



BEST PRACTICES GUIDE
for
UN SANCTIONS MONITORING EXPERT GROUPS
and
THEIR COORDINATORS

Briefing paper for current and former UN sanctions monitoring experts and their coordinators

Overview

This draft briefing paper is intended to serve as the basis for consultations with current and former UN experts, leading to the drafting of a Best Practices Guide for expert groups, in parallel with the Guide for chairpersons and members of sanction committees recently published. The Guides are intended to build on the output of the High Level Review (2015) and Assessment (2017) and reflect the views of participants (Member States, experts and others) in the consultations, regarding the conduct of work of key actors in the UN sanctions system.

As such, the Guides are also intended to be a one-stop-resource for incoming members of the Security Council and UN expert groups, and other actors interested in the workings of the UN sanctions system.

Two strains of information are included this paper:

1. Standing practices that pertain to the work of UN sanctions monitoring experts;
2. In blue text, we also offer the most pertinent and widely supported ideas to improve or update these practices. We summarize these innovations based on the content of current and past consultations with stakeholders, such as the Note by the President of the Security Council, ([S/2017/507](#)), the Compendium of the High Level Review of UN Sanctions ([A/69/941-S/2015/432](#)), and the Assessment of the HLR ([A/71/943-S/2017/534](#)) report. Most of these suggestions elaborate on the foundational report of the Informal Working Group on General Issues of Sanctions, [S/2006/997](#) that is the most routinely cited authority on the methodology of expert groups.

Consultations with current and former UN experts and their coordinators, as well as other sanctions stakeholder are scheduled to take place between January and June 2019. All participants are invited to elaborate on any part of this Briefing Paper as well as raise additional issues or observations for possible inclusion in the Best Practices Guide.

Comments are welcome, either in person during consultation meetings, by email to the organizers (Enrico Carisch and Loraine Rickard-Martin who can be reached at: rico.carisch@comcapint.com, loraine.rickard-martin@comcapint.com) or to the hosts of a specific consultation event. [Table of Contents](#)

Table of Contents

Overview	2
Table of Contents	3
I. Introduction	5
<i>States’ obligations, legal and regulatory instruments</i>	5
II. The UN sanctions system - expert groups and other key sanctions actors	6
<i>Overview</i>	6
<i>Purpose of sanctions experts</i>	6
<i>Meaning of independence of experts</i>	8
III. Sanctions practices and expert groups	8
<i>Appointment</i>	8
<i>Recruitment of consultants and interpreters</i>	9
<i>Coordinator of expert group</i>	9
<i>Secretariat</i>	10
<i>Methodology</i>	10
<i>Supporting expert groups with interlocutors</i>	12
<i>Collaboration on preparation of reports</i>	12
<i>Reporting obligations of expert groups</i>	12
<i>Content and quality of expert reports</i>	13
<i>Evaluation of experts’ performance</i>	13
<i>Confidentiality obligations</i>	14
<i>Preparation and handover of experts and coordinators</i>	15
<i>Induction and training</i>	15
<i>Decisions and voting</i>	16
<i>Type of expert group documentation</i>	16
<i>Preparation of documents</i>	17
<i>Interactions with states</i>	17
<i>Interactions with UN and international organizations</i>	18
<i>Interactions with the private sector</i>	18

IV. Sanctions measures and implementation	18
IV. Expanding sanctions engagements	19
<i>Sanctions and Human Rights/Humanitarian Assistance</i>	<i>19</i>
<i>Sanctions and Mediation</i>	<i>20</i>
<i>Designations, due process.....</i>	<i>20</i>
<i>Capacity enhancements and assistance</i>	<i>21</i>

I. Introduction

An introduction to the Guide will provide a succinct overview of the legal context of UN sanctions and the mandates of its key actors.

It will further elaborate how sanctions measures can be applied to contain and constrain the drivers of conflict, coerce risk actors to change their behavior, signal the collective disapproval of the international community, and deter further international norm-breaking.

It explains the structure of Security Council resolutions and how the individual sections apply to implementation actors and the underlying problems the resolution seeks to address.

The introduction will also summarize how persons, companies and entities can become subject to individual targeted sanctions (arms embargo, assets freeze, travel ban) and how their designation for these measures is communicated to and implemented by member states.

A theme that resonates throughout previous consultative efforts is the utility of key sanctions actors seeking the views of and substantive engagements with member states that are particularly affected, concerned with, or the focus of sanctions. Such enhanced engagements require from all sanction actors, including expert groups, that they stress the purpose sanctions not as punishment but as a protective and preventive tool, and a means of coercing those most responsible for threats to international peace and security to change their behavior.

States' obligations, legal and regulatory instruments

Section I will also include a discussion of the legal basis of sanctions, states' obligations regarding sanctions, consequences of sanctions violations, prerequisite national constitutional, legal and regulatory instruments, etc:

Under international law the implementation of UN sanctions adopted under Chapter VII of the UN Charter is a legal obligation. 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.

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.

Two models have been observed how a state government implements UN sanctions while staying consistent with its constitutional and legal, and regulatory requirements:

1. One builds upon special laws that conform to the UN Charter requirements. Under such laws, UN sanctions immediately become national law.
2. The other legal approach builds upon national arms export laws or other special legislations that stipulate specific procedures. For example, such laws regulate that 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 control authorities, financial regulators or border controls. These instruments can also be supportive of national sanctions implementation.

II. The UN sanctions system - expert groups and other key sanctions actors

Overview

In an introductory section, the Guide proposes to discuss the functions, implementation and general reporting obligations of the principal sanctions actors, such as member states, sanctions committees, the secretariat, ombudsperson and the private sector, and how they interact and cooperate with one another. It will also introduce and describe the expanding UN sanctions system that not only includes peacekeeping operations, but many other technical and specialized UN and non-UN organizations, technical advisory bodies and private sector groups.

The Guide will provide a description of how the UN sanction system is overseen by the members of the Security Council who mandate the principal monitoring responsibility of specific sanctions regimes to their sanctions committees, in addition to other UN bodies who may have very specific mandates, depending on the particular sanctions regime.

Purpose of sanctions experts

Expert groups operate within the framework of sanctions resolutions of the Security Council and under the direction of their sanctions committee. Experts serve as the “eyes and ears” of the sanctions committees in the field to monitor compliance with the sanctions provisions and measures, and to report cases of non-compliance. Often, expert group mandates require the group to report on:

- the effectiveness of the sanctions measures;
- the nature of violators and the identity of those that do not comply;

- assistance to states in their efforts to enhance their compliance with certain sanctions measures;
- possible enhancements to the sanctions regime;
- any unintended consequences of the sanctions regimes on the population and, in particular, on women, girls and children in conflict-affected regions.

Structural and functional characteristics

The following are fundamental structural and functional characteristics of UN sanctions monitoring expert groups:

- Expert groups consist of several individual experts, including a coordinator, and where needed, thematic consultants or interpreters;
- Experts and coordinators are appointed by the Secretary General of the United Nations, based on their professional expertise, with due regard to equitable geographical distribution, and gender balance;
- Experts are expected to adhere to the highest methodological and evidentiary standards. Experts are not employees of the UN, but consultants (UN experts on mission in bureaucratic terms) who serve on a mandate-by-mandate basis, with an overall limit of 36 months.
- Renewal of appointment is made by the Secretary General. In some instances the secretariat may informally consult with some members of the sanctions committee.
- Experts are to assist the sanctions committee in monitoring the implementation of sanctions, to report cases of non-compliance, and to collect information of violators of sanctions. Depending on further specifications in a sanctions resolution, they usually are also required to propose additional sanctions measures or procedures that may make sanctions policies more effective.
- Experts must comply with UN rules and regulations pertaining to experts on mission including security requirements.
- Experts and their coordinator have equal rights and powers, as best demonstrated by the need to deliver a final report signed by all members of an expert group.
- Coordinators accept, however, the additional duty to coordinate the work of the experts, communicate with the secretariat on administrative and logistical issues, and lead on communication with member states, and other interlocutors, as well as with sanctions committees.
- These special duties and obligations do not arrogate to coordinators any enforcement authority, to overrule or to decide issues without the consent of all members of the group.

While the appointments of experts are to be made on the basis of their expertise and merit in terms of performance, with a view to regional and gender balance, their performance should be assessed with a transparent and professional methodology that protects them from political partisanship and fosters the delivery of a consistent standard of expertise, free of any

conflict of interest. States should ensure that the terms and conditions of their engagement reflect these challenging requirements.

There is a growing recognition that the conditions of service for expert groups should facilitate the performance of their functions, attract and retain the very best professionals for this role, as well as be supported with timely and high-quality administrative and logistical support.

The tragic deaths of two sanctions experts in the DRC in 2017 have raised awareness that the Secretariat must ensure that expert groups receive the necessary administrative, substantive, logistics, and security support to effectively, safely, and in a timely manner, fulfill their mandate, including with regard to duty of care in high-risk environments.

Meaning of independence of experts

Expert groups are “independent” in the sense that there is no interference in the substance of their work. They are solely responsible for the conduct of their work and the content of their reports.

Experts on mission have pseudo diplomatic rights as per Article 6 Convention on the privileges and immunities of the United Nations which means that they are not subject to arrest/detention/individual and/or property searches.

Experts are obliged to respect local laws and UN policies, codes of conduct, and terms of UN employment, including security obligations.

The Secretariat must ensure that experts understand the parameters of their “independence.”

III. Sanctions practices and expert groups

Appointment

While the appointment of experts is a prerogative of the secretariat and ultimately the Secretary General, the persistent lack of gender-balanced expert groups and fair representation with individuals from all regions are strong indications of deficiencies in recruitment practices.

Notwithstanding these persistent shortcomings, the Guide will first explain the existing recruitment practices that focus on candidates' technical qualifications and expertise in arms and ammunition identification, arms trade and trafficking, customs, immigration and border controls, financial transactions and services, commodity and natural resource extraction and trade, maritime, and civil aviation procedures, as well as regional issues and militias. Increasingly, experts in human rights and international humanitarian law are included, if and when sanctions resolutions provide a corresponding monitoring mandate.

It will also elaborate on the internal consulting processes with P5 delegations, E10, and chairpersons and consideration of a proposed slate under a no-objection procedure.

The longstanding call for, but mostly under-achieved objective, to compose expert groups that are gender balanced and more equitably representative of all world regions, requires the entire UN sanctions system to assist the secretariat in the search for qualified candidates. Experienced UN experts and member states have traditionally been among the most reliable referees for new talents. They should accept the responsibility to provide suitable candidates as part of their mandates.

Recruitment of consultants and interpreters

Depending on the focus state and local populations, experts may require short of full-term interpreters and substantive support to fill any gaps in expertise.

Coordinators, in collaboration with the experts, should prepare requests for such additional support early in their mandate. The Secretariat should ensure that budgets for each expert group allow for adequate resources to meet these demands.

Coordinator of expert group

The coordinator of an expert group accepts the additional obligations to set the agenda for the work of the group, in collaboration with the experts, and manage the communication, administrative, logistics, and security support with the political affairs officer and the secretariat.

The Guide will elaborate a coordinator's minimal qualification requirements that help to ensure the orderly work of the expert group. Specifically, it will explain how a coordinator is expected to safeguard the methodological norms and evidentiary standards that the expert group defines jointly at the beginning of each mandate.

Furthermore, the guide will describe how and through which degree of formalized communications a coordinator may on behalf of the expert group engage with the secretariat,

the sanctions committee, its chairperson, member states, UN bodies and organizations, other international organizations, the private sector, or individuals.

Secretariat

Experts' most frequent interaction is with the secretariat, either with the secretary of the committee, political affairs officers, or in some instances with the Focal Point for De-Listing. Indirectly, experts will also depend at times on interpretation and logistics services, the Office of Legal Affairs, the Department of Safety and Security, the Department of Peacekeeping Operations, or the Office of the Spokesperson.

Once experts are deployed in the field, they will interact normally through a focal point of the relevant peacekeeping operation to obtain briefings, and logistics support.

The secretaries and political affairs officers tend to be knowledgeable advisors in all procedural matters and will can assist with a group's communication needs.

Methodology

Without being overly prescriptive, the Guides will outline key areas in which expert groups require guidance for their conduct. It will further elaborate reasons for elaborating the methodology of expert groups at the beginning of each mandate in order to address the likely challenges and topics that experts will have to confront.

Participants to the consultations are invited to comment on topics and practices that expert group methodologies should cover, starting with the following list:

- Developing a common interpretation of the mandated objectives;
- Internal arrangements for planning the work of the group and division of labor;
- Internal communications about research efforts with interlocutors and informants, and related findings;
- Agreed modalities to record and memorialize interactions with interlocutors;
- Other responsibilities and policies for accepting and safe-keeping of evidence and other information that is subject to group consensus as material for the final report;
- Modalities for any information-sharing outside the sanctions committee.
- Internal agreement and modalities for how to share information with the political affairs officer of the group.
- Procedures for situations when one or several members of expert groups continuously disregard the group's methodological and evidentiary standards.

Compliance with UN safety requirements.

The Guide will further elaborate minimal evidentiary standards, that are part of an expert group's methodology. Key concerns are:

- The minimal informational thresholds that must be met to justify an expert group's decision to open an investigation or monitoring effort against an individual, company, entity or state;
- The minimal characteristics of sources of information or informants that qualify for an expert group's considerations and reporting, including for eventual recommendations for targeted sanctions;
- Acceptable standards of authentication or verification of allegations provided by state or UN actors;
- Internal arrangements for gathering, memorializing, and conveying information sourced from confidential, vulnerable or other sources that may require or demand special protection,
- A binding definition for what constitutes "independent source of information";
- Clear definitions about what constitute violations of the sanctions measures;
- Whether at least two members of the expert group should be present when information is obtained that will be used to recommend the designation on an individual, company or entity for targeted sanctions;
- Procedures for cases where experts propose information for inclusion in the group's reporting that other experts of the group do not consider persuasive, or have reasons to believe that it was obtained in a manner that does not meet the group's methodology or evidentiary standards;
- Procedures for situations involving information the group unanimously agrees is correct, but a state, individual, company or entity contests it;
- Procedural standards to ensure that all named states, individuals, companies or entities have an opportunity to reply to any allegations raised in any of the group's reporting;
- Procedures to ensure that due process rights are granted in high-risk environments or to high-risk individuals, entities, and companies;
- Procedural standards to arrive at conclusive evidence about previously designated individuals, companies or entities and whether their designation is still merited;
- A clear classification that distinguishes allegations, from information, and from verified facts that can be formally reported.

Persistent demands for enhanced methodological and evidentiary standards, including due process practices, by many states and other stakeholders require expert groups to be much more attentive and to spend far more intellectual resources in drafting and adhering to these fundamental working practices. SCAD should ensure that adequate time and, where needed, resources are available to the experts at the beginning of their mandate to fully discuss and record their mandate-specific methodology.

Supporting expert groups with interlocutors

Because experts will sometimes find it difficult to obtain the cooperation of interlocutors that are of vital interest to their work, they may require the assistance of the chairperson or members of the sanctions committee. The Guide will explore how such interventions can be obtained, and what type of information can or should be requested.

Collaboration on preparation of reports

Under the right-to-reply rules, experts have an obligation to afford states a full opportunity to represent their perspectives if they are under consideration for naming in a report. In practice however, states sometimes prefer not to reply to letters, or not to respond to specific allegations.

The Guide will elaborate standing practices that apply to these situations, and provide a set of standardized practices for engagement with governments. The following are some key expert group obligations:

- Ensure that the source or sources of an allegation, as well as the allegations against a government or an entity, individual or company operating within the territory of the state are vetted for credibility;
- Provide at the earliest possible time a detailed explanation in writing about the issues they wish to discuss with a state, and submit it through the secretariat to the Permanent Representative of the affected state's missions to the UN. The letter must also include a request to meet either the PR, or the focal point in the capital if that is applicable, or specific government agencies within a specific time frame;
- The timing for these interactions and requested responses must be clearly stated and scheduled in a manner that the experts are left with sufficient time to fully integrate any official responses into their final report;
- The substance of the allegations, regardless whether reflecting negatively or not on a government or an entity, individual or company operating within the territory of the state, must be conveyed in full;
- Under no circumstances should experts disclose the source of the allegations, particularly if the person involved is vulnerable to any coercion or worse;
- Responses of a government must be fully memorialized and stored with the expert group's archive and must be available for further investigations by experts serving under future mandates.

Reporting obligations of expert groups

Experts' reporting obligations are typically spelled out in sanctions resolutions. Additional reporting requirements may be raised by a sanctions committee, for example in regards to monthly progress reports, specific technical issues, or to respond to special information

requirements by the chairperson and members of the committee during visits to the sanctions-affected region.

The final report of the experts is, however, their principal product and its drafting requires special attention of all experts. In regards to key concerns raised by member states relative to the drafting of their reports, the Guide will elaborate that experts should:

- Carefully provide only information that is consistent with their mandate and gathered in accordance with their methodology.
- Clearly state where observations or conclusions are not shared by all members of the group, and at a minimum provide in a footnote the opportunity to state fully any alternative insights by dissenting experts.

[Content and quality of expert reports](#)

Experts should be prepared for detailed questioning by the members of the sanctions committee not only concerning their findings and conclusions, but also about the manner in which they initiated, conducted and concluded an investigation.

While the content, within the framework of their mandate, is subject to the experts' ambitions and success in researching and confirming pertinent facts, it is ultimately constrained by the need to comply with their own methodology, including evidentiary standards.

In addition to this fundamental requirement, the Guide will elaborate on what member states typically consider to be quality standards for expert reports, that include among other criteria:

- The veracity of all statements;
- The comprehensiveness of supporting information and evidence for stated allegations;
- The fullness with which all experts deliver on their respective thematic and sectoral mandates;
- The competence with which they discuss their topics.

[Evaluation of experts' performance](#)

Experts and their work are evaluated informally by individual members of the sanctions committee and with a formal assessment by the secretariat. Objectively, experts should be evaluated on the basis of the terms of their contract as well as on their methodology.

In practice, however, the political self-interests of some member states tend to be a strong factor affecting both the evaluation and the resulting chances of renewal by an individual for another mandate.

The Guide will elaborate the criteria by which experts are evaluated by the secretariat, and what remedies are available in cases where a member state in the absence of objective technical violations by an expert opposes the re-appointment for political reasons.

The Guide will further elaborate potential integrity issues that sometimes result if experts attempt to curry favor with certain member states at the expense of their independence and objectivity.

A tendency of P5 states to require that their nationals serve on certain expert groups has served to erode the perception of the independence of the institution of expert groups.

Because the evaluation of experts' performances tends to be a contentious and politically fraught issue, there is a growing call for greater transparency and fuller accountability in the Secretariat's appointment of experts.

Confidentiality obligations

As detailed in their contracts, experts are bound by obligations and restrictions of confidentiality. The narrow interpretation of the obligation is that experts 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. They should also not divulge information gleaned from committee deliberations.

In practice however, these boundaries tend to be fluid. Whole or partial expert reports tend to be shared prematurely with focus states, and with the media, civil society, advocacy and other non-government organizations. Often, these indiscretions serve particular political agendas, or are used to undermine the integrity of the UN sanctions system.

The Guide will elaborate measures that experts should observe in order to prevent any loss of control of the content of their work and reports. These efforts include the secretariat's provisions to archive relevant information, as well as the water-marking of drafts of reports.

The Guide will further explore the expert group's rights – usually through their coordinator - to speak on background to the media concerning matters that are not confidential in nature, i.e., on material contained in published reports, and to provide information which will deepen the journalists' general understanding of the subject matter.

There is recognition of a need for the Secretariat to authorize upon request access by expert groups to UN system reporting on relevant situations, including code cables and the DSS feed, on the condition that such information would only be used for background understanding and would not be cited in public reports within the consent of the originators.

Preparation and handover of experts and coordinators

Acclimating freshly appointed experts or coordinators, including their subject matter expertise, to effectively contribute to the UN sanctions system requires certain preparatory steps. Some are formalized such as the secretariat's introduction to administrative requirements, or procedural issues related to the interactions with the sanctions committee. Senior officials of the Department of Political Affairs may provide briefings on the political situation related to the specific sanctions regime. The Office of Legal Affairs (OLA) may offer its interpretation of legal challenges experts will encounter, their obligations as UN experts on mission appointed by the Secretary-General, and particularly desirable due process procedures. Other branches of the UN organization such as the Department of Safety and Security (DSS) and the Department of Peacekeeping Operations (DPKO) may offer briefings and operational guidance.

None of these important orientations and introductions should however be seen as a substitute for the detailed, tactical exchange of information that outgoing and experienced experts can provide to their incoming colleagues.

The Guide will address how information beyond what is accessible in an archive is systematically and comprehensively conveyed to successors, including the handover of contacts, working documents, and personal views about evolving, but so far inconclusive, research and investigations.

The Secretariat should ensure that adequate time and resources are made available for the handover. Properly facilitated, it is one way that the secretariat can effect significant cost-savings by protecting the institutional memory of expert groups over consecutive generations of experts.

Induction and training

As is true for all sanctions actors, experts require training in order to maximize their effectiveness. Currently, there is no systematic training available, except occasional programs offered by individual member states, or in regards to specific issues connected to international organizations such as Interpol who typically focus on specific topics. The secretariat's peer-training programs that have been initiated in response to the High Level Review's recommendations, serve a useful purpose of providing information from an institutional point of view.

The guide will formulate the key aspects of a comprehensive curriculum, free of bias and covering all aspects of experts' work.

Many member states have indicated that the preparation of incoming experts should include skills to identify the unintended gender consequences of sanctions, perhaps applying formalized monitoring criteria.

Decisions and voting

Expert groups' decision-making, as all other activities by experts, should be designed to foster maximum consensus. The report must be a collectively-owned product.

The guide will provide information about how internal decisions and votes, for example related to accepting evidence that can lead to the opening of an investigation, or recommending designations, must be based on accommodative practices. The Guide will explain how the coordinator and the members have to strive to reach unanimous decisions in order to allay the risk that one or several experts will at the end withhold their signature of the final report.

Type of expert group documentation

Many documents and communications used by experts are prepared by the coordinator in collaboration with the experts, and conveyed by the secretary or the political affairs officer assigned to the group.

The following types of documents require the experts' specific action:

MONTHLY PROGRESS REPORTS – Sanction committees may at time request a group of experts to furnish monthly reports that describe progress in regards to ongoing investigations

INTERIM REPORT – Most resolutions require expert groups to provide the sanctions committee with an interim report, usually around the mid-point of the mandate.

FINAL REPORT – All expert groups are required to report fully their efforts, findings and recommendations at the end of their mandate. In recent years, it has become an accepted standard that experts annex as much supporting documentation and explanation as possible. As a consequence, the reports tend to run into several hundred pages.

NOTE VERBALE - Communications between an expert group and a state is usually prepared in the form of a note verbale by the coordinator and conveyed by the Secretariat (identified with S/AC.../YEAR/GE/OC...) Because this is a formal communication, states are on record with their reply, or non-reply that experts can report.

Preparation of documents

Expert reports are generally drafted in a collaborative effort, involving all experts and consultants. The coordinator usually, but not always, takes the lead in coordinating of the drafting.

The draft report is presented to the sanctions committee for review and discussion before the experts submit it to the President of the Security Council.

Traditionally, two models of expert reporting has been observed over the past 20 years of sanctions monitoring experience:

1. Each expert delivers a section, segregating efforts and results on the basis of his/her expertise. While some elements such as the Abstract and Introduction are joint products, compartmentalization often result in unnecessarily long and unwieldy reports.
2. Experts' contributions are integrated to allow a holistic representation of the group's efforts in regards to specific situations. This case study approach is only possible if the group works very collaboratively.

The Guide will focus on how experts can best collaborate in the drafting process, perhaps as an extension of their collaborative and interdisciplinary investigations.

Interactions with states

Experts have an obligation to consult with relevant government officials of the sanctions-affected state, as well as neighboring and regional states and organizations. Consultations are, however, not equivalent to investigative efforts. But consultations can serve to provide a government an opportunity to offer relevant information and evidence, and to reply to allegations made by third parties.

The Guide will explain the protocol for engaging with state governments in a manner that responses can be included in the group's final report, including by furnishing to the focal point of the government in a timely manner, a note verbale, setting out all questions and issues to which the experts seek answers.

If the government in question declines to answer, or delays answering past the cut-off date by which the experts must commence drafting their final report, the open issue may be reported without offering conclusions about culpability.

Interactions with UN and international organizations

Often experts also require also the input of UN peacekeeping organizations, the Secretary General's mediators and special envoys or representatives, or technical organizations such as the regional affiliates of ICAO, IMO, WCO, IAEA, and many others.

Recognizing that these interactions often prove among the most contentious, because UN organizations tend to keep their distance from UN sanctions, the Guide will offer suggestions from past experts on how they overcame these obstacles without causing unnecessary friction.

Interactions with the private sector

One of the most frequent interactions of experts is with companies. Enterprises are often at the front line where sanctions violations occur. Consequently, they can be both valuable sources of information or the target of investigations.

Experts need to understand the potential ramifications that may result from any interactions with a company. The mere perception of wrongdoing can cause a precipitous decline of a company's share price.

The guide will explore permissible interactions with companies, including initial phone conversations, follow-up with submission of written questions and possible in-person visits. It will also provide considerations for experts when they have to carefully balance whether involving government officials and supervisory authorities of the countries in which the company operates will advance or impede the investigation.

IV. Sanctions measures and implementation

This section of the Guide will fully explain all sanctions measures, including implementation and monitoring practices.

It will explain the legal basis for sanctions, including often-used arguments by states that are subject to sanctions or are alleged to have facilitated violations. Furthermore, it also discusses the requisite national constitutional, legal and regulatory requirements any state should have in place in order to fully implement sanctions.

The Guide will further elaborate what experts should do when allegations indicate violations involving more than one state already under sanctions. A particular challenge could

be Iran, which still has residual restrictions under the [Joint Comprehensive Plan of Action](#) (JCPOA) in force, although it is not considered to be a sanctions regime.

The Guide's descriptions of the individual sanctions measures, and the underlying technical descriptions, will be preceded by a brief framework of classifications of sanctions measures:

- Embargoes and bans,
- Infrastructure restrictions,
- Restrictions on diplomatic and cultural activities.

This section will also explain Implementation Assistance Notices and exemption practices along with commonly applied information requirements, and states' reporting obligations.

IV. Expanding sanctions engagements

This section of the Guide will explore sanctions themes that go beyond the most immediate implementation concerns of the core measures. Designations and due process, human rights and sanctions, or the nexus with mediation, and growing practices involving non-traditional thematic sanctions measures, and finally experts' expanding role in assisting states in developing their implementation capacity, are part of this section's focus.

[Sanctions and Human Rights/Humanitarian Assistance](#)

Experts' role in the monitoring of compliance with human rights and international humanitarian law, particularly where they have specific mandates to monitor victims of conflict-related sexual violence (CRSV), but also the continuation of the delivery of humanitarian assistance is one of the most important objectives of virtually all sanctions regimes.

A recurring call by many states and organizations is that experts should more frequently be given a mandate to monitor unintended humanitarian and socio-economic impacts that sanctions can have at times, including negative repercussions on the delivery of humanitarian assistance. Notwithstanding whether a mandate is given or not, experts should maintain a high degree of awareness in order to detect any unwanted repercussions of sanctions. This Guide will provide advise on how to monitor compliance with human rights and international humanitarian law, including the specialized concerns that are frequently subject to UN sanctions regimes:

- [Interruptions and obstructions of humanitarian assistance](#) ;
- [Conflict-related sexual violence \(CRSV\)](#);
- [Children and armed conflict](#);

In addition to these themes, experts also have to prepare for new concerns such as unintended gender impacts from financial and other sanctions measures.

Sanctions and Mediation

Traditionally, experts have minimal collaborative experiences with UN mediators. However, with the strengthening of coercive diplomacy as conflict resolution approach, experts more frequently have to collaborate with UN mediators. The guide will explore how and under what circumstances experts should interact directly with mediators, rather than through the sanctions committee.

Designations, due process

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. Experts can play a major role in elevating evidentiary standards before they issue a recommendation for a designation.

- The Guide will relate due process practices that directly relate to the mandates of experts:
- 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;
 - Experts prepare credible responses to sanctions committee inquiries about evidence and exculpatory information considered before issuing a recommendation for a designation;
 - 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 asset freeze; and respecting any member state's national security prerogatives;
 - Experts report conditions under which the right of reply was granted and ensure evidence for culpability meets expert groups' methodology standards;
 - Expert reports of evidence in confidential annexes also meet UN fairness standards and the experts' methodologies and evidentiary standards;
 - Experts are responsive to sanctions committee requests for periodic reviews of designation criteria and updates of 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.

Capacity enhancements and assistance

In some sanctions regimes, experts are required to assist member states that lack adequate implementation capacities to meet their obligations. For example, experts may be asked to assess a state's ability to manage and safe keep arms and ammunition. In these instances, experts will have to usually report to the sanctions committee about their efforts in order to mobilize technical UN organizations.