

Security Council Sanctions Committees and Panels of Experts

Sanctions Committees and Panels of Experts are part of the UN budgetary category “Special Political Missions,” which covers a broad range of missions that in their functions go beyond the purely political. Because Sanctions Committees and Panels of Experts are distinctly different from the other types of missions that fall under this category, this volume does not include information on all Committees or Panels. Instead, it provides information only on those entities that work closely with a political mission covered in this volume.¹

Sanctions are one tool available to the UN Security Council under Chapter VII of the UN Charter that the Council can enforce against states or other entities that threaten international peace and security. During the years of the Cold War the Security Council rarely made use of this tool, imposing sanctions only twice, once on Rhodesia in 1966 and then on South Africa a decade later. However, the end of this era brought about a steep increase in the Council’s use of sanctions and initiated a debate on their effectiveness that still lingers today.

The 1990 comprehensive economic sanctions against Iraq that included a ban on all trade with Iraq as well as an embargo on its oil exports were particularly scrutinized and became the focal point for intensified assessment of sanctions regimes as a whole. The restriction of the flow of goods into the country had devastating effects on the population while leaving the regime largely untouched, clearly missing the purpose of the sanctions. One outcome of the debates around the Iraq sanctions was that the Council moved from comprehensive to “targeted” sanctions, which limit embargoes to specific commodities and natural resources, such as arms and diamonds, as well as travel bans, freezing of assets or diplomatic restrictions, with the intention of confining the effects to regime leaders or culpable entities.

As the sanctions regimes increased in numbers and complexity, so too did the need to adequately monitor their implementation and compliance. In order to oversee implementation of its sanctions, the Security Council established so-called Sanctions Committees, composed of representatives of the Council. The Sanctions Committees are tasked to monitor developments related to the sanction regimes and make recommendations to the Council on how to counter sanction violations or on listing or delisting specific commodities or persons on sanction lists.

In August 2010, for example, the Al-Qaida and Taliban Sanctions Committee completed a two-year review of 488 individuals and entities on the Committee’s sanction list. The Committee had been criticized for listing individuals who have since deceased or are wrongly listed. In an effort to create incentives for insurgents to join the government, Afghanistan too exerted pressure on the Committee to remove Taliban names from the list. Despite initial opposition by Russia, who is represented on the committee, 45 names were deleted from the list, including 10 Taliban and 35 Al-Qaida fighters as well as 14 further individuals and 21 firms or other organizations.²

In their work, Sanctions Committees are often supported by Panels of Experts³ that operate independently from the UN Secretariat but are institutionally attached to the UN Department of Political Affairs, which primarily provides administrative support. These small teams of experts conduct in-depth investigations into cases of sanction violations and propose ways to combat them, which inform the Sanctions Committees’ reports to the Council. Increasingly, the Sanctions Committees and Expert Panels cooperate with field-based UN political or peacekeeping missions, who can provide them with analysis on specific situations or can engage in monitoring activities.⁴

Once sanctions are imposed, their proper implementation and compliance is essential in order for them to serve their purpose. Monitoring sanction regimes and investigating “sanction busting” activities therefore is crucial. However, Panels of Experts often face considerable obstacles to their work. Sanctions are most often imposed on countries or entities in countries that are in or emerging from conflict and are already plagued by severe governance and security failures. Weak institutional capacities, porous borders, and a lack of resources necessary for monitoring or enforcing sanctions pose considerable challenges to effective sanction implementation. In addition, there are concerns about a lack of involvement and ownership of non-Council members in processes relating to sanction regimes, which can lead to variability in sanction implementation. Indeed, while only the Security Council votes to implement sanctions, the entire UN membership is required to comply and to enforce them.⁵ Lastly, Sanctions Committees and Expert Panels are formed on an ad-hoc basis with renewable mandates

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lasting for several months. The ad-hoc arrangement means that there is no institutional home that would allow for a permanent sanction monitoring presence and/or follow-up to situations after an expert panel concludes its work, further limiting the long-term impact of sanctions.

Sanctions Committees and Panels of Experts constitute an important mechanism in sanction implementation and monitoring. In their reports Panels of Experts often address a country's underlying socio-economic problems, calling attention to crucial governance deficits and recommending steps for the international community to address these issues. In addition, greater involvement of peace missions in the Expert Panels' work may lead to increased regional inter-mission cooperation on issues such as border security, thus strengthening UN field presences. However, there is a sense that the mechanism has not yet achieved its full peacebuilding impact, at least in part due to the difficult balance between the competing needs for increased institutional support and continuous independence.

- 1 For more information on all current Sanctions Committees, see "Security Council Sanctions Committees: An Overview," United Nations, <http://www.un.org/sc/committees/index.shtml>.
- 2 Louis Charbonneau, "UN panel finishes Taliban/al Qaeda blacklist review," Reuters, 2 August 2010, <http://www.alertnet.org/thenews/newsdesk/N02111225.htm>.
- 3 Sometimes also referred to as Monitoring Mechanisms or Groups of Experts.
- 4 For more detailed information on the work of Panels of Experts, see Katherine Andrews with Tobias C. Berkman "United Nations Mechanism for Combating Illegal Trade in Regions of Conflict," Stimson Backgrounder, The Henry L. Stimson Center, June 2005.
- 5 Stimson Backgrounder, p. 6.