investigations of reported incidences where the UN sanctions system has failed individuals, communities, and women, girls or children.

Standardizing sanctions terms

Currently, no standardized glossary of frequently used sanctions terms exists. Eventually a glossary of relevant terms and definitions that is currently under preparation will be annexed to the updated Guide.

Section III

Sanctions Implementation and Monitoring

The following section explains the various sanctions measures, implementation and monitoring practices. Dividing sanctions measures into embargoes and bans, infrastructure and other restrictions, this section elaborates specific implementation and compliance obligations for states, and by extension, for the private sector. Finally, states' reporting obligations are elaborated for each sanctions regime.

Sanctions currently in effect – The United Nations currently applies sanctions on the following conflicts and risk actors (regimes listed in chronological order of their adoption):

Somalia	Libya
ISIL (Da'esh)/ Al Qaeda	Taliban
Iraq	Guinea-Bissau
Democractic Republic of the Congo	Central African Republic
Sudan (Darfur)	Yemen
Lebanon (Hariri assassination)	South Sudan
DPRK (North Korea)	Mali

Residual Iran regime - In addition, the former Iran sanctions were terminated in 2015 with resolution 2231, but residual measures continue to be enforced in accordance with the Joint Comprehensive Plan of Action (JCPOA). The United States' withdrawal from the agreement in May 2018 has not changed existing obligations under resolution 2231.

To maximize sanctions against each of these conflicts and their risk actors, individual combinations of embargoes, restrictions and blockages are applied.

Legal obligations – Implementation of UN sanctions adopted under Chapter VII of the UN Charter is an obligation under international law. UN sanctions are the only sanctions that enjoy global preeminence and the laws and regulations of Member States must allow for full implementation and enforcement of all UN sanctions.

Consequences of UN sanctions violations – While the consequences of UN sanctions violations result primarily in designation for individual targeted sanctions in the form of temporary blocking of assets or personal travel privileges, severe reputational costs and the possibility of state prosecution under national statutes can contribute additional financial impacts.

Prerequisite national constitutional, legal and regulatory instruments – In principle, UN sanctions adopted under Chapter VII of the UN Charter are enforceable as any other international law and require no other national, regional or international laws, conventions, or customary rules. However, most States have a number of prerequisite constitutional, legal or regulatory instruments to enable their national authorities to implement UN sanctions. In the past, some efforts were made to sketch out what may be considered best practices that a State government might follow.

Both the Interlaken and the Bonn-Berlin Processes pointed out that there are two legal frameworks through which States can implement UN sanctions. The experts of the Bonn-Berlin Process referred to "two basic models of national laws to implement arms embargoes. One builds upon special UN laws. Under such laws, UN sanctions immediately become national law".

The other legal approach builds upon national arms export laws. Under such laws, all exports of weapons and regulated types of dual-use goods need to be licensed. The moment the Security Council decides to implement an arms embargo, Member States can stop issuing licenses to the targeted country and revoke existing licenses, if necessary.

Most States adopt, however, specific rules and regulations to empower their trade and border control authorities, and financial regulators. These instruments can also be supportive of national sanctions implementation.

Categories of UN sanctions

Embargoes and bans	**Infrastructure restrictions**	**Restrictions on diplomatic and cultural activities**
Conventional arms and dual-use items Weapons of mass destruction, proliferation-relevant dual-use items and catch-all provisions Commodities Luxury goods Human trafficking and coercive employment	Assets freeze Denial of financial services Travel ban Restrictions on maritime, aviation, and land transportation	Restricting diplomatic privileges Restricting sports activities Restricting educational services Restricting trade in cultural goods

Sanctions-supporting international instruments and guidance – International peace and security related issues are not always resolved by sanctions, but by processes rooted in other international legal instruments. Nevertheless, many of these conventions, laws or arrangements may

contain sanctions-relevant guidance. For example Article 6 of the Arms Trade Treaty that came into force on 24 December 2014 directly addresses sanctions-specific prohibitions.

Similar sector-specific guidance can be obtained here – On dual-use military items: The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

On nonproliferation of nuclear weapons: Nuclear Non-proliferation Treaty (NPT)

On nonproliferation of ballistic missiles: Missile Technology Control Regime (MTCR)

On nonproliferation of chemical weapons: Chemical Weapon Convention

On nonproliferation of biological weapons: Biological Weapon Convention

On prevention of illegal trade in wildlife and wildlife products: Control of Endangered Species

On regulations of maritime traffic: IMO, Convention on Facilitation of International Maritime Traffic

On container transport security: Container Security Initiative

On international aviation security: ICAO, FAL Convention (Annex 9 of Chicago Convention)

On financial integrity and anti-money laundering: Financial Actions Task Force's 40 Recommendations.

Embargoes and bans

General observations – Clearly, risk-actors such as terrorists, proliferators of WMD, militias and violators of human rights should not gain access to arms, ammunition, mercenaries, dual-use material, commodities of which sale proceeds can be traded against weapons, or coercive employment and human trafficking.

Implementing prohibitions against the trade in arms is very different from restricting commerce in commodities and natural or animal products, luxury goods, or employing certain groups of individuals. Many State governments and the international community tightly regulate and control the manufacturing, brokering, export and import, as well as the transport, of any defense equipment. That is not the case with commodities, consumer goods, or the employment of individuals, in which cases the free flow across international borders tends to be encouraged and facilitated by most States.

Currently, Chairs and sanctions committees facilitate arms embargoes with the use of harmonized system codes (HSC) across all sanctions regimes, and expert panel reporting.

Implementing an embargo against conventional arms

General observations – Governments are required to implement a UN arms embargo as a temporary restriction to prevent certain belligerents from obtaining offensive or defensive equipment. It is the prerogative of the sanctions committee to target with individual sanctions any belligerent (individual, company or entity) violating the arms embargo.

Two-way arms embargo – Countries with a viable defense industry that export arms may be the subject of an embargo against the importation and exportation of arms. Currently, a dual arms embargo applies to North Korea and Libya.

What is covered by the embargo? – UN sanctions resolutions offer traditionally incomplete and imprecise information about what falls under an embargo. Typical wording merely refers to "arms and related materiel of all types" that is meant to include:.

- Weapons and ammunition;
- Military vehicles and equipment;
- Paramilitary equipment;
- Spare parts for the aforementioned;

- Technical assistance, training, financial or other assistance related to military activities or their provision;
- Maintenance or use of any arms and related materiel;
- The provision of armed mercenary personnel.

For the UN sanctions on North Korea a list of conventional arms-related items, materiels, equipment, goods and technology under S/2017/829 was adopted.

Within the UN system, there is no singular document that provides clear technical definitions for what is included under the terms "arms" or "weapons". But the United Nations Office for Disarmament Affairs maintains under the UN Register of Conventional Arms an annual voluntary reporting mechanism for Member States who wish to disclose their arms transfers. To facilitate their reporting, the UN registers information according to these seven categories: battle tanks, armored combat vehicles, large-caliber systems, combat aircraft/vehicles, helicopters, warships, missiles, and small arms. Other voluntary, but more detailed reporting systems are maintained by the Stockholm International Peace Research Institute.

In contrast, regional organization or national definition lists such as the EU Common Military List or the US Munitions List, offer much more refined technical characteristics.

Dual-use items – A meaningful restriction of the supply of conventional arms would be ineffective if it were not to include materials that may be used for both military and civilian purposes. Many civilian goods can be modified easily for military purposes. Typical examples include the conversion of 4x4 and all-terrain trucks into "technicals," civilian airplanes or boats with expanded fuel tanks or loading docks, and sometimes further militarized with protective armament and machine guns.

Many more goods and spare parts have dual usage potential. Cell- and satellite phones, computing equipment along with encryption or distributed

ledger technologies (blockchain), as well as tires for automobiles, trucks, lorries, or airplanes, are all frequently sourced from civilian stocks for combat use.

Sanctions resolutions usually contain little or no descriptive language for implementation guidance. The Wassenaar Arrangement's List of Dual-Use Goods and Technologies and Munitions List are compiled on behalf of approximately 40 supporting industrialized democracies.

The sanctions committee on the DPRK, with S/2017/760, adopted a list of dual-use items relevant to conventional arms pursuant to paragraph 5 of resolution 2371 (2017) as well as a ban on the transfer of new helicopters, and new or used vessels.

Exemptions to conventional arms embargoes – Well-timed exemptions to an arms embargo help to maximize the coercive and corrective effects of sanctions, or grant access to non-lethal arms and personal protection equipment to aid providers, peacekeepers, police and other public security organizations, media organizations or non-governmental organizations.

Once parties to a conflict agree to participate in a peaceful transition until national elections can be held, the Security Council may exempt, for example, the import of non-lethal equipment and related supplies to police forces, along with technical assistance and training.

During more advanced phases of conflict resolution, usually after an elected government is permitted to rebuild its armed forces, the supply, sale or transfer of light weapons or all types of arms and related materiel may be exempted. Normally, the relevant sanctions committee will consent only if such supplies are supported with advice and training from a recognized institution, as well as a transparent and orderly accounting of orders, stockpiles, and distribution to field troops.

Suppliers are required to follow the notification requirements of the relevant sanctions committee, which typically include information about:

- Precise nature and quantity of all items or services for which an exemption is sought;
- Chain of custody for the items or the services during the time period in which they will be used in the embargo zone;

- Authority and mandate under which these units are deployed in the embargo region;
- Entity responsible for the transport of the exempted items;
- Port of entry.

Exemptions benefiting legitimate government forces and national security organizations are always contingent on the supplier of the arms notifying the sanctions committee about specific shipments.

The arms embargo on Somalia permits the presence of arms and related materiel on board ships entering into Somali ports for temporary visits, or transiting Somali territorial waters, as long as they are on board for defensive purposes, and remain on board for the duration of the stay in Somalia.

Residual embargo obligations under the Joint Comprehensive Plan of Action with Iran – Despite the termination of the 1737 sanctions regime, Iran continues to be subject to restrictions, consistent with the Joint Comprehensive Plan of Action (JCPOA). The agreement remains in force, notwithstanding the United States' withdrawal in April 2018.

Residual arms embargo obligations will remain in force until the International Atomic Energy Agency submits a report confirming the Broader Conclusion – that Iran has complied with all conditions of the JCPOA.

By providing advance notification on a case-by-case basis to the Facilitator of the Security Council, States may participate in and permit:

- The supply, sale or transfer to Iran of battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, and missiles or missile systems, including related materiel or spare parts;
- The provision to Iran of technical training, financial resources, transfers, services, advice, and other services or assistance related to the transfer, manufacture and maintenance of the above-permitted items.

Except otherwise permitted in advance on a case-by-case basis by the Security Council, all States are to take the necessary measures to prevent the supply, sale, or transfer of arms or related materiel from Iran.

Implementation obligations of a State under an embargo on conventional arms – UN arms embargo resolutions stipulate that Member States must:

- Take the necessary measures to prevent the direct or indirect supply, sale or transfer of arms to a State, territory, or entity such as a designated terrorist organization;
- Prevent arms from being transported through or from the implementing State's territories;
- Prevent arms from being transported by the implementing State's nationals or prevent them from using its flag vessels or aircraft.

When a Member State has identified a violation of an arms embargo, the State is authorized to seize and register the arms. If legitimate military and security forces exist in the State on which an arms embargo is applied, the resolution may authorize the transfer of the arms to these authorities. Otherwise, the resolution can instruct States to destroy or otherwise render inoperable, or store, or transfer to another State for disposal, any weapons that were seized.

With the introduction of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, called the International Tracing Instrument, adopted in 2005, a number of measures are frequently added to arms embargoes. They may include capacity-building support measures to enable a target State to:

- Develop its national system for marking small arms and light weapons;
- Mark all small arms and light weapons;
- Develop a national record-keeping system for all marked small arms and light weapons, as well as for imports and exports;

- Cooperate with other States, international organizations, and the United Nations, in international efforts to trace small arms and light weapons;
- Issue international tracing requests.

Implementing an embargo against weapons of mass destruction (WMD)

General observations – Currently, the UN applies nonproliferation sanctions to North Korea (DPRK), while residual measures under resolution 2231 (Iran) continue to be in force. The implementation of the Iran regime is no longer monitored by a sanctions committee and therefore technically, it is no longer a sanctions regime.

Two-way embargo – The DPRK nonproliferation measures include a two-way embargo, prohibiting both the import to and export from North Korea of any components that could have applications for developing or maintaining an arsenal of weapons of mass destruction.

What falls under the embargo? – Nonproliferation sanctions offer far more specific technical definitions about restricted goods, components or technologies with lists compiled by groups of interested States and endorsed by the Security Council.

The UN adopts non-proliferation lists that are based on those being developed and reviewed periodically by international groups of interested States. The following table shows the authors and the UN-endorsed lists:

List of weapons of mass destruction-related items, materiel, equipment, goods, and technology - S/2017/728

List of the Missile Technology Control Regime - S/2015/546

Author	List
Nuclear Suppliers Group (NSG)	Guidelines for Nuclear Transfers (INFCIR/254/Rev.13/Part 1)
Missile Technology Control Regime (MTCR)	Guidelines for Sensitive Missile-Relevant Transfers
Missile Technology Control Regime (MTCR)	MTCR Annex Handbook
The Australia Group	Chemical Weapons Precursors
The Australia Group	Control List of Dual-use Biological Equipment and Related Technology and Software
The Australia Group	List of Human and Animal Pathogens and Toxins for Export Control
The Australia Group	List of Plant Pathogens for Export Control

Dual-use items – The UN list designating dual-use items applicable to WMD are also extracts from the lists of external groups.

Dual-use items, materiel, equipment, goods and technology related to WMD- S/2017/822

Nuclear Suppliers Group	Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and related Technology (INFCIR/254/Rev. 10/ Part 2)
Australia Group	Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology

What are Catch-All Provisions? – In addition to clearly identified defense and proliferation equipment, any other item, regardless how innocuous it might appear to be, can be subject to an embargo.

Any item falls under the Catch-All Provisions if it could contribute to:

- North Korea's military capacity;
- North Korea's WMD development including nuclear, biological and chemical components;
- North Korea's ballistic missile development;

An item does not fall under the Catch-All Provisions provided that:

- It is food, medicine, or otherwise used exclusively for humanitarian or livelihood purposes;
- The sanctions committee has decided that its supply, sale, or transfer would not undermine the objectives of UN sanctions resolutions.

Implementation obligations under the residual Iran regime – Consistent with the Joint Comprehensive Plan of Action (JCPOA), resolution 2231 stipulates that until the IAEA submits a report confirming the Broader Conclusion—that Iran has complied with all conditions of the JCPOA—Iran remains subject to restrictive measures that are synchronized by the Security Council with the winding down of the nuclear weapons infrastructure.

The disbanding is monitored by IAEA inspectors, while a facilitator and the Procurement Working Group of the Joint Commission will regulate through the "procurement channel" the transfer of permissible items, materials, equipment, goods and technology required for Iran's peaceful use of nuclear energy.

Member States have the obligation to submit to the Security Council any dealings with Iran that may fall under the JCPOA, and are also encouraged to engage economically with Iran.

The specific conditions that all Member States must observe are categorized into transfers of items regarding nuclear technologies and ballistic missile technologies, and conventional arms.

Permitted nuclear technologies – States may, after obtaining approval in advance from the Security Council, on a case-by-case basis:

- Supply, sell or transfer to Iran all proliferation items, materiel, equipment, goods and technology as well as the related list of dual-use goods set out in S/2017/728 and S/2017/822; any further items that a State wishes to contribute to reprocessing (for example to facilitate the production of medical and industrial radio-isotopes from irradiated enriched uranium targets); enrichment-related or heavy water-related activities (for the modernized Arak research reactor, medical research, the production of deuterate solutions and chemical compounds) that are inconsistent with the JCPOA;
- Provide to Iran technical assistance, training, financial transfers and assistance, investment, brokering, or other services required for the above-described imports into Iran;
- Allow Iran and its individuals and entities the acquisition of interests in uranium mining or production or use of nuclear materials and technology as defined in S/2017/728.

Exempt from above permit-contingent trade, is equipment that is referred to in S/2017/728 under:

- Section B.1 (equipment for light water reactors);
- Section A.1.2 (low-enriched uranium when it is incorporated in assembled nuclear fuel elements for such reactors);
- Items, materials, equipment, goods, and technology set out in INFCIRC/254/Rev.10/Part 2 only for exclusive use in light water reactors.

Permitted ballistic missile technologies – States may, if approved in advance on a case-by-case basis by the Security Council, participate in and permit:

- The supply, sale or transfer to Iran or Iranians of all items designated under the Missile Technology Control Regime list, S/2015/546;
- The provision to Iran of technology, technical assistance or training, financial transfers and assistance, investment, brokering or other services, including the acquisition by Iranians of commercial activities that involve the supply, sale, transfer, manufacture, or use of above-referenced categories of items.

Delivery of such items is contigent upon:

- Appropriate end-use certification;
- Iran's commitment not to use such items to develop nuclear weapon delivery systems.

What are non-proliferation sanctions implementation obligations that States must observe? – All Member States are required to prevent:

- Proliferation-relevant items designated as prohibited from entering the DPRK;
- Any item that may fall under the "Catch-All Provisions" from entering the DPRK;
- Any individual, company or entity already designated under the 1718 (DPRK) sanctions regime from benefiting from, originating or facilitating the transfer of any item;
- Nuclear and ballistic missile technology related items not pre-approved by the Security Council on a case-by-case basis to enter Iran.

Regardless of whether pre-approval is required; States should adhere to due diligence practices, such as:

- Following the guidelines described in S/2017/728 and S/2017/822 (DPRK);
- Verifying end-use and end-use location;
- Complying with notification requirements to the Security Council and, where applicable, to the IAEA (within ten days of the supply, sale or transfer);
- Obtaining a guarantee that Iran will not use the permitted items towards building nuclear weapon delivery systems.

Implementing commodity embargoes

General observations – Banning the export from or import to targeted States or regions of raw materials undercuts the strategic value of extraction sites, and economic benefits to belligerents and their commercial associates.

The problem commodity bans have to overcome is that a raw material's origin from a State or region under sanctions is not inherently visible. Negative actors trading in conflict commodities tend to mask their origin with false customs declarations usually combined with trans-shipment through third States.

In response to these challenges, specified due diligence practices are combined with certification systems and disclosure requirements to ensure any conflict-promoting origin, owners or buyers can be discovered.

What falls under the embargo? – Currently the Security Council has applied the following restrictions on trade in commodities:

Target	Restricted commodities
Somalia	Export of charcoal.
North Korea (DPRK)	Provision of fuel for bunkering services. Export of coal, iron, iron ore, gold, titanium ore, vanadium ore, copper, nickel, silver, zinc, rare earth minerals, lead, lead ore, food, agricultural products, earth, stone, magnesite, magnesia, wood, seafood (including fish, crustaceans, mollusks and other aquatic invertebrates in all forms), textiles (including but not limited to fabrics and partially or completed apparel products). Import of iron, steel, other metals, condensates, natural gas liquids, refined petroleum products (in excess of the aggregate amount of 500,000 barrels during periods of 12 months beginning on 1 January 2018), crude oil (that exceeds the aggregate amounts of 4 million barrels or 525,000 tons per 12-month period from 22 December 2017, plus a reporting obligation to the sanctions committee), aviation fuel, jet fuel, and rocket fuel.
Libya	Provision of fuel and supplies as part of bunkering services; export of petroleum, crude oil, refined petroleum without obtaining direction from the Government of Libya's focal point.

Central African Republic	In listing designations, the sanctions committee is required to take into account whether individuals or entities are involved with or benefit from the illicit exploitation or trade of natural resources, including diamonds, gold, and wildlife, as well as wildlife products.
Democratic Republic of Congo	In listing designations, the sanctions committee is required to take into account whether individuals or entities are involved with or benefit from the illicit exploitation or trade of natural resources, including gold or wildlife, as well as wildlife products. In listing designations, the sanctions committee is required to take into account whether individuals or entities are practicing the recommended due diligence procedures to prevent trade in conflict minerals.
Mali	In listing designations, the sanctions committee is required to take into account whether individuals or entities are involved with, or benefit from, the production and trafficking of narcotic drugs and their precursors.
North Korea (DPRK)	Selling fishing rights.

What are a State's or a company's implementation obligations under UN commodity restrictions? – Member States, companies or individuals must prevent the acquisition, sometimes also the delivery, of specified commodities from or to the target country, entity or individuals.

The sanctions committee on the DRC has the most experience in developing due diligence practices for the implementation of UN commodity sanctions. Because their recommendations were developed

between 2010-2011 in response to unique conditions in the DRC, they have little validity for other sanctions.

In practice, trading actors are left with no choice but to maximize their due diligence prior to entering into a commodity transaction. It should include careful analysis of customs declarations, invoices and any other documentation in addition to conducting background checks, and in some cases, may require on-site inspections of refineries and other processing plants, as well as the actual extraction site. The reliance on auditing companies may be part of the due diligence solution as long as the selection of such external verification is itself verified.

Implementing the luxury goods embargo

General observations – Luxury sanctions have so far been applied only to North Korea and with remarkably little specific guidance in regards to what constitutes a "luxury". Leaving interpretive latitude to Member States has added a strong element of unpredictability for North Korean buyers which is part of the desired effect.

What falls under the embargo? – Noting the intended unpredictability of luxury goods sanctions, the North Korea sanctions committee has nevertheless released guidance about some items that have been widely recognized to meet luxury characteristics:

- Jewelry with pearls, gems, precious and semi-precious stones (including diamonds, sapphires, rubies, and emeralds), jewelry of precious metal or of metal clad with precious metal;
- Transportation items such as yachts, luxury automobiles, and motor vehicles including station wagons and racing cars;
- Luxury watches: wrist, pocket, and any other with a case of precious metal, or of metal clad with precious metal;
- Items of lead crystal;
- Recreational sports equipment;
- Rugs and tapestries (valued greater than USD 500.00);

- Tableware made of porcelain or bone china (valued greater than $100).

What are a State's or a company's implementation obligations under the luxury sanctions? – Because of the opacity of luxury sanctions, States must first define what they consider a luxury item. Subsequently, the government must determine who among its manufacturers, wholesalers, brokers and retailers actually meets this definition and therefore should be informed about the restrictions concerning North Korea.

The effective enforcement of a State's national luxury ban must now be implemented through its export control regimes in collaboration with border control agencies and transportation industries.

A more challenging task is the monitoring of likely trans-shipments. Senders of luxury goods who identify a legitimate receiver in a third country may knowingly or unknowingly participate in a circumvention attempt, perhaps using smugglers that operate from the third country.

Member States are required to report violations of the luxury goods ban, regardless of whether their authorities have successfully prevented it or not.

Owing to the special nature of these measures, States are encouraged to periodically review the sanctions committee website that publishes publishes States implementation reports, including those on the luxury ban.

Implementing sanctions against human trafficking and employment

General observations – Concerns over how to confront the kidnapping or enslavement of civilians, in particular child soldiers, are as old as the UN sanctions system. In recent years however, an increase in kidnappings and the enslavement of women and girls by ISIL terrorists, human trafficking in Libya, and the North Korean government's export of laborers, has caused the Security Council to issue specific sanctions against these activities.

What is covered by the ban? – Sanctions, measures, and practices intended to address the involuntary movement or employment of individuals vary

widely. There is a general prohibition against hiring North Koreans abroad, their work authorizations must be revoked and Member States must repatriate workers, along with North Korean consular or diplomatic staff assigned to oversee such workers.

On the other hand, no specific ban on human trafficking has been added to many other sanctions that nevertheless target these crimes. Counter-terrorism sanctions are applied against members of the Islamic State in Iraq and the Levant (ISIL/Da'esh), Boko Haram, Al-Shabaab, and the Lord's Resistance Army (LRA) who have kidnapped and enslaved persons, often for purposes of sexual slavery, exploitation, and forced labor. Human traffickers and smugglers of migrants, responsible for kidnapping, enslaving, brutalizing or extorting migrants, are also subject to targeted sanctions measures under Libya and Mali sanctions regimes.

Similarly, sanctions on the Democratic Republic of the Congo, the Central African Republic, and Mali, authorize the targeting of any leaders of armed groups who recruit children for combat, or prevent such children from returning to their families.

What are implementation obligations of a State in regards to sanctions against human trafficking and employment? – Member States are prohibited from extending work authorizations to North Koreans, and any identified individuals must be repatriated, together with their overseers operating from the diplomatic missions of the DPRK.

Repatriation must occur within a 24-month period, beginning from the date when this measure became operative on 22 December 2017, and States must report their implementation actions.

Infrastructure restrictions

General observations – Restrictions such as assets freezes, individual travel bans, or curbing the use of maritime-, aviation-, and land-transportation infrastructures help to amplify the embargoes, but also serve as purposeful and powerful tools of coercion.

Their effective implementation very strongly depends on the collaboration of the private sector. Member States must have the capacity

to define specific implementation requirements and enforce them. While Security Council sanctions resolutions provide some guidance, they rarely offer sufficiently detailed and pragmatic information to State governments.

Setting up a financial industry supervisory system adequate for the enforcement of assets freezes, or an equivalent mechanism for a travel ban, requires intense public-private collaboration on a range of detailed issues.

Assets freeze

General observations – The purpose of a UN assets freeze is to temporarily disable a target's ability to engage in any financial transactions beyond those exempted for very specific purposes. The intended effects of an assets freeze are to impair the economic freedom, as well as the ability to finance their activities, of those most responsible for conflicts or atrocities.

While the implementation of an assets freeze is an obligation of Member States, it could not be effective without the full cooperation of banks and other financial service providers, who must accept steep compliance burdens by instituting careful due diligence procedures.

What is covered by an assets freeze? – UN assets freezes authorize the blocking of:

- Any funds or economic resources that are already directly or indirectly owned or controlled by a designated individual, company or other entity.
- Any funds or financial resources that are being made available to a designated individual, company or other entity.

Once an actor is designated for an assets freeze, the purpose of assets held is irrelevant and is no reason for unblocking unless as part of an exemption procedure.

UN assets freezes are always a temporary measure and should not lead to confiscation, transfer, degrading of the value of an asset, or other negative impacts. Legitimate expenditures to pay for fees associated with

the maintenance of assets, or payments for a pre-arranged credit agreement are allowed.

The types of assets that should be blocked vary from one sanctions regime to another. Assets or financial resources that are deposited in bank accounts are widely considered to be a category of assets that is easiest to freeze. However, immovable assets such as real estate holdings, business ownership and shareholdings, proceeds from real estate and business ownership or other equity or debt investments are rarely blocked.

Al Qaida/ ISIL (Da'esh)/Taliban sanctions provide clear directions for cases where assets are held jointly between parties designated for the assets freeze with others who are not. Under these circumstances Member States are required to divide and block the portion belonging to the designated party. If the assets are indivisible, the entire asset is to be blocked.

What are the implementation obligations of States in regards to an assets freeze? – Member States are required to freeze (or have their private sector freeze) all assets that can be identified as belonging to UN-designated individuals, companies or entities.

Further guidance is available from the Financial Actions Task Force's 40 Recommendations that is now the standard-setting for the implementation of an effective assets freeze. While all 40 recommendations are relevant to the implementation of UN sanctions, recommendations 5-8 specifically address the financing of terrorism and proliferation. For these recommendations, the following supporting documents are available:

- *International Best Practices: Targeted Financial Sanctions Related to Terrorism and Terrorist Financing (Recommendation 6);*
- *FATF Guidance on Counter Proliferation Financing - The Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter the Proliferation of Weapons of Mass Destruction*

Denial of financial services

General observations – With the introduction of the nonproliferation regimes on Iran and the DPRK, as well as with the Libya sanctions, the Security Council has added restrictions on the purposes for which financial services are usually provided, or on whole categories of banking and related intermediary services.

What is covered by the denial of financial services? – Any financial service benefiting a designated individual, company or entity is prohibited. Under the North Korean sanctions the following risk actions are denied:

- The transfer of any financial or other assets or resources, including bulk cash, and the clearing of funds, gold, including through cash and gold couriers;
- The opening and operation of new branches, subsidiaries, or representative offices of DPRK banks, including the establishment of new joint ventures, acquiring ownership interests in or establishing or maintaining correspondent banking services;
- The continuation of operations of existing branches, subsidiaries and representative offices, joint ventures, ownership interests and correspondent banking relationships;
- Opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;
- The continuation of operations of existing representative offices, subsidiaries or banking accounts in the DPRK;
- Public and private financial support for trade with the DPRK such as export credits, guarantees or insurances;
- New commitments for grants, financial assistance, or concessional loans to the DPRK.

Under the Libya sanctions, financial services are not allowed that enable illegal petroleum shipments on designated vessels, the release of frozen funds of the Libyan Investment Authority (LIA), and the Libyan Africa Investment Portfolio (LAIP), and any other transaction where

reasonable grounds exist to believe that transactions could contribute to violence and the use of force against civilians.

What are the implementation obligations of States in regards to sanctions against financial services? – The prohibition of financial services requires an understanding of the underlying purpose of a financial activity. Such services, brokering, sales, acquisitions, provisions, or contracting are not allowed if they involve embargoed items or related military services, such as the contracting or support of mercenaries.

The following financial services that support the proliferation project of North Korea apply under this provision:

- The transfer of any financial or other assets or resources, including bulk cash, and the clearing of funds, gold, including through cash and gold couriers;
- The opening and operation of new branches, subsidiaries, or representative offices of DPRK banks, including the establishment of new joint ventures, acquiring ownership interests in or establishing or maintaining correspondent banking services;
- The continuation of operations of existing branches, subsidiaries and representative offices, joint ventures, ownership interests and correspondent banking relationships;
- Opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;
- The continuation of operations of existing representative offices, subsidiaries, or banking accounts in the DPRK;
- Public and private financial support for trade with the DPRK such as export credits, guarantees, or insurances;
- New commitments for grants, financial assistance, or concessional loans to the DPRK.

In general, Member States should institute the due diligence and compliance guidance provided in the Financial Actions Task Force's 40 Recommendations.

In an attempt to better protect vulnerable communities from the unintended consequences of financial sanctions, de-risking efforts are underway to provide for exemptions for financial flows to recognized aid providers even when they operate in regions occupied and taxed by negative forces.

Travel ban

General observations – UN travel bans prevent those responsible for conflicts from acquiring arms, mercenary services, or carrying funds to offshore locations, and they tend to tarnish the reputation of those targeted, particularly if they are considered to be part of an elite class.

What is covered by a UN travel ban? – Individuals designated under UN sanctions are restricted from traveling across international borders, except to return to the country of citizenship.

Additionally, the DPRK travel ban not only targets the designated individual but also:

- Their family members;
- Those who act on behalf of designated individuals;
- Any individual whom a State determines is working on behalf of individuals assisting the evasion of sanctions or violating the provisions of the North Korea sanctions resolutions.

What are implementation obligations of States in regards to the UN travel ban? – States are required to repatriate individuals designated for the UN travel ban to their home country. Member States should also prevent these individuals from entering or transiting through their country. This restriction includes the use of transit terminals of international airports.

The DPRK travel ban further requires that Member States repatriate any individual determined to be:

- *Acting on behalf or at the direction of a designated individual or entity;*
- *Violating the provisions of the resolutions;*
- *Assisting the evasion of sanctions;*

Traveling for the purposes of carrying out activities related to the shipment of prohibited items to or from the DPRK for repair, servicing, refurbishing, testing, reverse engineering, and marketing.

Restrictions on maritime, aviation, and land-transportation

General observations – UN sanctions can restrict the sovereign rights of a State's maritime and aviation transportation systems if they are instrumental in the smuggling of arms, conflict-commodities, or systematically violate international safety regulations.

What is covered under the sanctions restrictions on maritime, aviation, and land-transportation? – Restrictions are framed in the context of specific objectives of a sanctions regime.

Somalia – A voluntary, multinational naval partnership operating in the region is mandated to interdict charcoal and weapons on vessels in Somali territorial waters and on the high seas, including the Arabian Sea and the Persian Gulf.

DRC – Regional civil aviation authorities must ground an aircraft that is operated without registration, a valid airworthiness certificate issued by the State's aircraft registry, or a certification of the design of the operated aircraft conforming with the approved manufacturer's criteria. Further inspection and certification are required whenever an aircraft undergoes modifications. Authorities must also verify that pilots operating aircraft in the region are properly licensed.

Sudan/Darfur – Offensive military overflights, for example over towns, and camps of refugees and internally displaced persons (IDPs) undertaken by the Sudan Defense Force, should lead to the grounding of aircraft.

DPRK – The following restrictions on North Korea's sovereign rights over its transportation corridors and companies apply:

- The right to block a vessel suspected to have transported prohibited cargo;

- The right to de-flag vessel(s) by the flag State;
- Directing the vessel(s) to a port identified by the Committee (in coordination with the port State) by the flag State;
- Denying vessel(s) access to ports;
- Denying bunkering services, including fuel, supplies, or other services to DPRK vessels where there are reasonable grounds to believe that the vessel was involved in the transport of prohibited cargo;
- Inspections of suspicious cargo transported by ships, aircraft, trains, trucks, and individual passengers through any transit points, or in the case of maritime transport, on the high seas;
- Prohibitions against leasing, chartering of or buying North Korean flagged vessels, aircraft and crewing services;
- An obligation to de-register any North Korean- owned or operated vessel, or any vessel believed to have been used for the transport of prohibited cargo, and an obligation not to re-register anywhere in the world;
- Prohibition of certification, associated service, insurance or re-insurance of DPRK-flagged, owned, controlled or operated vessels, or of vessels where there are reasonable grounds to believe that they were involved in the transport of prohibited cargo;
- Deny permission to aircraft to take off, land or overflight rights where there are reasonable grounds to believe that they were involved in the transport of prohibited cargo;
- Deny vessels permission to enter port where there are reasonable grounds to believe that a vessel was involved in the transport of prohibited cargo or is owned, controlled—directly or indirectly—by a designated individual and/or entity.

Libya – The transportation of petroleum products whose export is not authorized by the focal point of the Government of Libya is banned. Specific prohibitions include:

- Permission to load, transport, or discharge petroleum products;
- Permission to enter into ports;

- Bunkering services, such as the provision of fuel or other supplies and services;
- Financial transactions for petroleum deliveries by designated vessels.

What are implementation obligations of States in regards to the restrictions on maritime, aviation, and land-transportation? – Regime-specific implementation obligations include:

Somalia – Physical inspection of cargo holds, examination of customs documentation and their comparision with invoices and certificates of origin are required at all border crossings and ports.

DRC – Inspection of all airplanes incoming from the DRC, including all licenses, inspection reports and certificates that verify the legal operation of the aircraft.

Sudan/Darfur – Any aircraft involved in offensive military overflights must be grounded (this measure is at best theoretical as it can be implemented only by the authorities of Sudan, who order these overflights).

DPRK – Member States' naval forces, maritime and airport authorities, border control on their ports, train and road crossings, as well as bunkering service providers at maritime ports, ship insurance companies, crewing agencies, and fleet owners are obliged to:

- Inspect the freight of any vessel suspected of transport-prohibited or embargoed items, and, if confirmed, seize the items, block the vessel under the assets freeze provision, and request the flag State to de-flag and deregister the vessel;
- Direct any vessel suspected of transporting prohibited or embargoed items, in coordination with the flag State, to a port identified by the sanctions committee for full inspection;
- Deny any vessel designated for targeted sanctions, or suspected of transporting prohibited or embargoed items access to ports, and if already docked at a part, deny bunkering services;

- Deny vessels permission to enter port where there is reasonable grounds to believe that a vessel is owned, controlled—directly or indirectly—by a designated individual, company, or entity;
- Deny take off, landing or overflight permission to any aircraft where there is reasonable grounds to believe that it was involved in the transport of prohibited cargo;
- Conduct inspections of any vessels on the high seas, in coordination with the flag State and the sanctions committee, if suspected of transporting prohibited or embargoed items;
- Conduct inspection of aircraft, trains, trucks, and individual passengers at any transit point, if suspected of transporting prohibited or embargoed items;
- Issue prohibitions against leasing, chartering of or buying North Korean flagged vessels, aircraft, and crewing services;
- De-register any North Korean-owned or -operated vessel believed to have been used for the transport of prohibited cargo, and prevent any attempt to re-register or re-certify it, and block the underwriting of insurances or re-insurances.

Libya – Border control agencies and their counterparts in the private sector, which include shipping and customs brokers, shipping and airline agencies, maritime vessel and airplane owners, crewing agencies, as well as operators of ports, related storage facilities, and land-transporters, must deny designated vessels:

- Rights to load, transport, or discharge petroleum products;
- Permission to enter into ports;
- Bunkering services;
- Financial transactions for petroleum deliveries by designated vessels.

Blocking of diplomatic, cultural or educational activities

General Observations – Restrictions of a country's diplomatic activities are applied rarely, and usually only in situations where a State violates not only the norms of international peace and security but also abuses the rules

of international diplomacy. Currently, such measures are in force only in connection with North Korean diplomats for misuse of their diplomatic status to cover for procurement of proliferation-relevant items, or related financial activities.

What is covered by diplomatic sanctions restrictions? – The abuse of privileges accorded under the Vienna Convention on Diplomatic Relations is the most often cited justification for targeted sanction on diplomats.

What are the implementation obligations of States in regards to the UN restrictions on diplomatic privileges? – Member States are required to declare an offending diplomat as persona non grata, which means de facto that the diplomat has to be expelled.

Restricting educational services

General observations – For humanitarian reasons, besides a ban on military training in most conflict regions, blanket restrictions against educational services will not likely play an important role in the UN sanctions system. The most prominent restrictions are against the admittance of North Korean students to university science curricula that could advance the DPRK's proliferation of nuclear arms and ballistic missiles

What is covered by restrictions on educational services? – Instruction in specific weapons systems and general military training are a part of most UN arms embargoes. The DPRK sanctions also prohibit universities from providing to North Korean nationals training on advanced materials science, and advanced chemical, mechanical, electrical, and industrial engineering.

What are the implementation obligations of States in regards to the sanctions on educational services? – Two types of educational restrictions are part of the UN sanctions system:

Military training – Member States are to prevent any type of military training or technical advice in countries or regions to which an arms embargo is applied.

Typically, a two-step exemption system is applied once the worst violence has been subdued. During the first phase, the delivery of non-lethal arms and equipment to security forces is allowed. At a later stage, once reconciliation efforts have appeared to take effect, technical training as part of the rebuilding of national defense and security forces is permitted for the:

- Security forces of the Federal Government of Somalia;
- Armed forces of the Democratic Republic of the Congo;
- Security forces of the Libyan government;
- Security forces of the Central African Republic.

Proliferation training – Member States must prevent North Koreans from benefiting from education services on advanced courses in materials science, chemical engineering, mechanical engineering, electrical engineering, and industrial engineering, and any other scientific training that could be useful for the development of nuclear weapons or ballistic missile technologies.

Restricting trade in cultural goods

General Observations – The purpose of this trade restriction is to deny revenues generated from the trade in cultural or artistic goods, as has been observed by ISIL (Da'esh) and its operatives' efforts to systematically amass and sell archaeological items stolen from Iraq, or by the sale of North Korean-made statues and other pieces of art.

What is covered by UN restrictions on trade in cultural goods? – As an extension of the Al-Qaida/ISIL (Da'esh) assets freeze provisions, "works of art, cultural property, precious stones, jewelry or gold", and under the DPRK sanctions, the supply, sale, and transfer of statues, are prohibited.

What are the implementation obligations of States in regards to restrictions on cultural goods? – Member States are required to prevent the sale of cultural or artistic goods whose revenues may benefit sanctions violators (Al Qaida/ISIL (Da'esh), and the DPRK's proliferators.

Supporting implementation guidance by the Security Council

General Observations – Succinct operative paragraphs in UN sanctions resolutions, the frequency of their renewal and amendment, the burden of piecing together all reporting obligations for all measures and exemptions in force, tend to stretch even the most adept implementation actors. Therefore, interpretative guidance is released periodically, in the form of the following Implementation Assistance Notices (IANs).

Somalia

Implementation Assistance Notice No. 1	To clarify procedures for the interdiction of charcoal from Somalia.
Implementation Assistance Notice No. 2	To inform about the arms embargo and its exemptions.

Terrorism sanctions against ISIL (Da'esh) and Al Qaida

There are no implementation assistance notices but very helpful explanatory texts are available:

Assets Freeze: Explanation of Terms	Explains the terms and relevant asset types and required procedures to implement this measure effectively.
Travel Ban: Explanation of Terms	Explains the terms and required procedures, including applicable exemptions, to implement this measure effectively.
Arms Embargo: Explanation of Terms	Explains the terms, applicable embargo violation actors and obligations of States to counteract them.

Sudan/Darfur

Implementation Assistance Notice No. 1	Explains terms, implementation obligations and exemptions.

DPRK

Implementation Assistance Notice No. 1	Provides contextual information under the following subheadings: - Examine and Take Appropriate Action on Alleged Violations - Panel of Experts (POE): Gather, Examine and Analyze Information - Special Considerations: Facilitating Cooperation
Implementation Assistance Notice No. 2	Guidelines on the preparation and submission of national implementation reports, including an optional checklist template.
Implementation Assistance Notice No. 3	Guidelines for the implementation of measures regarding "Luxury Goods."
Implementation Assistance Notice No. 4	The "Catch-All" provisions: implementation of paragraphs 8 and 27 of resolution 2270 (2016).
Implementation Assistance Notice No. 5	A sanctions evasion case study: the M/V Chong Chon Gang incident.
Implementation Assistance Notice No. 6	Sanctions and diplomatic missions in the Democratic People's Republic of Korea.
Implementation Assistance Notice No. 7	Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the Democratic People's Republic of Korea

Implementation Assistance Notice	Fact Sheet compiling all sanctions measures.

Libya

Implementation Assistance Notice No. 1	Explains the assets freeze in relation to parastatal investment companies, subsidiaries of the Libyan Investment Authority (LIA, a.k.a. Libyan Arab Foreign Investment Company or LAFICO), and the Libyan Africa Investment Portfolio (LAIP).
Implementation Assistance Notice No. 2	Clarifies the application of the arms embargo and implementation obligations.
Implementation Assistance Notice No. 3	Further refines information regarding the Libyan arms embargo.
Implementation Assistance Notice No. 4	Information about the travel ban, implementation obligations, and applicable exemptions.
Implementation Assistance Notice No. 5	To provide guidance to Member States on the correct application of the provisions of the resolutions regarding the payment of management fees on frozen assets.
Implementation Assistance Notice No. 6	To provide guidance to Member States on the application of the provisions of the resolutions regarding the asset freeze in relation to the payment of interest and other earnings on frozen assets.

Reporting obligations

General context – Sanctions regimes and measures tend to be far more effective if reporting obligations are mandated for all Member States The following Table explains the specific case.

Sanctions case	Obligation to report
Somalia	The adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to: • The embargo against the delivery of arms, military goods, and applicable dual-use goods; • Notification of deliveries of exempted arms deliveries to the Security Forces of the Federal Government of Somalia (FGS), assistance to develop Somali security sector institutions, or deliveries for Security Council-mandated international forces; • Efforts to implement the travel ban and assets freeze, as well as assets frozen, including specific amounts and their whereabouts; • Efforts to prevent the importation of charcoal from Somalia; • Information about violations or attempted violations of the embargo against the importation of arms and related equipment into Somalia, and exports of charcoal from Somalia; • Information about misappropriation of financial resources that undermine the Transitional Federal Institutions and the implementation of the Djibouti Agreement;

- Information about individuals, companies, or entities who engage in commercial relations with Al-Shabaab;
- Any additional actions that States, and in particular those in the region, consider useful regarding the implementation of sanctions measures;
- Information regarding individuals or entities that expand or extend the conflict in Somalia;
- Information regarding individuals who plan, direct, or commit acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses such as the targeting of civilians or recruitment of children, or obstructing international peacekeeping, diplomatic and humanitarian missions.

ISIL (Da'esh)/ Al- Qaida

The adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- All steps taken to prevent any type of supply of arms and related materiel to designated individuals and entities;
- Efforts to implement the travel ban and assets freeze; as well as assets frozen, including specific amounts and whereabouts;
- Information about violations or attempted violations of the embargo against the provision of arms and related equipment to designated individuals and entities;

- Information about recruiting for acts or activities of ISIL (Da'esh), Al-Qaida or any affiliates.

Taliban

The adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- All steps taken in regards to the implementation of the arms embargo;
- Efforts to implement the travel ban and assets freeze; as well as assets frozen, including specific amounts and their whereabouts;
- Information about recruiting for acts or activities of ISIL (Da'esh), Al-Qaida or any affiliates.

Democratic Republic of the Congo

The adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- The embargo against the delivery of arms, military goods and applicable dual-use goods;
- Any shipment of arms exempt from the arms embargo;
- Efforts to help the DRC regularize the operations of its civil aviation;
- Efforts to implement the travel ban and assets freeze; as well as assets frozen, including specific amounts and their whereabouts;

- Efforts to raise awareness of the due diligence guidelines for Congolese mineral products;
- Suggest designations of arms embargo violators; political and military leaders of foreign and Congolese armed groups who impede the disarmament of combatants or recruit children; individuals who commit atrocities and serious violations of international law against women or children; obstruct access to or the distribution of humanitarian assistance; or support armed groups through the illicit trade of natural resources.

Sudan/Darfur

The adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- The embargo against the delivery of arms, military goods and applicable dual use goods to Darfur provinces;
- Any shipment of arms exempt from the arms embargo;
- Any technical assistance and supplies of non-lethal military equipment.;
- Efforts to implement the travel ban and assets freeze, as well as assets frozen, including specific amounts and their whereabouts;

DPRK

All "steps" or "concrete measures" taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- The embargo against the importation of arms and related materiel into the DPRK, including any dual-use items;
- The embargo against the exportation of arms and related materiel from the DPRK, including any possible exemptions;
- The embargo on items, materials, equipment, goods, and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, including any dual-use items, or equipment to which the Catch-all-Provision applies;
- Any efforts to implement the embargo on luxury good;.
- Any preventive efforts against the provision of financial transactions, brokering or other intermediary services, cash-carriers, insurance or re-insurance services for maritime vessels; the clearing of funds, technical training, advice, services or assistance related to the provision, manufacture, maintenance, or use of embargoed goods;
- Any efforts to de-register vessels suspected to be involved in the transportation of embargoed goods;

- Any efforts to implement the assets freeze and travel ban, as well as assets frozen, including specific amounts and their whereabouts;
- The prevention of all joint ventures or cooperative entities with DPRK entities or individuals;
- The inspection, seizure and disposal of goods that are recovered during inspections of cargo on their territory and in vessels on the high seas;
- Non-cooperation of a flag State where a vessel is assumed to be transporting embargoed goods;
- Information on transfers, renaming or re-registering;
- Information regarding the number, name, and registry of designated vessels encountered in its territory or on the high seas;
- Measures that were taken to carry out an inspection, an assets freeze and impoundment or other appropriate action;
- In 90-day intervals, any provision of crude oil to the DPRK and the specific amounts;
- All efforts to prevent the DPRK from supplying, selling or transfering coal, iron, iron ore, gold, titanium ore, vanadium ore, rare earth minerals, copper, nickel, silver, zinc, lead and lead ore, food and agricultural products (HS codes 12, 08, 07), machinery (HS code 84), electrical equipment (HS code 85), earth and stone including magnesite and magnesia (HS code 25), wood (HS code 44), aviation fuel, including aviation gasoline, naptha-type jet fuel, kerosene-type

jet fuel, and kerosene-type rocket fuel, vessels (HS code 89), industrial machinery or transportation vehicles, seafood, textiles, and artistic statues;

- The repatriation of all DPRK expatriates earning income;
- The prevention of abuses by diplomatic missions that provide assistance to or cover for the DPRK's proliferation project, including the closing of diplomatic missions or expulsion of diplomatic staff;
- The prevention of specialized teaching or training, or scientific and technical cooperation that could assist the DPRK's proliferation project.

Libya

All measures taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to the following violations or observations:

- The embargo against the import and export of arms, military goods and applicable dual-use goods;
- The embargo against the exportation of petroleum, that is, exports not approved by the Government of National Accord;
- Inspections on the high seas, including subsequent seizure and disposal of embargoed cargo, including in- and outgoing arms, as well as illicit shipments of oil;

- The supply of any exempted military goods; including deliveries that require approval of the sanctions committee;
- The individual travel ban, including a designated individual's entry, exit, or transit;
- The assets freeze and financial restrictions in regards to Libyan entities for which reasonable grounds exist that they represent a threat to peace and security, as well as assets frozen, including specific amounts and their whereabouts.

Guinea-Bissau

All measures taken by States to implement the UN travel ban, including the adoption of any national laws or regulations that enable its implementation.

Central African Republic

All measures taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable their implementation. Specifically, reporting obligations relate to the following violations or observations:

- The embargo against the delivery of arms, military goods and applicable dual-use goods to CAR;
- Any shipment of arms exempt from the arms embargo;
- Efforts to implement the travel ban and assets freeze; as well as assets frozen, including specific amounts and their whereabouts;

The identity and actions of arms embargo violators; those who commit atrocities and serious violations of international law against children or women; commit sexual and gender-based violence; plan or carry out attacks against UN personnel, as well as staff of other international forces mandated by the Security Council to operate in CAR; obstruct access to or delivery of humanitarian assistance; or provide support to illegal armed groups through the illicit trade of natural resources.

Yemen

All measures taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to:

- The embargo against the exportation of arms, military goods and applicable dual use goods to the Houthi;
- Any shipment of arms to Yemen that are exempt from the arms embargo;
- Inspection of all cargo to Yemen, including in seaports and airports, where reasonable grounds exist that it contains embargoed items;
- Efforts to implement the travel ban and assets freeze, as well as assets frozen, including specific amounts and their whereabouts;
- Any additional actions that States, and in particular those in the region, considered useful regarding the implementation of sanctions;

- Information regarding individuals who obstruct the successful completion of the political transition, and implementation of the National Dialogue Conference;
- Information regarding individuals who plan, direct, or commit acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses.

South Sudan

All measures taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to:

- The embargo against the delivery of arms, military goods and applicable dual-use goods to South Sudan;
- Any shipment of arms exempt from the arms embargo;
- Efforts to implement the travel ban and assets freeze, as well as assets frozen, including specific amounts and their whereabouts;
- Any additional actions, States and in particular those in the region considered useful regarding the implementation of sanctions measures;
- Information regarding individuals or entities that expand or extend the conflict in South Sudan, obstruct peace talks, or breach the Agreement of the Resolution of the Conflict in the Republic of South Sudan;

- Information regarding individuals who plan, direct, or commit acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, such as the targeting of civilians or recruitment of children, or obstructing international peacekeeping, diplomatic, and humanitarian missions.

Mali

All measures taken by States to implement the following sanctions provisions, including the adoption of any national laws or regulations that enable the implementation of UN sanctions. Specifically, reporting obligations relate to:

- Efforts to implement the travel ban and assets freeze; as well as assets frozen, including specific amounts and their whereabouts;
- Any additional actions that States, and in particular those in the region, considered useful regarding the implementation of sanctions measures;
- Information regarding individuals or entities that threaten the peace, security and stability of Mali, or obstruct or delay the implementation of the Agreement of Peace and Reconciliation in Mali;
- Information regarding individuals who plan, direct, or commit acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses such as the targeting of civilians or recruitment of children, or obstructing international peacekeeping, diplomatic, and humanitarian missions.

Exemptions

Impact mitigation – Most sanctions regimes include exemptions from arms embargoes, assets freezes and individual travel bans. They are granted either because the Security Council wishes to offer specific relaxation of the arms embargoes in order to incentivize adherence to mediation and conflict resolution efforts, or to afford temporary relief from an assets freeze or travel ban to protect the designee's humanitarian and religious rights, or to allow certain individuals to participate in judicial and mediation proceedings.

Arms embargo exemptions normally include non-lethal military equipment for humanitarian or protective use, and may include assistance to the security sector, subject to approval by the committee.

For *travel bans*, the committee may exempt persons traveling for humanitarian reasons such as medical treatment or religious purposes, for a judicial process, or to advance the peace process.

Aviation bans normally exempt flights for humanitarian purposes or for emergency landings, and spare parts for safe commercial operation of aircraft may be exempted.

For *assets freezes*, exemptions for funds for basic expenses such as food, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or legal services, are allowed upon notifying the committee, and extraordinary expenses are subject to committee approval. Exemptions to *financial sanctions* may be made for livelihood, development, or humanitarian purposes, or for operating UN offices or agencies.

Exemptions to *commodity sanctions* may be made, as in the case of DPRK, for annual limits of refined petroleum, or for coal originating outside the DPRK, as per the provisions of the resolution.

Exemption requests – Although UN sanctions committees do not offer a harmonized system for exemption requests, the following details tend to respond to most committee's information requirements.

Requests must be submitted via the UN Permanent Mission of the State in which the applicant resides (individual) or is registered (company or entity).

Travel exemptions based on humanitarian needs – Requests to obtain medical care, or to attend to religious practices, should include the following information about the person(s) traveling:

- Full name
- Permanent reference number on sanctions list
- Nationality
- Passport number
- The purpose(s) of the proposed travel
- Date and time of treatment (for requests for medical reasons)
- Copies of supporting documents furnishing details connected to the request, such as specific dates and times of meetings or appointments
- The proposed dates and times of departure from and return to the country from which the travel commenced
- The complete itinerary for such travel including the ports of departure and return and all transit points
- Details of the mode of transport to be used, including where applicable, record locator, flight numbers, and names of vessels

Travel exemptions based on emergency medical evacuation – Request should provide, in addition to above listed information:

- A doctor's note explaining the nature of the emergency treatment
- Details of the facility where the person was treated
- The date, time, and mode of travel by which the person returned, or is expected to return, to his or her country of residence.

Travel ban exemptions to allow participation in mediation and reconciliation proceedings – Requests should include the following information:

- Full name
- Permanent reference number on sanctions list
- Nationality
- Passport number
- The purpose(s) of the proposed travel
- Copies of supporting documents furnishing details connected to the request such as specific dates and times of meetings or appointments
- The proposed dates and times of departure from and return to the country from which the travel commenced
- The complete itinerary for such travel including the ports of departure and return and all transit points
- Details of the mode of transport to be used, including where applicable, record locator, flight numbers, and names of vessels.

Travel ban exemptions for any other reasons – Require the following information:

- Individual's name and address(es)
- Permanent reference number on sanctions list
- Passport or travel document number(s)
- Location(s) where the individual(s) will travel, including transit points
- The period of time the individual(s) is/are expected to travel

Because a travel exemption will inevitably also require an assets freeze exemption, the following **supplemental financial information** is required as well:

- Recipient's bank information, where applicable

- Details of funds to be released, including total amount
- Estimated cost of expected transportation
- Estimated cost of expected lodging
- Estimated cost of other expected expenses
- Payment starting date
- Payment frequency (one-off/ monthly/ other)
- Where applicable, number of instalments
- Form of payment bank transfer/direct debit/cash
- Where applicable, interest and estimated amount
- Other relevant information that may assist the committee in its consideration and attach any relevant documents
- Contact information for applicant and contact point in national delegation that submits the request, including names, phone numbers, and e-mail addresses

Requests for assets freeze exemptions to facilitate payments of basic living expenses – The following information is typically required:

- Individual's/entity's name
- Permanent reference number on sanctions list
- Individual's/entity's address
- Recipient's bank information (if appropriate)
- Purpose of payment

Basic expenses (complete sections A, C and D)
Extraordinary expenses (complete sections B, C and D)

A. Basic expense(s) exemption:

- Estimated cost of food
- Estimated cost of rent or mortgage
- Estimated cost of medicines or medical treatment
- Estimated cost of taxes

- Estimated cost of insurance premiums
- Estimated cost of public utility charges
- Estimated cost of payment of professional fees and reimbursement associated with the provision of legal services
- Estimated cost of fees or service charges for frozen funds or assets
- Estimated cost of anything else considered a basic expense but not covered above, as specified

B. Extraordinary expense(s) exemption is requested, provide details and amount for anything not covered above under A.

C. Further information

- Payment starting date
- Payment frequency: (One-off/ monthly/other)
- Where relevant identify number of instalments
- Form of payment: bank transfer/direct debit /cash
- Amount of any accruing interest or interest payments
- Other information considered relevant to assist the Committee in its consideration, with attached relevant supporting documents

Additional information requirements – Contact information for applicant and contact point at national delegation that submits the request, including names, phone numbers and e-mail addresses.

Section IV
Committee Engagement

This section elaborates activities and endeavours by the sanctions committee that enhance effective sanctions implementation. They reflect both existing practice as well as the aspirations of some sanctions committee members. Topics discussed are: thematic sanctions; designations and due process; sanctions and human rights; sanctions and mediation; integrating sanctions with other UN instruments; and capacity enhancement and assistance to Member States.

Thematic sanctions

As conflicts and threats evolve and those who are responsible for atrocities, terrorism, or proliferation of weapons of mass destruction (WMD) refine their harmful strategies, sanctions procedures must adjust in order to act as an effective deterrent.

The Chair should alert the committee and expert group to consider and propose solutions to these emerging threats.

The Chair should schedule periodic briefings of the sanctions committee with SRSG's, Under Secretaries or Special Envoys with specialized mandates covering, for example, sexual violence in conflict, children and armed conflict, humanitarian assistance, international migration, human rights of internally displaced persons, human rights and transnational corporations and other business enterprises.

Designations, due process

Designations – general issues – The quality of the evidence that underpins designations is an ongoing struggle in every sanctions committee, and directly reflects on the credibility of the sanctions regime.

Chairs and members of sanctions committees must rely on the most authoritative evidence possible before they designate an individual, company or entity.

They are also obliged to conduct periodic reviews of justifications for designations, and ensure that the original evidence is still valid, or that new information must be considered before extending designations.

Due process – The UN sanctions system is vulnerable to criticism about the systemic lack of due process.

Narrowly defined, Chairs have applied and paid attention to the application of due process in designations and delistings.

Recent deliberations have, however, helped to highlight the need for due process applications across the entire sanctions implementation system. It is recommended that Chairs verify that:

- At the start of their mandate, expert groups develop and adopt evidentiary standards and working methods for the collection and handling of evidentiary material, as well as reporting standards;
- At the initiation of a specific monitoring/investigation of a target, experts act on credible prima facie information, that meets reasonable standards to justify inquiries and information requests;
- Experts consider, record and report all exculpatory information that they find during their investigations on a particular subject;
- Sanctions committees verify the prevalence of evidence and exculpatory information before considering the designation of a subject;
- Experts afford all persons and entities mentioned in their reports the right of reply and report the substance of the reply, while taking all precautions to preserve the effectiveness of an eventual

assets freeze; and respecting any Member States' national security prerogatives;

- Experts report conditions under which the right of reply was granted and ensure evidence for culpability meets expert group's methodology standards.
- Experts' reports of evidence in confidential annexes also meet UN fairness standards and the experts' methodologies and evidentiary standards;
- Sanctions committees ensure that the target is informed about designation and the ensuing consequences;
- Sanctions committees advise targets about opportunities to communicate new information via the expert group;
- Sanctions committees advise targets about the functions and services of the UN Focal Point for Delisting, and for counter-terrorism sanctions, about the availability of the Office of the Ombudsperson;
- Sanctions committees perform periodic review of designation criteria and update the evidence supporting ongoing listings;
- The Focal Point and Ombudsperson consult with the relevant expert group on any new evidence or requests before submitting recommendations to the committee;
- Sanctions committees notify relevant Member States' law enforcement, border control and other organizations when an exemption is granted;
- Sanctions committees communicate delisting decisions in all relevant UN documents, inform all Member States and follow up with corrective actions where a delisted individual, company or entity continues to suffer restrictions in regards to assets or travel privileges.

Sanctions and human rights

The protection of human rights and compliance with international humanitarian law, particularly with respect to victims of conflict-related sexual violence (CRSV), but also of the delivery of humanitarian assistance

is an important objective of virtually all sanctions regimes, although it is rarely spelled out with sufficient clarity.

The Chair should periodically review whether more effectively targeted sanctions could better protect the human rights of displaced people, the general population, and in particular women and children in conflict regions, as well as aid providers.

These reviews could include periodic briefings of the sanctions committee by SRSG's, Under Secretaries or Special Envoys with specialized mandates covering, for example, sexual violence in conflict, children and armed conflict, humanitarian assistance, international migration, human rights of internally displaced persons, human rights and transnational corporations and other business enterprises.

The Chair should also ensure that the expert group pays close attention to and reports on any violations of human rights, international humanitarian law and in particular, concerns regarding conflict-related sexual violence, and that the group includes an expert trained and experienced in issues of CRSV.

The Chair should further insist that the experts analyze any interruptions of humanitarian assistance and report their findings particularly if threats or violent acts obstruct aid and aid providers.

The Chair should pay close attention to unintended socio-economic and humanitarian impacts of sanctions measures.

Although no formal impact assessments by qualified experts are mandated in most sanctions regimes, the Chair, along with the penholder and the members of the committee should question experts closely about their efforts to ascertain that sanctions do not cause harm to innocent populations and, in particular, women, girls and children in conflict-affected regions.

Growing support exists for the following enhancements

The mandates of expert groups should include regular, standardised, and evidence-based assessments and reporting of the impacts of sanctions on humanitarian activities.

Expert groups and humanitarian experts should increase mutual dialogue, including on potential impacts of sanctions on humanitarian activities and for pre-assessments of the impacts of new sanctions before they are applied.

Sanctions and mediation

A prerequisite of effective sanctions measures is that they are widely perceived to be used only as a last resort, short of the use of armed force, and that they are consistent with international law. Important legitimization results if the implementation of UN sanctions is closely coordinated with UN mediators.

Chairs could periodically invite UN mediators to sanctions committee meetings to exchange information and to ensure that sanctions implementation efforts are supportive of the objectives of the mediator.

Growing support exists for the following enhancement

Before measures under Article 41 of the UN Charter are adopted, the Chairs and members of sanctions committees should ensure that all provisions prescribed under Chapter VI are exhausted.

Integrating sanctions with other UN instruments

The integration of sanctions with other UN instruments can have a powerful signaling effect that the UN's efforts are coordinated with the unifying objective of fostering international peace and security.

The Chair and members of the sanctions committees could invite the Secretary- General to discuss aspects of sanctions in his periodic reporting, including regarding potential enhancements or termination of the sanctions.

The Secretary-General's report could also include consideration of the potential impact new sanctions measures might have on conflict resolution efforts.

Member States: Capacity enhancement and assistance

The call for assisting States constrained by limited resources to enhance sanctions implementation capacities has been heard since the earliest days of the United Nations. Some Member States argue that Article 50 of the UN Charter encompasses a right to consult the Security Council with regard to a solution in cases where States are confronted with special economic problems related to sanctions.

While the reference to Article 50 may not be widely shared, Chairs will find it in their interest to keep an open mind to the capacity needs of States particularly burdened by sanctions.

Chairs and members of sanctions committees can invite the Secretary-General to include in his periodic reports an assessment of the likely capacity requirements of a State that would enable it to implement sanctions measures effectively.

Growing support exists for the following enhancements

Sanctions implementation capacity assistance should involve:

- *The development of a self-assessment tool so that States can identify requirements for technologies, services and institutional support that will enable them to meet sanctions implementation obligations;*
- *Enhancing knowledge of technologies, services and support available either from institutions or the private sector;*
- *Mobilizing the private sector's ability to provide pertinent services and technologies; and exploration of potential funding sources.*

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